



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 15 November 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE ASSEMBLY

Wednesday, 15 November 2017

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

The SPEAKER read the prayer and acknowledgement of country.

Bills

ELECTRICITY SUPPLY AMENDMENT (EMERGENCY MANAGEMENT) BILL 2017

First Reading

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

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

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2017

First Reading

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

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

Documents

OMBUDSMAN

Reports

The SPEAKER: In accordance with section 31AA of the Ombudsman Act 1974, I table the special report of the Ombudsman entitled "Investigation into water compliance and enforcement 2007-17", dated November 2017. I order that the report be printed.

NSW CHILD DEATH REVIEW TEAM

Reports

The SPEAKER: In accordance with section 341 of the Community Services (Complaints, Reviews and Monitoring) Act 1991, I table the report of the NSW Child Death Review Team entitled "Childhood injury prevention: Strategic directions for coordination in New South Wales", dated November 2017. I order that the report be printed.

[Notices of motions given.] [During the giving of notices of motions]

Notices

PRESENTATION

The SPEAKER: Order! The member for Newcastle will remove himself from the Chamber for a period of one hour.

[Pursuant to sessional order the member for Newcastle left the Chamber at 10.04 a.m.]

Announcements

MARRIAGE EQUALITY SURVEY

The SPEAKER: With much pleasure I declare that the official result of the marriage equality survey is 61.6 per cent in favour of the yes vote. We can all celebrate that excellent result. I thank all those in the Parliament of New South Wales who have worked hard to achieve this result. It was a cross-party effort.

*Bills***ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2017****Second Reading Speech**

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (10:13): I move:

That this bill be now read a second time.

As this bill was introduced in the other place on 18 October 2017 and is in the same form, the second reading speech appears at pages 70 to 73 of the proof *Hansard* for that day. I commend the bill to the House.

Second Reading Debate

Mr MICHAEL DALEY (Maroubra) (10:13): I lead for the Opposition on the Environmental Planning and Assessment Amendment Bill 2017. With the indulgence of the House, I will comment on the outcome of the marriage equality vote that has just been announced. This is a proud day for Australia in a great many respects, not only because of the outcome of the vote but also because of the participation of our citizens. There were many of us, including me, who were critics of the process at its conception, but the Australian people have made something worthy of it. With almost 80 per cent of the population of our nation participating, that is more than the percentage of people who vote in the United Kingdom for national elections or the average turnout of United States citizens to elect their president. I am pleased with the result. I congratulate those who have campaigned long and hard for this result. It says a lot about our nation that it can engage in this process in such numbers and with such great maturity. Regardless of how people participated or voted I congratulate them.

The Opposition will not be opposing this bill because it is largely inoffensive. That is the great disappointment inherent in it. The planning system in New South Wales is still ticking over independent of the lack of attention given to it by this Government. There is nothing in this bill that assists people struggling with housing affordability. There is nothing in this bill that assists the development industry to progress approvals into completions, which is the great hurdle holding back supply. Priority precincts are still rampant, trampling over communities and councils. There is nothing in this bill to enhance community confidence in the planning system.

There are a few machinery provisions that the small number of people who participate in exhibition of local environmental plans [LEPs] may engage in, but nothing for the populace. There are no extra rights afforded to citizens. There is still confusion across Sydney particularly, but in New South Wales generally, about strategic planning. The Greater Sydney Commission was conceived to do a job, but it is experiencing friction and largely not communicating well with the Department of Planning and Environment. There are a plethora of strategic plans dealing with infrastructure, transport and planning, and this bill introduces another layer. The only instrument with granular detail that goes down into communities about the built form is still council local environmental plans.

Those LEPs are being overridden time and time again by planning proposals robbing communities of certainty about the instrument that is supposed to guide the growth in their area. The community has lost confidence. Voluntary planning agreements abound, developers and councils are confused, there is unfair criticism of the Minister, nimby's are popping out of the cabinet and developers are complaining about delays. That is the landscape in New South Wales now. This bill does not assist with any of those issues. Planning is supposed to lead the shape of a growing Sydney, but it is not. It is following the transport agencies and their grandiose schemes that have turned planning on its head. Our great hope was that the Greater Sydney Commission would make planners ascendant; unfortunately, it has been thwarted in that proposal.

An example of this is the WestConnex, which is eating its way across the city. It is a motorway with exorbitant tolls, linked to nothing. It is not even connected to Port Botany and the airport. The Sydney Metro is upside down, topsy-turvy planning. All the planning agencies seem to lack the most important of ingredients in a planning system—that is, planners. The senior ranks of the Department of Planning and Environment and the Planning Assessment Commission are largely devoid of qualified planners. The Greater Sydney Commission has pointed to the three cities model for Western Sydney. We all welcome the planning for and provision of a Western Sydney airport at Badgerys Creek, but we have to be careful that this talk of an aerotropolis does not proceed with a lack of certainty about what that should mean. Badgerys Creek should bring jobs like the Norwest Business Park and things like that. We should ensure that Badgerys Creek airport does not suck the life out of or take resources away from the great population centres of Blacktown, Penrith, Liverpool and Campbelltown. They are the population centres. They need to be linked to the airport; the airport does not need to subsume them.

One of the approaches that this Government has decided to adopt in response to a growing population—and former Minister for Planning Rob Stokes spoke about changing this approach, but it has not

happened yet—has been forests of high-rises across the city. There are better ways to do planning in New South Wales. This bill, though largely inoffensive and largely made up of machinery provisions, does not improve that situation at all. The consultation draft of this bill has been on exhibition since February 2017, many months ago. More than 400 submissions were received and I cannot fault the Department of Planning and Environment for the consultation it did on the bill. It is always my practice in this place never to pick on bureaucrats because they are defenceless and it is unfair to do that. They do their best. They act on political instruction and the political instruction that sits behind this bill is largely lacking—lacking in bravery, lacking in daring, lacking in the will to really reshape the planning system in New South Wales. Nine months later, the bill does very little to address the problems confronting a growing Sydney. It is really about a logical reorganisation of the existing provisions of the Environmental Planning and Assessment Act. It is largely mechanical, it is largely machinery and, therefore, it is largely inoffensive.

The Opposition welcomes some provisions in the bill, particularly the newly inserted ability of councils to deal with private certifications—principally the power to step in and deal with those that depart from what consents look like. But this is the latest attempt by the Government to rewrite the planning regime. The last disastrous attempt was made by former planning Minister Brad Hazzard, whose bill crashed and burned in this Parliament in 2013. Let us remember the promise that this Government made from opposition under leader Barry O'Farrell, which was to return planning powers to communities. What we have seen is exactly the opposite. There has been a full-blown assault on local councils. Councils have been forcibly amalgamated, with that being thwarted halfway through. Now there are three tiers of councils—those that were forcibly amalgamated, those that wanted to amalgamate and have not had the opportunity to do so, and councils in the regions that have been forcibly amalgamated and those that are protected. It is just a mess.

What we see here is further imposition on local government, with no consideration of its resourcing or its rate base. It imposes obligations on councils with the potential through regulation to give them additional resources, but nothing in this bill gives them additional resources. When the Greater Sydney Commission was formed, it was championed by the Labor Party to drive a new focus, and a new and independent way of addressing strategic planning. The phrase "take the politics out of planning" was used. I will not criticise the Greater Sydney Commission. It is doing its best but it does not have the grunt that we hoped it would. It has released plenty of reports, but a lot of them are statements of principle. It looks 20, 30 and 40 years ahead, which is necessary to provide a strategic direction, but we are all waiting for it to work with councils on a granular level to determine what certain communities will look like in the next five and 10 years. That has not happened, not as a result of its reports or this bill. The local environmental plan process is still king and the king is being undermined by planning proposals. It is being bastardised by voluntary planning agreements. This bill does not fix any of that.

The formation of the Greater Sydney Commission was intended to give effect to the concept that planners were to take strategic control of the growth of the city. Last year Elizabeth Farrelly wrote in the *Sydney Morning Herald*, "Where have all the planners gone?" We can apply that salient question to the planning system today. Planners should run the show, but they are not. We need more planners in key positions in New South Wales. When the Coalition was elected, one of the first headlines in a metropolitan newspaper referred to a promise made by Barry O'Farrell to get rid of the fat cats in the bloated bureaucracy. But frontline staff were quarantined. When we remove ambulance workers, police, nurses, fireies and other frontline workers in New South Wales we are left with people in Roads and Maritime Services [RMS], transport, planning, Attorney General and other departments who bore the brunt of the 15,000 to 20,000 sackings, which is what they were. Small government is fine, as long as we are not waiting on government to provide services.

Developers in New South Wales are waiting—sometimes for up to a year—for concurrent approvals from RMS, the Rural Fire Service and Sydney Water. The staff are gone, and this bill does little to fix that situation, although it does continue to provide for the independent Planning Assessment Commission. The commission should have one member who is a planner. Instead, it is full of experts such as surveyors and lawyers and people with other qualifications. People revert to type in life. Ten people sitting around a table discussing a problem will address it based on their own history, their own predilections and their own expertise. For example, a lawyer will want to concentrate on the legal aspects. Planners are trained to take into account competing interests and to balance those interests. That is what strategic planning is all about. Not enough planners have a say in how Sydney and this State should grow. Elizabeth Farrelly is right to ask not only "Where have the planners gone?" but also "Why have they been disempowered?"

The transport agencies are still running the show in New South Wales. The cost of WestConnex is up to nearly \$20 billion. It will cause traffic chaos in some parts of the city. Key intersections have been taken from the Sydney Motorway Corporation and drawn back into RMS to be designed and put out for tender. What the hell is going on? Our major interchanges are a planning mess. The Sydney Gateway—the *raison d'être* for the WestConnex—is the connection in this monolithic road project to Port Botany and Sydney Airport. It still does not exist. It was supposed to cost \$120 million. We now know from leaked documents that it could cost up to

\$1.8 billion. The Southwest Metro is a demonstration of how the planning system in New South Wales is still hostage to the transport agencies. Strategic planning in Sydney involve the planners—the Department of Planning and Environment, the Greater Sydney Commission and councils, individually and in concert—looking at where the growth will occur, where the density should be allowed, where the rezonings should occur, and where greenfield suburbs should be established. Those suburbs, those liveable communities, should have transport infrastructure linking them to each other, to local services that people rely on, such as health and education, and to job centres. This is what is happening in south-west Sydney.

A \$12 billion Southwest Metro has been conceived to run through the Sydenham to Bankstown corridor, and because it is linked to the Sydney Metro Northwest—which has a benefit-cost ratio of less than one—it somehow needs to be artificially propped up. The answer is that the Department of Planning and Environment has been told by political imprimatur to stack that Sydenham to Bankstown corridor full of people. I will leave the transport merits or otherwise of that line alone for the moment; I am talking about planning. There is a plan that is horrifying communities along that corridor. The department initially said it would put approximately 25,000 or 35,000 dwellings there in the next 20 or 30 years. We know now from documents obtained by community members and answers given in budget estimates hearings that if all of the rezonings—prematurely announced in the extreme as they have been—are taken up, there will be something like 92,000 dwellings. This has been done to prop up the finances of this privatised train line.

That is not how strategic planning has been done in New South Wales. If elected, the Labor Party will can the mechanism that was announced to effect the bastardisation of the planning system along the Sydney to Bankstown rail line and the priority precincts. Priority precincts trample on communities. They take powers away from councils and bastardise strategic planning. They rob everyone across the spectrum, from developers to community members, of what people doing business and trying to live their lives in New South Wales most want—that is, certainty. This issue has awoken communities. They are not nimbys. There is a very nuanced vein of thought, conception and public realisation rippling through Sydney like a wave. They know Sydney is growing. Very few of them—with the exception of some government Ministers such as the Hon. David Elliott and others disgracefully leading the charge against the Minister for Planning in this respect—are saying, "We're full. We don't want any more people in our area."

Community members are not saying that. They realise Sydney is growing and will be taking more people. They know that density will increase in their suburbs. They are saying that they want it done fairly and distributed evenly so that some communities do not bear the brunt while others get off scot-free. Community members are asking some crackers of questions, which have not been answered. There is deafening silence. The Department of Planning and Environment, on political instruction, has enough wherewithal to issue a map of areas such as Sydenham to Bankstown, and to go to the trouble of shading individual lots and considering a rezoning from two to 20 storeys. If it can get down to granular detail with a coloured pencil, shading streets and telling the developers exactly what the height will be, it is fair for the community to ask: "Why can't you tell us where the school that we will require in the next 20 years will be built? Why can't you tell us what provision you have made for Canterbury and Bankstown hospitals? Why can't you tell us where the police stations will go? Why can't you tell us where the parks and gardens and community facilities will be?"

Why is the Government silent on those matters? Why can the Government not give us a commitment or even an indication? Why does it insult those along the Sydenham to Bankstown corridor with one linear park—a green footpath—and tell us that the potentially 300,000 new residents in the next 20 years will have a footpath for their green space? This is the concern that is rippling through Sydney like a wave. It is a change from the nimbyism fomented by Barry O'Farrell and the member for Wakehurst when they were in Opposition standing on street corners complaining about individual development applications and lighting fires across the State. I do not do that because it is irresponsible.

The people of New South Wales, particularly those of Western Sydney, are now asking very reasonable, intelligent and salient questions—and the response from this Government, at least that which is inherent in this bill, is absolute silence. In fact, it is more than that: it is a replication of the attitude we have seen from this Government for the past six years, which is, "Sit down and shut up. We know what's good for you. We know what's good for you with regard to the greyhound industry and the amalgamations of local councils without your say. Now, as Sydney grows, and high-rises point to the sky and blot out the sun, shut up and let us run your community." That will not wash.

This bill should have responded to those concerns. There has been a seven-month opportunity for consultation, but the plans are still silent regarding those concerns. This is why the Labor Party made the commitment that it will shred the Government's announced plans or proposals for density along the Sydenham to Bankstown corridor. I reiterate what I said to the development industry a few weeks ago in a speech to the Better Planning Network: The Government ought not to have issued coloured plans. It should not have given the signal

to developers that this is the way it will be without the provision of all the community infrastructure, because developers are now bolting down streets along the Sydenham to Bankstown corridor and doorknocking, purchasing properties and sending property values through the roof. They are taking options out on properties in the expectation that that plan represents the way it will be.

I want to be fair to the development industry. I want to work with it if Labor is elected in 2019 and to provide it with the certainty that businesses require. The plan to issue these shaded maps, which deprives the Government of the ability to value capture along that route, was not fair to developers. I want to be fair, so I reiterate that if Labor is elected in March 2019 it will shred the plans that have been issued by this Government for the Sydenham to Bankstown corridor. They should understand that they purchase properties there at their own risk. Labor will also get rid of the priority precinct mechanism that developers hate. One would think developers would like that, but they have contacted me and said, "We don't want our development areas to be priority precincts; we'd rather work with councils." That is not an indictment on the Department of Planning and Environment; it is an indictment on this Government.

This bill does nothing in relation to housing affordability, but we have spoken about that and I will not go into too much detail on it. The Greater Sydney Commission is talking about the 5 per cent to 10 per cent inclusionary zoning that has not been progressed. I know the Greater Sydney Commission and some people in the Government want it to happen, but it has been prevented by this Government—and shame on it. This bill does not address heritage concerns. The abomination that Minister Speakman visited upon the Sirius building and others at Millers Point will continue. No environmental safeguards have been added—in fact, last night in the Legislative Council a number of amendments were moved that sought to strengthen environmental safeguards, but they were all drilled by this Government.

I turn to some of the provisions of this bill. Division 2.3 refers to the Independent Planning Commission. The Opposition does not oppose the change of name or the constitution of that body as a government agency because those changes are sensible. However, as I said, subdivision 2.8 (3) provides:

Each member is to have expertise in at least one area of planning, architecture, heritage, the environment ...

Planners should dominate that panel, not experts in individual singularities. I have already addressed that issue in detail, so I will say no more. Division 2.5 deals with local planning panels. These instruments were dropped on this place without warning during the final sitting week of October. It was an ambush. I know that people have various views about these local planning panels. I asked what the Government's rationale was for allowing for local planning panels only in council areas in the greater Sydney region and Wollongong. What was the rationale for not winding them out in other areas of the State? In response, the Opposition was clearly told to back off because the issue was not for negotiation. Subdivision 2.17 (2) (c) provides that the regulations will give the Minister the power to wind out local planning panels in any council area he wants. I would like someone to explain the Government's change of heart.

Division 2.6 deals with community participation, and I understand what the Government is trying to achieve. However, no member of the community will get a single additional right as a result of the passage of this legislation. I note that there are still 37 or 38 priority precincts across New South Wales. I have been told, but I have not had a chance to test it rigorously, that those precincts cover between 20 per cent and 30 per cent of the landmass of metropolitan Sydney. The Minister will be a dictator within those priority precincts, which means that community participation will be largely suspended. The Government will pay lip-service to the notion of community participation, but it has given the public no additional rights, no protections nor any enhancement in areas deemed to be priority precincts.

Division 3 (18), which deals with the public exhibition of environmental impact statements, provides:

A public authority is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason. Let us be clear: This refers to an environmental impact statement produced by a public authority dealing with public land about a public project that is being paid for by members of the public. All of the information it contains—unless it is confidential—should be made public. I asked why the Government did not agree with the Opposition that the words "or for any other reason" should be deleted. It responded—intelligently—that sometimes it might relate to things like the layout of a police station, a secure building or an Aboriginal cultural heritage area. The Opposition moved an amendment in the other place last night proposing to omit the words "or for any other reason" and to insert "or because the disclosure of the evidence or matter might compromise the safety or security of any person or thing". That amendment would have safeguarded the situation where there was a legitimate reason to keep information confidential, but it would then default to the position that the public has a right to know, particularly when it is paying for the project. Last night in the upper House amendments to that effect in other parts of the bill were defeated by a belligerent Government. With the support of Reverend the Hon. Fred Nile, the Government smashed the bill through and did not consider the thoughtful amendments that the Opposition and crossbench moved to improve its provisions. That says more about them than about us. Schedule 3 gets to the nitty-gritty because it concerns zonings. I am not criticising developers—they know I do not do that—but this bill is stacked too far in their favour. We need a planning instrument that provides certainty to industry and to the community as to how their area should look. That instrument should combine the district plans and local environmental plans [LEPs], but that has not happened. At the moment developers who are frustrated with the system are submitting

planning proposals and councils are knocking them back. Developers are then going through the Government's Gateway process. That is distorting the planning process and it should not happen. Developers and communities need certainty.

I note that councils will now be required to write local strategic planning statements. There could have been a better way to do this. Statements of strategic intent about a local area should be incorporated into LEPs and they should not have to be reviewed every seven years. If LEPs are to be reviewed every five years, the strategic planning statements should be reviewed at the same time. There is a mismatch that has not been explained. Planning proposals, gateways and spot rezonings—call them what you will—should be done only in rare and exceptional circumstances, but that is not happening. This is leading to great distortions, creating a lack of certainty and causing communities to lose confidence in the planning system. It is also draining the resources of councils. Planning staff want to do strategic statements and get on with the normal business of planning, but they keep getting hijacked by spot rezonings, which is what they are. That is no way to conduct strategic planning in New South Wales and it needs to stop.

The bill also provides for the possible standardisation of development control plans [DCPs]. I will not criticise that; I will wait to see how it goes. Some council staff have contacted me and said that they do not like that because they need to remain able to put into effect a DCP that reflects the individual character and make-up of their communities. I understand that. Others have said that they welcome the provision. Developers have opined that way as well. They say that some DCPs have grown to more than 350 pages and contain detail that they should not contain. We will wait to see what the regulations say about that. On that point, by my count the bill contains more than 100 references to what the regulations may provide. I would have thought that with seven months to prepare a cut-down version of the draft exposure bill that Minister Stokes exhibited in February the Government might have been able to append one or two regulations to provide certainty. Development industry representatives and planning lawyers who have contacted me have said there is great consternation about the uncertainty created by the number of references to unknown regulations in the bill.

One of the things I welcome in the bill is the change in heart the Government has effected—Minister Stokes and I spoke about this earlier in the year—as to how councils' hands were tied in the private certification process. I recall a case—it is almost famous now—in a street in Bronte on the side of a hill. Often those types of developments, particularly those with sea views, create division and consternation between neighbours. In this case, an objector with some justification said that the neighbour's property was being built and there was a huge variation between the consent and the private certification, but the council could not do anything about it.

The Government has introduced sensible provisions to allow councils to issue stop-work notices on such developments for seven days and also to allow the court to declare a complying development certificate invalid if proceedings for the order to make it invalid are brought within three months after the issue of the certificate and the certificate authorises the carrying out of development for which the court determines that complying development certificate is not authorised to be issued, and other such provisions which accompany that. There is also a provision for councils to recoup costs. That is welcome. It is a double-edged sword if councils abuse it, and I hope they do not. The Government needs to keep a watching brief on that. Previously people using private certifiers would not have lodged an application fee with an accompanying application to council. That application fee contributes a small part of the revenue for those sorts of regulatory exercises, and this provision has the potential to address that reimbursement of costs.

The Opposition also welcomes paragraph 14 on page 52 of the bill, which pertains to section 96 modification of consents. Let us be clear about section 96: The developers have bastardised it to death. It is now being used as a provision through which developers can get a reasonable consent issued and come back time and time again and do things such as denude public open space and increase heights, and then keep coming back, having a go and gaming the system. This Government has introduced provisions which make it harder to do that, and I welcome those provisions, because section 96 is a blight on the development industry. It is often large developers who have made an art form out of using that provision to line their own pockets at the expense of communities. There is no other way to put it. I congratulate the Government on introducing tougher provisions in that respect. There are a number of other provisions that I will not go into now that relate to the way modifications interact with the local strategic planning statements. I hope councils will take advantage of those to stop the rort, because section 96 has been abused by developers time and time again.

In schedule 6, which contains building and subdivision certificate provisions, clause 6.32 overrides the bewildering case of Ralan against Burwood Council. The Opposition agrees with that provision. It also agrees with the provisions in schedule 7 relating to infrastructure contributions and finance. However, it issues a general caveat that care should be taken that these sorts of impositions on developers do not kill the goose that laid the golden egg. There is no bottomless pit in the development industry. Every special infrastructure contribution [SIC] or other contribution that is required of a development has the potential to make it less viable, to delay it, to kill it

altogether or to have those taxes, which is really what they are, reflected in the purchase price of the property, which puts greater pressure on the Sydney affordable housing emergency—and it is an emergency.

Voluntary planning agreements [VPAs] are being abused and they are putting councils in irreconcilable conflict. I have been contacted by developers who are dealing with Parramatta City Council, which is urging them to enter into a voluntary planning agreement where the council wants 50 per cent of the uplift. If that goes ahead, the developer will add that to the price and people will pay more. Overseas investors with cash to burn will be able to buy, and so will the domestic negative gearers with cash to burn who have distorted the system so badly, although it is not their fault. I welcome the interventions of Chris Bowen and Bill Shorten in those provisions. The roughly 10 per cent of properties left over in those large multistorey blocks will be too expensive for first home buyers even to think about and way over and above the threshold offered by any Government in relation to first homes.

VPAs have bastardised the system. They have the potential to be, as some developers have described to me, cash for consent. If a local environmental plan provides for an eight-storey unit block, an eight-storey unit block should be built. If councils want to do dirty little deals with developers and say, "If you give us 20 storeys, we'll give you 50 per cent of the uplift," that is not how the system should work. Section 94 contributions are the legislative levy that should apply. VPAs are starting to emerge with greater regularity and they are distorting the system. They are bad for communities, bad for developers as an additional tax, and bad for local councils because they put them in irreconcilable conflict. That issue is not addressed in this bill and I urge the Government to examine it. VPAs are not voluntary. There should be a nexus between the development and the provision of community facilities, and section 94 is the mechanism to do that. If it is inadequate now and if the landscape is changing then it should be examined. VPAs are a blight on the development industry in New South Wales.

I have addressed most of the provisions in the bill that I wish to address. The bill is largely inoffensive. It is disappointing because it is a lost opportunity but, as the Opposition has already moved amendments that failed in the other place last night, I will not put the House through that exercise again. I thank the Hon. Peter Primrose for carrying this matter on my behalf with great expertise in the Legislative Council last night, and I thank the Hon. Adam Searle for his assistance.

Ms FELICITY WILSON (North Shore) (10:58): I support the Environmental Planning And Assessment Bill 2017, which demonstrates the Government's commitment to the efficient and timely delivery of State significant development. This Government is committed to halving the assessment time frames for major projects while ensuring there is no reduction in the rigour of assessment or environmental standards. State significant development is vital to the New South Wales economy as it provides investment opportunities and jobs growth. However, the community must have confidence in the assessment of these types of developments, which is why the Government is seeking to improve both efficiency and community confidence through these reforms.

The planning system must be efficient, robust and independent. To help achieve this, the Government is making changes to the Planning Assessment Commission. To emphasise the commission's independence and its primary function as a decision-maker, it will now be known as the Independent Planning Commission. We are removing the commission's duplicative review function. The commission currently reviews State significant proposals, and later may determine the same proposals. This results in duplication, as a detailed assessment is undertaken twice on the same proposal. This practice is inefficient and creates uncertainty for communities and industry. It is anticipated that the removal of this duplication will save between 70 and 160 days on assessing a State significant development proposal, depending on its scale and complexity. It demonstrates how this Government is cutting red tape and getting the job done for the people of New South Wales, while still making sure the environmental impact assessment is rigorous.

The Government is equally committed to ensuring the community can be confident in the decisions reached. In this regard, the commission will be implementing more robust public hearings that will ensure all parties can put forward their cases. Public hearings will now become a two-stage process, enabling community members to be involved early. This will improve the ability for members of the public to air their issues and it will afford greater procedural fairness to all parties. The first stage will allow the commission to hear from the community and the proponent about the key issues for the assessment of the proposal. The second stage will allow the commission to examine in detail and to interrogate the proposal, the assessment report and any draft conditions. This will include the commission's testing both the proponent and government officials about any aspect of the proposal, assessment or proposed conditions. This will assist the commission in its deliberations and improve the rigour of the assessment and the effectiveness of any proposed conditions. The changes will leverage the reforms to the assessment process for major projects that the department recently exhibited as the Environmental Impact Assessment Improvement Project.

This project is aimed at lifting the efficiency and effectiveness of the entire pathway for assessing, approving and regulating major projects, including project development; government agency and public consultation; the assessment process and determination of projects; and the post-approval phase, when projects are constructed and operated. The Government is currently considering community and stakeholder feedback on draft guidelines. The Government will also expand the expertise of the Independent Planning Commission by folding the Mining and Petroleum Gateway Panel into the commission. This will significantly expand the commission's expertise in relation to mining and resources projects, which will enhance its ability to make sound decisions based on technical merit. These changes will not affect the Gateway process overseen by the panel, which remains unchanged. The bill includes important measures to improve the responsiveness and efficiency of conditions of consent for State significant development, without compromising the protections those conditions afford.

Sometimes conditions are duplicated across approvals, creating parallel regimes that regulate the same impacts. To address this, the amendments establish a mechanism of transferrable conditions. These are conditions of consent that lapse if they are substantially consistent with conditions subsequently imposed under other regulatory approvals or licences, such as environment protection licences. This mechanism will apply to State significant development and State significant infrastructure only. It removes regulatory duplication, which will help the State's economy while ensuring that important protections remain in place. The bill also clarifies that the consent can impose financial assurance conditions. These conditions can require a proponent to put up a bond or other financial guarantee to finance the rehabilitation of land or decommissioning of works. The types of developments subject to these provisions, such as wind farms, will be identified in the regulations to ensure there is no duplication with other regulatory regimes. Financial assurance conditions will ensure that long-term impacts on the landscape are minimised, particularly where the consent holder is not the landowner. They help ensure the landowner is not left with the rehabilitation bill at the end of the day.

The bill also provides the Minister for Planning with clearer power to update conditions covering performance monitoring and environmental audits. The amendments clarify that the Minister may vary monitoring or environmental audit requirements in existing approvals. This provides greater flexibility to ensure that conditions in older consents can be updated to meet contemporary expectations about environmental performance monitoring. It will support a program of appropriate audits, which, over time, will improve the standard and consistency of older consents. The Government is confirming its commitment to finally closing off the former part 3A development pathway. Part 3A was repealed in 2011; despite this, transitional arrangements continue, resulting in some developments still accessing the former part 3A modification pathway some six years after its repeal. This will be effected through regulations that will be made as part of the commencement of the legislation. These regulations will amend the current transitional provisions of the Act, and former part 3A projects that need to be modified will be assessed either under the State significant development or the State significant infrastructure pathway.

Proponents with active projects will have a two-month window in which to submit any section 75W modification applications prior to the making of the regulation. Following the making of the regulation, if Secretary's Environmental Assessment Requirements have already been issued for a section 75W modification application, the application will be determined under section 75W provided an environmental impact statement is lodged within 12 months. The Government is committed to ensuring that State significant developments are determined in an independent and expert manner, and in a robust, efficient and effective way that strikes the right balance for proponents, the community and all the people of New South Wales. For these reasons, I commend the bill to the House.

Mr RON HOENIG (Heffron) (11:05): I contribute to this debate on the Environmental Planning and Assessment Bill 2017, and in so doing I endorse the remarks of the member for Maroubra. Nothing I say should be seen to be expressly, or by implication, inconsistent with the contribution that he has made to the second reading debate in this House. Whilst I appreciate that the Minister for Planning has sought to clarify a number of provisions of the Act and to simplify or change procedures, once again this is a missed opportunity to reform planning in this State properly. An attempt was made by a former planning Minister in 2013 by introducing a bill which, in my view—as I said in the House at the time—misunderstood the planning system of this State. Consequently, the bill did not proceed in an unamended form through the other place.

The Environmental Planning and Assessment Act 1979 was a ground-breaking piece of legislation. It was an outstanding piece of legislation enacted by a Parliament which actually understood what planning was. Through amendments to that Act from about 1990 onwards, the Parliament has systematically, over a period of some 27 years, destroyed the very fabric of a fine piece of legislation. That has occurred for a variety of reasons. Some amendments were made for proper reasons, but most were based on a complete misunderstanding of town planning. My view is not unique. I hazard a guess that if one consulted the former environment Minister—the Hon. Rob Stokes, who has a PhD in planning law and whose podcast I used to listen to when he lectured at

Macquarie University—one would be likely to find that he would concur with my view. The concept of planning should be simple. It should be simple because it is predicated upon planning cities, regions and subregions or districts and planning locally. It is a simple concept yet the whole history of planning in this State—other than for that brief period—has been a debacle. Planning should be transparent and based upon proper reasons, and it should be done by elected representatives.

The Environmental Planning and Assessment Act 1979, as enacted, provided for regional plans, subregional plans and local environmental plans. An attempt has been made to recreate that within the Greater Sydney Commission, which, in my view, endeavoured to provide district and regional plans not as envisaged by the original Act. It was a genuine attempt by the former environment Minister to get back to those particular concepts. Planning involves deciding where in a city or region people will live, what the nature of the housing will be, where people will work, how they will be transported, and where services such as hospitals and schools will be. These questions are all part of the planning processes that should be followed transparently and by elected representatives. They should not be passed down to bureaucrats. The reason these decisions are being passed down to bureaucrats is to avoid political criticism around campaign donations or the like. Many planning decisions are subjective, not objective, and elected representatives should make those subjective decisions, whether they are councillors or Ministers of the Crown who are accountable to this House. It is an abdication of members' responsibility to push those decisions away and then to hide behind independent bodies.

The history of the Planning Assessment Commission has clearly demonstrated to all governments of the day that hiding behind bureaucrats in a government-appointed commission does not work. Politicians still get the political blame associated with those decisions. So if the Government is to take the political blame, it might as well make the decision. Previous governments ensured significant designated developments or developments of State or regional significance had some distance from the Government of the day by providing for commissions of inquiry. They were permanently appointed, independent commissions that would convene to consider applications so that people could appear before them. Governments of the day never liked commissions of inquiry because they did not like the transparency, but the reality was that the transparency of the decision-making process disclosed the impact of developments, which allowed governments to plan.

Commissions of inquiry were abolished simply because the Government of the day did not like a contentious inquiry decisions. A commission of inquiry into the proposed expansion of Port Botany to stage three recommended against the expansion because there was no transport plan associated with the application. As a consequence of that decision the Parliament abolished commissions of inquiry and the planning Minister approved the application anyway. All of the struggles that the Government has had with the controversial WestConnex project and trying to move freight traffic stem from the decision that was made at that time. The failure of the planning system and the Government's removing decisions from elected representatives has impacted not only on matters of State and regional significance but also on local government. This year Parliament removed from councillors decision-making powers over development applications through the creation of independent hearing and assessment panels [IHAPs].

There is a better way to make these decisions; that is, not to have given IHAPs the final decision in relation to development applications and to require them to make recommendations to councillors and to impose sanctions on councillors who fail to discharge their responsibilities under section 79C. It is not the Government's fault that IHAPs were created—it is actually the fault of a minority of people in local government. But, again, there was a better way. The better way comes from looking at how the objects of the Act should have been pursued from 1979 onwards. As developers will tell us, the planning system in this State is a mess. Developers do not have certainty. The public has lost confidence in the planning system. The Government does not need to reinvent the wheel, it should simply understand the history of planning and the Environmental Planning and Assessment Act since 1979. Most of the changes to the Act have not been based upon proper planning but have been related to extraneous decisions.

We can have a planning system in this State that works, but we cannot keep doing things like utilising State environmental planning policies to achieve an objective and cut across the objects of the Act. We cannot, for example, remove councils' powers to determine building applications, require someone building a house to submit an application, require councils to consider hundreds of development applications that they never previously had to consider, and then blame local government for the delay. Most of the delays in the planning process and its impacts upon local government were created by this Parliament. I urge whoever the government of the day is to review this legislation, to go back to proper basic principles and to restore a planning system in this State that worked. Governments should not continue to make these little piecemeal changes.

Mr STEPHEN BROMHEAD (Myall Lakes) (11:15): The object of the Environmental Planning and Assessment Amendment Bill 2017 is to amend the Environmental Planning and Assessment Act 1979 to, among other things:

- (a) revise and consolidate provisions relating to the administration of planning bodies, including the Planning Assessment Commission (which will become the Independent Planning Commission), Sydney district planning panels, regional planning panels and local planning panels;
- (b) require planning authorities to prepare community participation plans including by revising and consolidating minimum public exhibition requirements;
- (c) require councils to prepare local strategic planning statements to inform future planning proposals;
- (d) amend provisions relating to State infrastructure contributions and planning agreements relating to complying development;
- (e) revise and consolidate provisions relating to reviews of planning decisions and appeals to the Land and Environment Court;
- (f) strengthen enforcement of complying development requirements by giving greater powers to councils and enabling courts to invalidate certificates in certain circumstances;
- (g) revise provisions relating to development control orders, including by creating enforceable undertakings; and
- (h) make a number of amendments, including to simplify the Act and to end the transitional arrangements that have applied to transitional part 3A projects for several years.

The bill is the product of lengthy consultation, including with stakeholders such as councils, planners, industry and community groups when the bill was being prepared in 2016. The bill was released for public consultation in January 2017 and approximately 470 submissions were received. The bill is substantially similar to the consultation draft released in January, with some amendments in response to concerns raised in the consultation process. One of the amendments that has been abandoned is the banning of retrospective modifications to developments, which had been used to regularise unauthorised works. The Legislation Review Committee noted that many of the provisions of the bill are substantially similar to ones that exist in the current Act. The package introduces a number of amendments and its primary purpose is to promote the community's confidence in the planning system. The amendments do this by enhancing community participation, promoting strategic planning, increasing probity and accountability in decision-making, and promoting simpler and faster processes for all participants.

Firstly, the bill enhances community participation by requiring all planning authorities to prepare clear engagement plans in line with new community participation principles and minimum consultation requirements. Secondly, it promotes upfront strategic planning at the local level by completing the strategic planning framework. It requires councils to prepare strategic planning statements that line up with the regional and district plans and to present a land-use vision at the local level. It also facilitates ward councillors having a more prominent role in strategic planning to ensure the needs of wards are appropriately represented. It makes sure planning controls are simpler and up to date through five-yearly reviews of local environmental plans and a standard format for development control.

Thirdly, to strengthen and to streamline local development processes, the bill will ensure that more efficient approvals can be granted by the planning secretary having the power to step in and to issue concurrences or advice on behalf of other agencies that have not met statutory deadlines or that cannot agree. The bill also will improve public confidence in complying developments by giving councils better tools and resources with which to enforce standards and by allowing the court to declare a complying development certificate invalid if it breaches those standards. Fourthly, the bill will modernise the Act and its objects by restructuring the Act into 10 clear parts, which will make the planning system easier for all users to navigate, to understand, and to apply. The bill will update the language of the objects of the Act and include new objects promoting good design of the built environment, sustainable management of heritage, and the proper construction and maintenance of buildings.

Fifthly, the bill will introduce less complex processes for State significant developments by removing regulatory duplication for such developments when a consent condition is covered by an environmental protection licence or other authorisation. As I stated earlier, this bill finally will repeal the former part 3A pathway. The bill will emphasise the independence and determinative function of the Planning Assessment Commission by rebadging it as the Independent Planning Commission, and it will remove duplicative functions as well as strengthen its public hearing process. As I stated earlier, this bill will enhance community participation, promote strategic planning, increase probity and accountability, and promote the adoption of simpler and faster processes for all participants. I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) (11:21): I join in debate on the Environmental Planning and Assessment Amendment Bill 2017. Like other members who participate in this debate, I may have some differences of opinion and concerns. Notwithstanding that, I do not intend to vote against the bill. I acknowledge that planning is a very difficult area in which to work. The member for Heffron referred to the principal Act, the Environmental Planning and Assessment Act 1979, and I agree with him that it was very worthy legislation and that it was very well constructed. Many amendments were made to the original Act through until the 1980s, and

it is well recognised as a great document for building local communities. But some time after that, things started to go awry, possibly due to the myriad amendments made to it. The principal Act carried a huge weight of amendments and that made consideration of its provisions very complex. The end result is that lay practitioners had very little chance of understanding how the bill should be applied to their communities.

I acknowledge the efforts made by the former planning Minister, Mr Hazzard, to address that issue. He tried to go back to basics and to rewrite the planning Act as a modern Act for New South Wales. He made a genuine attempt to streamline the legislation and engaged very well with the community, residents and the development industry. Minister Hazzard was earnest in what he was trying to achieve. However, in planning, like so many other areas, it is difficult to achieve consensus and some areas prove to be so controversial that they undo all the good work. I will not deal at length with the broad terms of the bill. Rather, I will raise one particular issue that I have discussed with the Minister's office. During my 21 years in local government, and perhaps more particularly during my eight years as the Mayor of the City of Lake Macquarie, I had personal experience of the issue. At that time Lake Macquarie regularly over consecutive years had the second-highest number of development applications in the State. I join in this debate having had not insignificant experience of dealing with development applications.

One of the most galling issues for a council, but particularly for local communities, was dealing with somewhat unprincipled developers who gamed the development consent process and often built outside the scope of their development consents. Those developers did so knowing full well that they would incur the wrath of a fairly weak system and that applicable penalties for ultra vires developments generally would be modest. Many developers exploited the loopholes in the process to do whatever they liked, knowing that, despite a minor penalty, they would achieve their overall goal of deriving substantial profit from the development. That needs to stop. The draft consultation bill that was promulgated prior to the introduction of the bill before the House included draft condition 15 relating to section 96 (3) (a) that would address those exploitative practices. The draft condition stated: "To insert after section 96 (3)—3A. If after the grant of development consent any part of the development is carried out in contravention of the consent, the consent may not be modified", except under subsection (1) in order to authorise that part of the development. I understand that subsection (1) relates to minor changes that are inconsequential in the context of the bill.

Retention of that draft condition would have disabused the apparently widely held notion in some parts of the development industry that developers can game the system, accept the fine as a slap on the wrist, and move on because they will benefit greatly in the long run. I have heard that the draft condition was a well-considered inclusion. I know that it was supported. I have spoken to people who are currently engaged in the planning industry as well as to those who closely examined the condition and commented on it in their submissions. All those who were aware of the draft condition assumed that it would be part of the bill before the House and therefore did not comment on it, despite strongly supporting its inclusion in the amending bill. Unfortunately, that condition has been removed from the bill. Having spoken to the Minister's staff, I have been advised that there are a number of reasons for that. I am told that some councils were concerned about inclusion of that condition in the legislation. Those councils said that the condition effectively would require the demolition of works that had been carried out illegally because those developments cannot retrospectively be approved. I am also told that the councils want to work with developers to introduce other modifications that might ameliorate the impact of developments, and those modifications relate to privacy, overshadowing and matters of that nature. My experience tells me that the chance of that happening is very slight.

There is no doubt that retention of the draft condition in the legislation before the House will create problems. If this bill becomes law and includes the draft condition, councils will be required to take substantial action to order the demolition of works. However, because the industry, having experience of the condition's effect, would very quickly change its tune and would discontinue the present exploitative practice, I am quite sure that that would be necessary for only a very short period. I believe this practice could continue and I understand, as a result of speaking to the Minister's staff this morning, that there will be provisions in the regulation to give councils greater capacity to take strong action, including increasing fines to a point that will remove the incentive for developers to breach the provisions because it would reduce or even remove any profit the developer may make. I say to the Government that this is well and good, but we are still dealing with a diverse range of councils around the State—although their number has decreased as a result of amalgamations—and not all councils are created equal.

Councils are limited by the different capacities of elected members and different capabilities of development planners to scrutinise and to deal with planning issues. I am therefore concerned that there will be opportunities for inappropriate or incompetent action in dealing with planning issues or even inaction as a result of a lack of resources. As we know from previous actions that have been tested before the Independent Commission Against Corruption [ICAC], some developers exert corrupt influences over councils in attempting to get modifications to planning approvals in inappropriate ways. I asked the Minister's staff about this concern.

I understand they consulted the Minister about whether this provision could be modified, and I sought advice on bringing forward an amendment to this provision, but it is clear that that amendment would not be supported. *[Extension of time]*

We in this Parliament have seen too many instances of undue influence exerted on councils. This legislation could have expunged that opportunity, but instead we are playing a very dangerous game by giving councils an opportunity to deal with this aspect of planning. Yes, there could be some examples of that leading to a better outcome in the short term, but in my view in the long term if this provision were amended it could remove that business model, meaning we would not have to deal with it in the future. Instead, communities will suffer from unscrupulous developers taking advantage of the lack of oversight. I will not move an amendment, but I hope that the Government will reconsider this provision. I believe the provision should be revisited at the first available opportunity and a subsequent amendment drafted to prevent unscrupulous developers from having their way.

This legislation represents a lost opportunity, though there are some good provisions within it. It is a planning bill, so it will not please everybody. But it must include provisions to do the right thing by our communities in the provision of residential and work spaces. These things drive a sustainable community and ensure the provision of communities that people want to live in, rather than have to live in. This Parliament is exercised way too often in dealing with inappropriate or questionable actions by developers. I ask the Minister seriously to reconsider that provision, because I think the wrong path has been taken.

Mr ROB STOKES (Pittwater—Minister for Education) (11:33): My contribution to debate on the Environmental Planning and Assessment Amendment Bill 2017 is in support of the legislation. The planning system is perhaps one of the greatest pieces of legislative architecture available to any State government. In the division of responsibilities in our Federation, environmental land use planning lies at the heart of the responsibilities of the States—indeed, our land and resources provide a large proportion of the resources from which we draw our social development, our economic development, and our environmental sense of wellbeing. The way in which we steward these resources sets the scene for the opportunities available to subsequent generations. This is brought particularly to the fore in an environment of rapid urbanisation across the world, including in jurisdictions like Australia, and particularly in New South Wales.

While only around 20 per cent of the world's population lived in cities at the dawn of last century, at the beginning of this century about half of the world's population, for the first time in human history, lived in urban areas. Within a few short decades, about 70 per cent of the global population will be living in cities. That means there is more and more of a focus on the way in which we plan for increasing complexity and increasing density in areas that already contain huge challenges in relation to the way in which we organise our resources and our society to help us to progress. There has been much talk about human progress and development, and it is important in the context of a planning bill to recognise that progress and development are not necessarily the same thing. We need a legislative architecture that facilitates the types of development that promote human progress, while recognising that development by itself can be a negative. The art is to ensure that we have a legislative process with sufficient robustness to allow development to occur that makes people's lives better. The legislative architecture is designed to ensure that we end up with cities that are cleaner, more efficient and better organised as well as fairer and more just.

Any planning bill is ultimately all about balance. It is about recognising the paradox at the heart of planning by recognising that it is a system and a structure that at the same time as promoting growth controls growth. It must recognise complexity in urban systems, while also encouraging simplicity in urban governance. It must provide a clear top-down planning framework, while incubating the opportunity for bottom-up community participation. It must embrace order in urban development, while also understanding the important role of dissent and recognising that effective urban planning is necessarily iterative, combative and, ultimately, a bit messy. It is also about understanding that planning and its laws involve an unavoidable clash of different ideological perspectives. There are the private property interests that must be recognised as being the bedrock of the liberal democratic system that we preside over, and there are also the wider public and community interests that sometimes come into conflict with the values of private property.

We also need to recognise a newer and more subversive ideology of public participation that clamours for its role in the planning process. This clash was first recognised by noted planning scholar Patrick McAuslan. It is as true today as it was when Patrick McAuslan first wrote about the ideology of planning law when the initial planning legislation that this bill amends became law in 1980. In particular, the entire concept of sustainable development, and the Australian iteration of ecologically sustainable development that lies at the heart of our planning laws, is itself paradoxical. Daniel Bromley, an ecological economist, spoke about sustainable development, saying that it was at once both a fine idea and a hopeless concept. It was a fine idea because it pointed us to the plight of future generations, but it was a hopeless concept because it was devoid of any operational content.

The role of planning laws, including this bill, is to ensure that operational content is part of the way in which we plan the growth of our cities, our communities and other resources to make sure that we do not have just an empty phrase of "sustainability" without grounding it in reality. Sustainability at its core is a wonderfully just concept. It is about ensuring that across the current generation, and between this generation and future generations, we are fair in our use of resources, that we recognise the needs of other people in other parts of the world and in other parts of Sydney or New South Wales, and that we appreciate that they have the same rights to access the same opportunities and to use the same resources as everybody else. We must recognise that we have a fundamental duty to control the use of resources to make sure we do not deplete them in such a way that future generations cannot meet their needs. That lies at the heart of our planning system and our planning law, and it is great to see those principles again embedded in this amendment bill.

That is why the objects are very important. The Land and Environment Court was created at the same time as the original bill in cognate legislation, the Land and Environment Court Act, which also came into force in 1980. The court exercises the purposive approach to statutory interpretation. So it is very important that the objects of the Act provide clear guidance as to how to interpret its provisions. It is great to see ecologically sustainable development at the heart of this legislation and its objects once again. It is also great to see the addition of new and clearer objects relating to elements such as the importance of design. A key element of ensuring that our cities and our towns continue to become better places in which to live involves putting design at the heart of the way in which we plan and respond to growth pressures.

It is also about increasing the simplicity of the legislation. One of the paradoxes is that planning involves subject matters that are necessarily complex. At the same time, we are required to deal with these complexities in as simple a manner as possible. So the way the bill reorders and better categorises the way in which the development process works in the legislation itself—recognising that this legislation has been amended scores and scores of times since its introduction—is also very important. Dee Hock, the creator of the chaordic theory, once said, "Simple, clear purpose and principles give rise to complex, intelligent behaviour. Complex rules and regulations give rise to simple, stupid behaviour." That is why it is important this bill undertakes the work of reordering the legislation to make it more accessible and easier to understand for the community, for councillors and for everyone else. A fundamental point of planning justice is that the laws be simple, easy to understand and easily accessible.

I acknowledge a number of people involved in the preparation of the bill. Obviously, there is the Minister for Planning. I recognise his presence in the Chamber and his leadership. He has presided over a process that is, frankly, historic. This is the first significant review of the planning legislation since its introduction, and the Minister should be commended for his leadership and vision in overseeing this legislation and its passage through this place. I also acknowledge John Whitehouse, Bob Meyer and Les Stein, who have all been involved in discussions, as I understand, with the department, with Ministers and so forth in relation to using their expertise and wisdom in crafting a bill that responds to history and context and also makes use of the best minds in relation to planning law and how best to understand it.

John Whitehouse is one of the authors of the original Environmental Planning and Assessment Act, and I understand he has done a fine job in assisting with the rewrite of this legislation and ensuring that the legislative infant that he delivered some 30 years ago is restored. I also thank Bob Meyer, who is a terrific architect and urbanist. There are many more things I would like to say, but I am mindful of the time constraints. I recognise that this is a good bill, and I commend it to the House.

Ms JULIA FINN (Granville) (11:43): I oppose the Environmental Planning and Assessment Amendment Bill 2017. In some ways it is a missed opportunity to fix a lot of the problems with planning in New South Wales. When this Government was elected six and a half years ago it promised to return planning to the people. In fact, over the ensuing years the opposite has occurred. This bill does not correct that. I have always thought planning was about communities as a whole, not only developers and the ease with which they can work with the land they own. I also note that at the moment there are roadblocks to councils and other levels of government progressing development. In many cases, complying developments take far too long to be considered and people are denied certainty. This issue affects all types of developments. I talk to people who experience these problems on a regular basis. They are not only builders but also community organisations, mums and dads who are trying to build granny flats, and people trying to construct apartment blocks that comply with established codes.

The bill is a technical rewrite of the Environmental Planning and Assessment Act. In some ways, it condenses and consolidates the information in a better structure. However, beyond that it will not change the way that planning is being run in this State, which is incredibly problematic. Priority precincts are most problematic, and the bill does not resolve that issue. In the Bankstown to Sydenham corridor the wishes of the local community have been overridden and 92,000 apartments have been imposed upon them in a very flawed and somewhat

secretive process that Canterbury-Bankstown Council and the community opposes entirely. In my area priority precincts have been announced at Westmead and Wentworthville. For months I have been trying to find out what that actually means for people—what it will mean in terms of additional dwellings and the built form, and whether there will be land use changes. So far those questions remain unanswered. My community is at a loss to understand what being a priority precinct means for them and what will be imposed upon them.

When the Environmental Planning and Assessment Bill 2017 was introduced it was very important legislation. It was the product of years and years of campaigning by people whom I admire greatly—members of the National Trust, Jack Mundy and ordinary people fighting to preserve important neighbourhoods and heritage in Sydney from the onslaught of rapacious development. I have always admired Jack Munday's philosophy regarding land use planning: People have the right to determine the nature of the community in which they live. I do not like to see that taken to the extent of nimbyism—for example, when hundreds and hundreds of people oppose the building of very small houses of worship for people whom they do not like the look of that will have no demonstrable impact upon them, other than inflaming their prejudices.

At the same time, people have a right to determine the shape of the community in which they live. That right was originally enshrined in planning legislation, but it needs to be better enforced than has occurred to date. Having high-level documents that are inaccessible and written in very vague language that can be open to all sorts of interpretations does not help anybody. Certainly at the moment the hierarchy of interactions between planning documents is very unclear and most confusing for any layperson who is trying to understand what might be happening in their neighbourhood. That clarity is not provided by this legislation. The bill also relies far too heavily on things that will be developed further in regulations. We have a right and a responsibility to represent the communities that we live in and the people who come to see us about things such as land use planning. To take so much of this bill into the land of yet-to-be-developed regulations is incredibly problematic and curtails our ability to articulate the views of our community on these issues.

Land use planning is incredibly important and controversial. It is certainly time that there was a technical rewrite and review of the bill. This bill is not nearly as comprehensive as the Government had led any of us to believe. Over the past six years it has swung back and forth between promising to return planning to the people, to then trying to remove people completely from the planning system. All the while Sydney is going through one of the biggest building booms in recent times. Partly as a result of that boom and partly as a result of not addressing these problems sooner, there are some incredibly long delays. Last week I spoke to a developer who told me that he has an application before the City of Parramatta Council and has been told it will be eight months before it can even look at it. Under the bill the statutory period for referral to the Land and Environment Court is traditionally 40 days.

It is the same story in other places. I know of other cases where quite simple developments have taken three and four years to be approved. I am aware of a large number of applicants who have been railroaded by the transition between the City of Parramatta Council and Cumberland Council. Cumberland Council staff are looking at the City of Parramatta Council codes with different eyes and adopting a completely different approach. Their requirements of applicants are different from what was requested in earlier meetings with Parramatta council. It has been very messy, and of course the council amalgamation process has made the situation far worse. This bill will not address any of that mess or complexity. It will certainly not return planning power to the people.

Mr JAMIE PARKER (Balmain) (11:51): On behalf of The Greens I make a contribution to debate on the Environmental Planning and Assessment Amendment Bill 2017. Some elements in the bill are supportable but other substantial elements give more powers and rights to developers and make other changes that in our view are not positive. On balance, The Greens will not support the bill. Our strongest concern is that this legislation absolutely fails to provide an adequate framework for dealing with the climate impacts that the New South Wales planning system creates. The bill also fails to put in place appropriate measures to ensure that new developments are climate change ready. Given that our planning system is the biggest contributor to climate emissions in this State, that is an unacceptable omission.

We call on the Government to address climate change as part of the planning process and to develop a framework that recognises climate impacts and how they can be mitigated and managed. This is a missed opportunity to ensure that climate preparedness and mitigating climate change are given the central roles needed if we are to avoid its impacts. According to its media release, the claimed intention of the Government in this bill is to "... slash approval times for State significant developments such as mines, while increasing accountability". Those objectives are in opposition to each other, and the bill fails to resolve the tension. The issues in the bill are significant and I will take some time to go through each one.

The bill removes the Planning Assessment Commission [PAC] review stage, which is where Department of Planning and Environment submissions are considered. This means it will not have a chance to independently review the information it receives. Public meetings will continue to have no effect on appeal rights while public

hearings will remove appeal rights. In the final version of the bill the Government should take the opportunity to remedy this problem. We had hoped that the Government would understand these objections and accept some changes in the upper House, but that was not the case. I am disappointed that both the Coalition and Labor opposed amendments that would have introduced some measures to ensure that the bill adequately addresses climate change.

It is a positive step that State significant development [SSD] applicants will have to show how they consulted with the community prior to lodgement. That is a good thing. The Greens also welcome the inclusion of an obligation for the commission to consult with councils about certain decisions, but note that this should be extended to all decisions. Schedule 4.1 to the bill proposes to grant reserve powers to the secretary of the Department of Planning and Environment to step in if councils or other agencies are taking too long to consider applications. We do not support this. This is particularly troubling where the Heritage Council is concerned. We know that the Heritage Council is under a lot of pressure, is under-resourced and in the past few years has almost never complied with the relevant time lines. Unless the Government is going to resource these agencies to respond promptly, it will be difficult to see how that can happen. The secretary of the department will have to step in on numerous occasions.

These powers will be exercised in accordance with the State assessment requirements, which will be a statutory policy and therefore not subject to parliamentary oversight and not included substantively in this consultation. The Government has assured us that as part of this process it will also undertake a comprehensive assessment of referrals and concurrences. We hope that in doing so the Government will ensure the public has full access to this assessment and that it occurs in a transparent and accountable fashion. The role of councils is very important. By way of full disclosure, I was Mayor of Leichhardt in the inner west and served on that council for 12 years. I have experience with many development issues, particularly with skyrocketing land values and the pressure that places on the local community and, most importantly, on employment land. We do not want our community to be made up of high-rise profit boxes for people who travel into the city for work. We want places where people can work and play in their community. Defending these zoned areas is most important. It is a great letdown that rezonings have been taken out of the hands of councils.

A recent example is a 6,000 square metre commercial building in my community. An application has been lodged to rezone it for predominantly residential use. The local environmental plan [LEP] was written only in 2013. Of course, the application has to go through the State-based merit assessment process, but the developer should not be permitted to build 172 apartments on property that was determined to be employment land in only 2013. It is ridiculous. Councils should be given the power to determine rezonings, particularly after a long consultation process for an LEP. The most concerning aspect of the legislation as it relates to council decision-making is that it removes the ability of democratically elected councils to make certain decisions. The bill imposes a number of additional requirements on councils regarding their planning processes and instruments, and removes power from them.

The Greens do not support the introduction of standardised development control plans. Councils are democratically elected; they are accountable to the people. Unlike unelected, unaccountable bureaucrats, councillors are voted in by the people and they can be removed by the community. Councils should have the autonomy to produce planning provisions and guidelines specific to their local areas. It is foolhardy to suggest that there can be common planning requirements for environments as diverse as the foreshore of Sydney Harbour and the outskirts of Broken Hill. There are groundbreaking and detailed local development control plans [DCPs] in my community and in councils across New South Wales. We think they deserve protection. Standardisation with LEPs is generally designed not in the interests of protecting local amenity and environment, but rather as a means of easing the way for development.

We share the concerns of Local Government NSW that local planning decision-making is being eroded progressively. We are opposed to the removal of councillors from the development application determination process and to the introduction of mandatory independent hearing and assessment panels [IHAPs]. Councillors who are democratically elected for the people by the people and who are accountable to the community make much stronger decisions. If developers have concerns, they can appeal to the court. The introduction of private certification by the Labor Government in 1998 was a rot. It led to huge problems even before the private certification board was established. There was no way to appeal against a shonky private certifier. Right now I can choose a certifier who I know will certify anything in the community, and I know others who are tough and strong. Private certification needs to be abolished. Councils should have the right to certify because they are independent. That breaks the nexus between developers and the interests of private certifiers.

Remarkably, the Government has not sought to adopt The Greens' proposal that if we are to have private certification we should develop a pool of relevant, qualified private certifiers either through a council or the Building Professionals Board. In that way we could knock out of the industry the shonky certifiers who often go

from development to development with their developer mates. The nexus between developer and private certifier is a problem that has not been resolved. Any member who has been involved in a development in their community will have heard someone complain about a private certifier whom they were unable to contact or get a response from and whom they referred to the Building Professionals Board. It is a huge process. People have to bring a legal case in order to prove a matter against a private certifier. The Greens believe that is unfathomable. Frankly, this major planning reform legislation completely fails to address climate change, which must be central to any new planning legislation. That can be done by encouraging and promoting low carbon-intensive development and by ensuring that the built environment is adaptable to the likely challenges that will come from climate change in the coming decades.

Climate change is one of the greatest challenges facing the world, and it is both negligent and short-sighted for our planning system not to address its potential effects. Some say that BASIX provides for environmentally friendly and climate-positive arrangements. However, the Minister knows as well as anyone that BASIX is hopelessly outdated and that it requires urgent reform. We must address issues apart from the modernisation of BASIX, such as giving direction to councils and developers about how buildings should meet the ground. A range of controls address the quality of apartment design and improving their internal amenity. However, one of the great weaknesses of our planning legislation is that it does not provide clear design requirements for the point at which buildings meet the street.

That is a major issue in my community in the inner west. Buildings may well have good quality internal amenity, but the point at which they meet the street is poorly designed. We see walls of doors, garbage bins and fire extinguishers. Members need only visit Parramatta and other areas where significant development is occurring to see poor quality connections between the street, the footpath and large developments. They will see large-scale developments built so close to the kerb that there is no space for street trees, and they will see where street trees have been removed. The Government must provide quality design principles to address this issue. I draw the attention of the House to the amendments moved by The Greens in the other place which address a range of issues and which set the direction for a climate-change-ready and well-designed community which can house people affordably and sustainably.

Ms JO HAYLEN (Summer Hill) (12:01): The Environmental Planning and Assessment Amendment Bill 2017 amends the Act that underpins planning regulations in New South Wales. These measures aim to tidy and to streamline planning processes across the State. I will briefly address some of the elements of the bill that may have the greatest impact. I will also put on the record the strong objections of inner west residents to this Government's greedy and developer-driven approach to planning.

It is clear that this Government is interested only in lining the pockets of developers and the big end of town at the expense of local residents and the future of our communities. By 2036, our city will be home to six million people, and by 2056 that number will reach eight million. That growth—fuelled by immigration, interstate relocations and births—will spur its fair share of economic progress, jobs and opportunity. The growth of our city is exciting, and it is welcome. However, it also presents challenges that we cannot afford to ignore. Our growth will also put immense pressure on our infrastructure; in fact, it already has. As any resident of New South Wales knows, our schools are creaking under the pressure of enrolments; patients are queuing at our hospitals, with waitlists for elective surgeries stretching from months to years; our urban environment is rapidly degrading; and entire generations are being locked out of secure and affordable housing. I also recall recent community discussions about the need for a larger urban green canopy in our city. We must focus on these issues now; we are facing an immediate crisis.

It is crystal clear that we must account for growth in our suburbs, but we must also invest in the services and infrastructure that make them liveable. Clearly, we need a planning system that acts in the interests of future generations. I am sure that the Government's approach is not working. Unfortunately, this bill is a far cry from the sweeping reforms promised by the former Minister for Planning, the Hon. Rob Stokes. Instead, we have anaemic reforms focused more on cleaning up the mess this Government has made than on cleaning out the rot that threatens the future of our great city. Many of the measures outlined in this bill are uncontroversial and make minor technical changes to planning processes in the State, but that is simply tinkering at the edges.

Other aspects of the bill require greater scrutiny and, unfortunately, the bill represents a missed opportunity. For example, I question whether the steps designed to protect the community from developments approved by private certifiers are sufficient. In the inner west, where houses closely abut neighbouring houses, conflict about renovations is all too common. I regularly hear from residents concerned about a neighbour's renovations approved by private certifiers. One constituent has complained about a neighbour working on renovations until well past midnight. Another complained about concrete splashed all over the front of his home when a neighbour stuccoed their home. Another raised concerns with me about noncompliant work that has left their backyard half in the dark because of overshadowing. Often these issues cannot be investigated by council

officers, and impacted residents are left to their own devices and bounced between private certifiers. This is clearly unfair and inappropriate, and much more can and should be done to protect neighbours in these circumstances. The new safeguards proposed in this bill cannot simply play lip-service to this problem. They must in practice protect residents from noncompliant and disruptive development approved by private certifiers.

Measures like those spelled out in schedule 3, which require an authority to develop a community participation plan, are very welcome. The bill proposes that authorities be required to detail how they will engage with the community on decisions shaping their community. Statutory minimum public exhibition periods will be applied to community participation plans, regional and district strategic plans, planning proposals to modify existing local environment plans, applications for development consent and environmental impact statements for State significant infrastructure projects. Inner west residents know just how substandard community engagement has been to date. Residents have been appalled by the disingenuous nature of the consultation on projects such as WestConnex, the Sydney Metro conversion and, in particular, the Sydenham to Bankstown Urban Renewal Corridor. Similarly, they are appalled about the way strong community objections to proposals, such as those voiced about the Victoria Road Precinct in Marrickville, have been ignored.

The Ashbury Community Group in my electorate has fought tooth and nail to have a say in developments that would forever change the face of their heritage suburb. In the face of high-rise developments on the Tyres 4U and Chubb sites—developments that would have brought thousands of extra residents to a suburb with no main street and only one bus route—the group petitioned almost every household in the community. It held community forums, met with the council, reached out to the developers and sought every opportunity to have constructive dialogue about the future of the suburb. Unfortunately, it was foiled at every turn by a failed planning process. Developers were effectively shielded from meeting or engaging with affected community groups. That is a story familiar to communities across this State.

I welcome any move to empower residents and communities that want to play a constructive and positive role in shaping their suburbs, as did the Ashbury Community Group. These measures must genuinely empower local communities in the planning process, not merely download responsibility for consultation to local councils. That is not sufficient. Communities want to know that the Government is acting in their interests, not in the interests of developers. This bill does not go far enough to provide that reassurance. Time and again inner west communities are bearing the brunt of overdevelopment. The Greater Sydney Commission housing target is 5,900 for the inner west, 3,600 for Strathfield and 13,250 for Bankstown. In contrast, the target is 1,250 for Waverly, 300 for Woollahra, and 300 for Mosman. It is clear that the inner west is being asked to take more than its fair share of density.

The Government's Parramatta Road revitalisation is dead on arrival thanks to the transport Minister's decision to junk plans for light rail or rapid transit along the centre of the road. Buses, no matter how fast they travel, must use the outside lanes, making it impossible for shops and communities to thrive. It will create a polluted funnel. Unsurprisingly, there is scant detail in that plan on schools, healthcare services or open space. The Government has put overdevelopment before the infrastructure that is needed to support it. There is a similar story for the Sydenham to Bankstown corridor, where tens of thousands of extra residents are set to be crammed into heritage suburbs, including 2,000 in Dulwich Hill and 6,000 in Marrickville in my electorate alone. Again the Government has provided absolutely no detail on schools, childcare centres, hospitals and open spaces that are desperately needed. It has failed to explain that its plans rapidly threaten disappearing industrial space, particularly in areas such the Carrington Road precinct and along Victoria Road, while the Greater Sydney Commission is at the same time demanding that no industrial land be lost. Even the Sydney Metro conversion the Government has used to predicate the development in the first place raises more questions than it answers.

In summary, it is entirely understandable that when inner west residents consider the laundry list of failures by the planning Minister they are wary of any changes the Government is putting forward. It is with scepticism that they look at this bill. Members on this side of the House will support it, but it is unfortunately not sufficient when it comes to protecting future planning of our great city of Sydney and indeed New South Wales.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (12:10): In reply: I thank members for their assistance today in finalising this important bill. In particular I thank the member for North Shore, the member for Myall Lakes and the member for Pittwater—I thank the member for Pittwater particularly, as the former planning Minister, for his wisdom and guidance in this area—for the support they expressed for the bill in this debate, together with the member for Maroubra. This bill will improve planning for our communities, councils and businesses across the State. It will do this by increasing faster, simpler processes; enhanced strategic planning; improved community confidence and participation; and more balanced and transparent decision-making.

I will touch on a number of issues raised by members both here and in the other place during the debate. The member for Maroubra spoke about the delays in the planning system caused by government. He said the bill

will do very little to speed up the planning system and remove the bureaucratic roadblocks to development. With respect to my learned colleague, I very much disagree. I draw the member's attention to the provisions of this bill that will facilitate the project management of government agency approvals for local development and allow the secretary of the Department of Planning and Environment [DPE] to step in where delays or conflicts arise.

He then lamented the lack of strategic planning in the planning system. Strategic planning is at the heart of this bill. We want to end the focus of planning in this State on battles over individual development applications [DAs] and move the focus of the system to strategic planning and giving the community a real say over how and where growth will occur. I will speak more on strategic planning in a moment. I do thank the member for his endorsement of the way this bill will strengthen the complying development and modification pathways.

The member for Lake Macquarie spoke about modifications. The exhibition bill proposed to prohibit anyone from making a modification application after the work had commenced. While many councils supported the policy intent of this proposal, there was stronger feedback that they preferred the way the system works now. This is because councils can scrutinise the works, apply appropriate conditions and consult the community. The Government will, however, deal with this ongoing practice through amendments to the environmental planning and assessment [EPA] regulations that will allow a higher fee to be charged for assessing a modification application if it is submitted after the works have commenced. The deterrence fee will be set through the regulations as part of the recently announced review.

In relation to the Planning Assessment Commission [PAC], I reiterate that one of main roles of the PAC as an expert body is to consider technical issues in detail. The commission often meets and interrogates people who have given expert "evidence" to assist with the assessment of, for example, staff of my department and other agencies or technical experts. This is best done in small forums, with all participants understanding the background and process—a bit like a conference of experts. Detailed cross-examination of experts in public would add substantial time and costs and turn the PAC into a quasi court.

I will shed some light on the process. The PAC is the senior expert body. After a public meeting, the PAC retires to consider its decision, like a court. It delivers a report with detailed reasons like a court and unlike the panels. There is no point in having a second public meeting simply to announce the decision. With minor modifications that involve a political donation, the PAC may only get a briefing from DPE. The process is transparent: Meeting notes and a decision report are published. This reflects the PAC's expert role and means that if there is little public interest then public meetings are not required. However, in all circumstances full records are published.

I wish to clarify for members that the proposal in relation to development control plans [DCPs] does not involve one DCP ruling them all but a standard format for DCPs. This approach will allow for appropriate regional and inner city variations within a new, user-friendly structure. The Government believes that local character is critical for communities. The introduction of a standard format DCP will do nothing to diminish the ability of councils to reflect local character and their communities' preferences in their DCP.

As members will appreciate from this debate, strategic planning is a key aspect of the changes proposed in this bill. Some, however, appear to be struggling to understand the clear hierarchy of strategic plans that this Government has put in place. From regional to district to local, we will now have a clear line of sight from the State level to the local level. This clear hierarchy and the need for each plan to give effect to the higher strategic plan at a local level means there are not competing plans and there is no cause for confusion. Rather, there is a clear hierarchy and the local strategic planning statement is the final piece that captures how a district plan lands in a place. These will then cascade into councils' local environmental plans and development control plans.

I also affirm that this Government is absolutely committed to the repeal of the transitional arrangements for part 3A. The Government has been clearly flagging this fact for nearly 18 months. This will be implemented as part of the package to commence the bill in the first quarter of next year. More than six years after this Government sensibly repealed Labor's toxic legacy, it is time to bring an end to its transitional arrangements. Today I give the good news that should this bill be passed and assented to, part 3A is dead—it is done and dusted. Part 3A will be buried at a crossroads for eternity.

In relation to independent hearing and assessment panels [IHAPs], I note only two months ago we had the support of most of this Chamber for the mandatory IHAPs legislation. This groundbreaking reform was in recognition of the potential risk of corruption in the exercise of planning functions by local councils. Who can forget Wollongong and the "table of knowledge" or, more recently, the corruption issues that have been raised in relation to the former Auburn and Canterbury councils? It beggars belief that there were amendments put forward in the other place proposing to allow councillors to be panel members. Such a change would undermine the basic objective of having DAs determined by independent experts. These changes, supported by The Greens, simply cannot and must not be supported. The Greens might accept it, but we will not have the spivs and the lurk

merchants running the temple again. We will not let them rejoice today in such ill-considered and ill-informed changes that will hold back this great State.

In relation to IHAPs, I can assure stakeholders that the department will be closely monitoring the implementation of these reforms. We have had informal advice from councils that IHAPs can save them money by reducing legal challenges to planning decisions. We will monitor the costs and savings to councils and, if necessary, allow adjustment to development application fees to ensure the cost of IHAPs is not borne by ratepayers generally. We can do this through changes to the regulation.

Finally, I will touch on the bill's commencement. Given the scope of the changes in this bill, the Government will be taking a staged approach. This will allow a smooth transition to the new measures and provide time for councils and planning bodies to understand and to prepare for the new requirements. Most of the changes will commence in the first quarter of next year. This will give councils, public authorities and practitioners the time to update their documents and forms to reflect the new, modernised structure of the Act. Other changes will take longer to switch on, so new features of the planning system like community participation plans and local strategic planning statements will be introduced over time. This will ensure that councils and communities have a proper opportunity to prepare for changes, supported by guidance material and advice from my department.

These changes will see the biggest overhaul of New South Wales planning legislation since its inception nearly 40 years ago. By focusing on community participation, strategic planning, clarity in decision-making and simpler and faster processes, the bill will help strengthen community confidence in the planning system. Greater confidence and participation is essential in accommodating an extra 2.2 million people in New South Wales over the next 20 years, while at the same time maintaining the liveability and the richness of our natural and built environments. For these reasons, and many more, I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr ANTHONY ROBERTS: I move:

That this bill be now read a third time.

Motion agreed to.

EDUCATION AMENDMENT (SCHOOL SAFETY) BILL 2017

First Reading

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

TEMPORARY SPEAKER (Mr Greg Aplin): I order that the second reading of the bill stand as an order of the day for a later hour.

ELECTRICITY SUPPLY AMENDMENT (EMERGENCY MANAGEMENT) BILL 2017

Second Reading Speech

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (12:21): I move:

That this bill be now read a second time.

As this bill was introduced in the other place on 18 October of this year, and is in the same form, the second reading speech appears at pages 66 to 68 of the proof *Hansard* for that day. I commend the bill to the House.

Second Reading Debate

Mr KEVIN CONOLLY (Riverstone) (12:22): I support the Electricity Supply Amendment (Emergency Management) Bill 2017. This bill is a fairly simple, succinct piece of legislation. It introduces a couple of improvements that are necessary to ensure an adequate response to emergency situations which may arise in the power supply. While the most recent experience of stress on the power supply occurred in February this year—there was real concern about the capacity of the New South Wales network to manage during an extreme weather event—the emergency provisions were not invoked. That event was managed within normal protocols and did not escalate to an emergency level. Nonetheless, the review of the New South Wales Energy Security Taskforce has recommended that some improvements be made to the emergency response required if there were an emergency situation in the power supply. That is the context for the Electricity Supply Amendment (Emergency Management) Bill 2017.

The bill is primarily about streamlining and enhancing our existing regulatory tools to manage any emergency, should it occur, so that the Premier rather than the Governor can make that order. This will ensure that the response is quicker and more direct, given the capacity of the Premier to be on the spot to make that call. In practice, the Premier would be advised by the New South Wales Minister for Energy and Utilities, who is at all times in communication with the Australian Energy Market Operator [AEMO]. AEMO has a number of monitoring mechanisms to track the security of the electricity system and to establish communications channels to prevent, to prepare for and to manage electricity supply disruptions. These mechanisms and communications channels will operate as the key mechanisms for providing advice if there is a need to declare an emergency.

The next change made by the bill is that the Minister for Energy and Utilities can issue electricity supply emergency directions once a Premier's order has been made. These can include requiring large users to reduce demand. Another element of the bill is to introduce the power to require information from electricity agencies and bodies to plan and to prepare for, as well as respond to, electricity supply emergencies. Information can be protected if it is commercial-in-confidence. Information of this kind may be needed to understand how to protect key infrastructure such as telecommunications facilities. It is the capacity to collect this information in advance which is important to ensure that any emergency response can be timely and that there is no delay in knowing what is possible. This bill would provide the Minister with the capacity to require that information.

There would also be enforcement provisions which are targeted at the implementation of ministerial directions. They focus on ensuring implementation by large users, should that ever be necessary. It also deals with the principle that generally applies in emergency situations—that compensation is not payable by the State when an electricity supply emergency requires actions that may cause economic losses to businesses. In the same way, if the State Emergency Service [SES] ordered an evacuation of a town, or the Rural Fire Service [RFS] ordered an evacuation of a business because of fire, the SES or the RFS would not be responsible for the loss of businesses. It is the flood or the fire that is causing that loss, not the emergency response organisation.

This bill is a small but critical piece of the work this Government is doing to address the challenges facing the National Electricity Market this summer and henceforth due to power station closures in Victoria and South Australia. This State is part of the National Energy Market, and there have been significant changes interstate which have resulted in a reduction in the reliability and strength of electricity networks in other States. Those reductions in reliability and strength are of concern to the national grid. The bill is primarily about streamlining and enhancing our existing regulatory tools to manage any emergency, should it occur. The key feature of this bill is to have a simpler and faster process to respond to an electricity emergency in New South Wales and to allow the energy Minister to obtain information required to plan for and to manage emergencies. It is not the main game in terms of summer readiness, but it is an important piece of the framework.

Pleasingly, the Australian Energy Market Operator has found that New South Wales is in a good position. It has reported that the short-term outlook for New South Wales was sound, though not without risk. The Government is working assiduously to address those risks. Longer term, a lot of new electricity-generating capacity is proposed and underway. I believe that an essential requirement of the national picture is new electricity generation capacity. I believe that coal will continue to play a part in that mix, as will other forms of electricity generation.

The Australian Energy Market Operator's five-point plan for this summer will maximise supply from existing power stations; mitigate risks to generation fuel supply; maximise electricity transmission system capacity and reliability; contract directly with demand response providers such as small-scale diesel and gas-fired generators; and conduct emergency event planning and exercises. Complementing this work, New South Wales is jointly funding, with the Australian Renewable Energy Agency [ARENA], a demand response program which will be specific to New South Wales. This is additional to the demand response program being implemented in Victoria and South Australia by ARENA and AEMO. The New South Wales program will provide more than \$14 million exclusively for projects in New South Wales.

As is evident from that range of work, this bill really is a small component of a much larger process. Being able to effectively manage any emergency is an important backup to all our other work plus the broader electricity market framework. AEMO is the primary point for issuing directions to the electricity sector including directions to generators to switch on. AEMO can issue directions in a streamlined and coordinated way across the National Electricity Market. This bill allows for the New South Wales Government to respond quickly and effectively to any requests from the Australian Energy Market Operator for assistance in managing an emergency. We cannot afford not to have all tools updated and ready to go. In this context, this bill is a critical component of our summer readiness work and will ensure that, should we need our existing processes, they will work quickly and efficiently. I therefore commend the bill to the House.

Mr RYAN PARK (Keira) (12:29): I lead for the Opposition and represent my colleague in the other place the Hon. Adam Searle, who leads for the Opposition as the shadow Minister for Industry, Resources and

Energy. The Opposition does not oppose this legislation. As other speakers have said, this legislation streamlines emergency management powers in the event of an electricity supply emergency, something that will become an increasing part of the challenge in distributing energy, particularly in the warmer months. In part this accounts for the privatisation of the electricity distribution system embarked upon by the Government and the Parliament, but it is also a response to advice from the Chief Scientist and Engineer and the Government's Energy Security Taskforce. In particular, the bill amends part 6 of the Energy and Utilities Administration Act 1987 to remove electricity from the emergency management framework without disturbing its operation in relation to gas or fuel emergencies. Rather, the bill creates a new emergency framework specifically for electricity to be located in the electricity supply legislation.

Under the scheme provided for by the bill, the Premier will be able to declare an electricity supply emergency by an order in writing if satisfied that the supply of electricity to all or any part of the State is significantly disrupted or that there is a real risk that electricity supply may be significantly disrupted. At present the challenge is that this power lies only with the Governor, pursuant to section 24 of the Energy and Utilities Administration Act. Of course, the Governor exercises the power only upon the advice of the elected government of the day. This bill replaces the current process of the Governor making emergency regulations with ministerial electricity supply emergency directions. At the moment, under section 25 of the Energy and Utilities Administration Act the Government has powers to make regulations controlling, directing, restricting or prohibiting the sale, supply, use or consumption of forms of energy, subject to the proclamation. That duplicates the powers in section 27, which provides for ministerial directions presently in existence.

This bill combines these two streams of authority. Interestingly, while the Governor's regulations were disallowable instruments able to be superintended by the Parliament or by each House, the ministerial electricity supply emergency directions in both the existing legislations and in the bill before the House will not be subject to any disallowance or parliamentary oversight. That may be a matter that requires further thought in due course if necessary. While any declaration is enforced, the Minister will be able to give directions reasonably necessary to respond to the emergency, including by restricting electricity use and shutting down plants and equipment. The Minister's powers are expressed in the bill in more streamlined, clearly directed and limited terms than in the current legislation. Encapsulated in the current bill are examples of the circumstances in which the Minister would make such directions.

A new provision in the legislation allows the Minister to require that information be provided in connection with an electricity emergency, whether or not there is a declared emergency, including for the purposes of determining whether the supply of electricity has been or is likely to be disrupted and for preparing and planning responses to any future electricity supply emergency. We will continue to support legislation and look to improve legislation that provides certainty for electricity and energy supply. We know, as members of this place and as members of the Labor Party, that electricity and electricity prices are key issues in electorates across New South Wales. It is something that I certainly spend a lot of time discussing with constituents in my own electorate. The energy crisis that we are facing is one that all of us have a responsibility to work to solve. The Opposition will not be opposing this legislation. I acknowledge the continued, detailed and thorough work that my colleague the Hon. Adam Searle has done in relation to this bill and many other bills that he has worked on over the last few years, particularly in relation to energy and energy reform.

Mr KEVIN ANDERSON (Tamworth) (12:34): I support the Electricity Supply Amendment (Emergency Management) Bill 2017. An overview of the bill was detailed earlier by members from both sides of the Chamber. This is a sensible bill, particularly in relation to emergency supply management. We have heard how in the past the authority of the Governor had to be sought in making emergency arrangements. In today's environment we need to streamline that process. Bringing those powers back to the Minister administering the principal Act and allowing the Premier to make a declaration of an electricity supply emergency shows common sense and is appreciated on both sides of the Parliament. The Minister will also be able to require information to be provided in connection with an electricity supply emergency, whether or not a declared emergency, including for the purposes of determining whether the supply of electricity has been or is likely to be disrupted and for preparing and planning responses to any future electricity supply emergency.

Authorised officers appointed by the Minister will have power to enter premises and to carry out investigations to determine whether a direction by the Minister has been complied with. The Premier will be able to declare an electricity supply emergency if satisfied that the supply of electricity to all or any part of the State is significantly disrupted or that there is a real risk that electricity supply may be significantly disrupted. We know that the cost of electricity continues to be a concern for many in the great State of New South Wales. It is a case of supply and demand. Since 2011, significant amounts of electricity supply have been removed from the grid, which has depleted the amount of electricity people have been able to access. That, in turn, has forced the price up. As a community we are using more electricity—the demand is going up—and we have less supply to draw

from as some power stations, such as Liddell, close down. Liddell is scheduled for closure because it is way too old and outdated to consider bringing it back online to full capacity. It would cost far too much money to do that.

We need to look at how we provide electricity. We need to get the balance right between coal-fired power and other sources. Coal-fired power continues to be the baseload heavy lifter for New South Wales. We also need to continue to look at other ways to generate electricity, including from the renewable sector, whether it be through wind, solar or Snowy Hydro. They continue to play a significant part. Solar and gas are also part of that energy mix. We need to continue to explore options that increase supply so that we can meet demand. In February demand peaked at about 6.30 p.m. and some areas were in real danger of being forced to shut down and to restrict use. Some businesses in New South Wales complied with the request to shut down parts of their business for a time to reduce the demand at that peak. What homes and businesses in cities across regional areas in New South Wales did not know was that some businesses, who pay a cheaper rate for electricity but who are heavy consumers, reduced their demand for electricity during that peak period, which freed up more electricity to be used in homes across the State and enabled normal household appliances such as air-conditioning units to continue to be used. The Government thanks those businesses for their cooperation in reducing their use of electricity.

However, the Government must seriously consider the issues of electricity supply and demand for the future. While coal continues to be the heavy lifter in energy production, wind farms contribute to the grid. For example, there are wind farms that continue to be developed at White Rock in my electorate and there are massive solar projects at Broken Hill and Moree. We are witnessing advances in technology that can be used to address the problem of storing solar energy when sunlight disappears and solar power is relied on during winter and at night. Wind-generated power is another viable option in appropriate areas, and storing technology will be of great advantage to that industry as well. Coal-fired power generation continues to contribute to the grid in concert with the renewable energy sector.

Governments across Australia should seriously consider supporting the additional investment required for renewable energy to get the sector moving. There is a saying in relation to the provision of start-up capital for the renewable energy sector that everyone wants to be the first to be second. In other words, no-one wants to make the initial investment in a renewable energy project on the off chance that the project is not viable or sustainable. Therefore, it is the responsibility of government, once having established a policy of adopting renewable energy sources, to provide seed funding and then to cede to the private sector to operate the business thereafter. That is how governments should operate. The New South Wales Government is doing whatever it can in the renewable energy sector. We see evidence of that across this great State of ours. In my electorate of Tamworth, we are embracing the renewable energy sector and harnessing some of the gas emitted from a waste recycling facility. Work is being done to prove that resource.

To serve as an example of a renewable and sustainable power supply, the project should move to the stage of supplying power to a bolted-on significant user, such as a local hospital. Currently the Tamworth Regional Council is proving that resource. In other words, the council is endeavouring to ascertain how much of the resource is available, its probably longevity, how much energy is available for supply and how much is required to provide power to approximately 100 nearby houses. Investment in and development of projects is very expensive, especially when the cost of constructing powerlines to the end user is considered. In the Tamworth electorate example, the question is whether powerlines should be built from the waste facility to the hospital, which is a couple of kilometres away. If the answer is yes, the project then becomes, firstly, the production of gas; secondly, the production of electricity from gas-powered turbines; thirdly, the supply of electricity to the end user, such as a hospital; and, fourthly, the end user pays for the renewable resource. Obviously, in the case of supplying renewable energy to an essential facility such as a hospital, backup generators and continual connection to the grid will be required.

In the Tamworth electorate, we are examining every opportunity to reduce the cost of electricity bills by increasing supply. For many years the State allowed coal-fired power stations to run down to the extent that it was not worth fixing them anymore. The metaphor that comes to my mind is an old broken down car that costs more to maintain than it is worth and is not worth fixing anymore. The States must find alternatives to relying solely on coal-fired power generation and develop some options. The best option is to strike a balance between coal-fired power supply and renewable energy supply. I am very focused on the development of economical power supply options. I would like my electorate of Tamworth to become a leader in the use of renewable energy sources. I will keep Parliament updated on the performance of the waste recycling and gas producing facility that is being developed in my electorate. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Geoff Provest): I welcome to the gallery guests of the Hon. Taylor Martin of the Legislative Council. I understand that those present in the gallery are attending Parliament House today to support Taylor but, more importantly, have taken the opportunity to see what happens in the lower House.

This is the engine room of the State. No matter what the Hon. Taylor Martin may say, this House is where it all happens.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (12:45): In reply: I thank all members who contributed to debate on the Electricity Supply Amendment (Emergency Management) Bill 2017. In particular I thank the member for Riverstone, the member for Keira and the member for Tamworth. The bill relates to the improvement of the manner in which electricity supply emergencies are managed in New South Wales. The amendments relate to updating and improving the existing frameworks for managing New South Wales electricity supply and emergencies that may or may not occur. Importantly, the bill recognises the primary role of the Australian Energy Market Operator in managing electricity supply emergencies. The proposed amendments along with other work that is progressing will underpin a stronger electricity supply to address emergencies in New South Wales for this summer.

This bill is another example of this Government making changes to improve energy security in New South Wales. I take this opportunity to commend the great work done by the Minister for Resources, and Minister for Energy and Utilities, and his team. By introducing this legislation, we will investigate how electricity supply emergencies are triggered so that the State can respond, when that is needed. Indeed, this work is overdue and leaves much work for the Commonwealth Government to do. This legislation also enables the State Minister to obtain critical information to prepare for and plan to meet emergency situations. The bill includes a proportionate penalty regime to support compliance, if necessary, as part of an electricity supply regimen. For the reasons I have stated and many more, I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr ANTHONY ROBERTS: I move:

That this bill be now read a third time.

Motion agreed to.

EDUCATION AMENDMENT (SCHOOL SAFETY) BILL 2017

Second Reading Speech

Mr ROB STOKES (Pittwater—Minister for Education) (12:47): I move:

That this bill be now read a second time.

Among the most important roles of government in a civilised society, and among the most important obligations that this Parliament imposes on the parents of New South Wales, is the duty to see that all our children receive an education. We impose that duty by requiring all children of school age to attend school or be homeschooled or receive distance education. Indeed, the recent sustainable development goals recognise the importance of providing an inclusive and equitable quality education to all. It is well known that, in requiring children to attend school, school authorities have a duty of reasonable care for all their students. Particularly for young children, or students with disability, the duty is a profound one. Arising from a number of recent episodes, the education department has received advice that it needs additional powers to ensure that government schools have the power to deal with students who pose a risk of seriously violent conduct when the grounds for reasonable concern about such a risk arise in circumstances that do not relate to the school.

I will give two quick examples of the kinds of rare but serious cases that would require the use of this power: first, a student has a serious psychiatric disorder in which the student is obsessed with the rape and murder of younger students at school and has a pattern of seriously socially unacceptable behaviour which has not yet included violence at school, but which has included acts of serious violence against persons or animals away from school; second, a student goes to the international airport with detailed and real instructions on how to join Islamic State in Syria, with a one-way air ticket to the Middle East, and in possession of a communication device that has accessed information about Islamic State. The student is stopped at the airport and the next day seeks to return to school.

These examples, although thankfully rare, are not far-fetched and fanciful. They are based on real situations which a school system catering for nearly 800,000 students is very occasionally called upon to confront. This bill will enable the Minister for Education to direct a student not to attend school for a specified period if the Minister believes on reasonable grounds that there is a significant risk that the student will engage in serious violent conduct, or the student supports terrorism or violent extremism, and issuing a non-attendance direction is

necessary to protect the health and safety of school students and staff. The bill also will require the Minister to assess whether the attendance of the student at school constitutes a health and safety risk and, if appropriate, develop risk-management strategies to enable the student to attend school.

Lastly, the bill extends school disciplinary powers to student conduct that significantly affects, or is likely to significantly affect, the health or safety of students or staff, regardless of whether that conduct occurs on or outside school premises or within or outside school hours. The bill's amendments are designed to ensure that risks to the health or safety of anyone attending a school in New South Wales, including students and staff, can be appropriately managed. New South Wales schools are among the safest places in the community. Schools work in partnership with parents, carers and other agencies, organisations, individuals and the wider community to provide an environment that encourages students to succeed and to thrive. All students and staff in schools have the right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination.

There will be cases of unacceptable behaviour where it will be in the best interests of the school community and the student involved for the student to be removed from the school for a period of time or completely. In accordance with the powers already provided in section 35 of the Education Act 1990, suspension and expulsion are the options available to a principal in these fortunately rare situations. Part 5A of the Education Act also provides some power to assess the risk to health and safety in a school, but only in relation to enrolment decisions. However, this bill seeks to deal with the risk posed by the potential for a student to engage in seriously violent conduct before that risk eventuates.

The bill will provide the Minister for Education with the power to issue a non-attendance direction which would require a student to be temporarily kept away from school until strategies are identified to manage the foreseeable risks posed by the student's potential for seriously violent conduct. The non-attendance direction is not designed or intended to be a disciplinary power. It will not be used to punish students or to achieve a correction in their behaviour. The non-attendance direction will be used as a risk assessment and management tool to enable schools to continue to provide a healthy and safe environment for all students, staff and visitors, whilst working with teachers, other government agencies, parents and community organisations to develop a plan for the education of a student who poses a risk of seriously violent conduct.

An express, unambiguous and transparent power to proactively protect a school community from the risk posed is required. The power sought is analogous to the power under the Public Health Act to prevent unvaccinated students from attending school during the outbreak of a serious vaccine-preventable disease—its purpose is to prevent further harm until effective countermeasures can be implemented. A parent may volunteer or agree to keep a student away from school for a defined period while a risk assessment is undertaken. In that circumstance, a delegate of the Minister can exempt the student from attending school in accordance with the power already in section 25 of the Education Act. This would make it unnecessary to issue a non-attendance direction.

The bill also facilitates the gathering of information about students by the Minister in relation to non-attendance directions by extending existing provisions that relate to enrolment directions. This amendment will ensure that the relevant information from various bodies such as the Department of Family and Community Services and the NSW Police Force can be considered as part of the risk assessment process. Importantly, the bill also provides protections for the non-disclosure of information obtained in certain circumstances, including where disclosure of information could endanger a person's life. The bill also creates a power for the education Minister to issue guidelines governing the use of the non-attendance directions, and my department will consult with a range of government agencies on the development of those guidelines, including the Department of Family and Community Services and the Advocate for Children and Young People, NSW Health and the Child and Adolescent Mental Health Service, the NSW Police Force and the departments of Justice and Premier and Cabinet before those guidelines will commence.

Consultation on the guidelines will also occur with non-government schools, and with educational stakeholders such as the principals councils, the Federation of Parents and Citizens Associations, the Teachers Federation and disability advocacy groups. The bill provides the student with a right of internal review of a decision to issue a non-attendance direction of greater than five school days duration. A student who is given a non-attendance direction also will have a right of external merits review by the NSW Civil and Administrative Tribunal [NCAT] if he or she was directed against attending school for more than 20 school days in a year. If necessary, the application to NCAT can be made on the student's behalf by a parent or carer.

The bill will also amend section 35 of the Education Act to enable disciplinary sanctions to be imposed on students for significant non-school-related conduct that has a significant impact on the school community. New South Wales government schools need a clear and unambiguous power in the Education Act to deal with misconduct where it affects their school, whether or not the behaviour occurs inside the school gate. Members will recall the reports in the media last year involving a website where people were encouraged to post explicit

photographs of female school students for the purposes of the images being shared and rated by those visiting the site. Some of the people posting the photos were students at the same schools as the victims of this abuse. This incident caused a great deal of distress and harm to female school students at a number of schools.

This amendment will ensure that in that example, a government school would be able to use its disciplinary powers to discipline the student and stop the misconduct, even though the behaviour may have occurred outside school hours and away from the school site. These are important amendments that are necessary to protect students and staff from the risk of seriously violent conduct affecting the health and safety of a school. Minor amendments to this bill have been made in the other place. Whilst these changes are minor, they are important and it is important that I reflect briefly on them. Part 5A of the Education Act gives the secretary the power to direct that a student not be enrolled at any government school, other than one of the kind specified in the direction. This is different from the expulsion power, as it allows the secretary to conduct a risk assessment before the student is enrolled. That risk assessment may find that a student is too violent to be enrolled in any government school, or must be enrolled in a particular kind of school. The amendment requires that such a school specified must be within a reasonable distance from the student's home.

The second amendment requires that there "must" be a customised support plan in every case, no matter how short the non-attendance is. The third amendment requires a report on the department's website of the number of non-attendance directions issued each year with no other details required—that is, no student's personal information, school detail or even location information will be provided in that report. The reason for the restrictions on disclosing information are very important. Sometimes the information that police or another law enforcement agency provides to the Department of Education may have been obtained from a confidential informant or covert surveillance. Disclosing this information could result in a police investigation being compromised or the life of an informant being put at risk. Schools also often obtain information about the potential risk posed by a student's behaviour from other sources including other students.

For these reasons the bill provides that the Minister, the secretary or a school is not required to disclose information obtained in relation to a non-attendance direction if there are reasonable grounds to believe that to do so would endanger a person's life or physical safety, or enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained, or prejudice the investigation of a contravention, or possible contravention, of a law in any particular case, or not be in the public interest. Similarly, in section 245D (4) of the Children and Young Persons (Care and Protection) Act 1998, it is important to ensure that information that can be used to protect our children and young people is provided freely to relevant authorities in a safe environment for the discloser of the information. For the reasons I have enunciated, I commend the bill to the House.

Second Reading Debate

Mr JIHAD DIB (Lakemba) (12:59): On behalf of the Opposition I contribute to debate on the Education Amendment (School Safety) Bill 2017. I am sure that many members will contribute to this debate and that many people will listen to it. A number of changes will be made to the Education Amendment Act but it is important to start with something the Minister said. Education is important. We have an inclusive and egalitarian education system and it is our responsibility to preserve it. Many members would be aware that I had the great privilege of being a school principal—as did my colleague the member for Wyong before we took the plunge and became members of Parliament. How will this legislation be implemented in our education system? We must ensure it is properly implemented and that appropriate guidelines are developed.

I heard about this legislation on the news. At the time it appeared as though it would be implemented quite liberally. After reading through the bill, receiving a briefing and having a discussion with a number of stakeholders, including the Minister and representatives from his office, principal groups, parent groups, the Law Society and the teachers union, a number of issues were raised. Thankfully, as a result a number of protections were put in place. Amendments to the Act will enable the Minister to issue students with non-attendance orders if the Minister believes that such action is necessary to protect the health and safety of students at any school; that there is a significant risk that a student will engage in serious violent conduct, regardless of whether or not that student might be held criminally responsible for such conduct, including things such as loss of life, serious physical psychological injury, serious damage to property, serious offences of a sexual nature and animal cruelty; and if a student supports terrorism or violent extremism.

This bill extends the Minister's powers on school grounds or outside school grounds and during school hours or after school hours. From experience we know that the things that happen outside school gates affect what happens in schools. There was a reference earlier to social media which creates problems in schools as students share images and then receive threats. I had to deal with many of these issues when students returned to school after a weekend. In some instances it was difficult as there was not much I could do but on occasions I could invoke suspension and expulsion procedures. Reference was made earlier to suspension and expulsion procedures

and why they could not be expanded but I am satisfied with the reasons I was given. I am satisfied that sometimes these decisions have to be made. One would hope that the powers in this bill are used only on rare occasions; that is, in the most serious cases.

One of my colleagues asked why juveniles could not be placed in detention facilities. If students have committed a crime, have been charged but have not yet been convicted, they would be given bail. It would be difficult if those students were sent back to school, particularly if some of the victims were at that school. The Minister can issue, revoke or vary non-attendance orders—an important provision. Some things will be made clearer in the guidelines. There is no minimum or maximum number of days for which a student can be excluded. I do not know whether that provision will be continued or extended. I hope that the Minister responds to that issue in his speech in reply, but I imagine it will form part of the guidelines. I have been reassured that the guidelines will be developed after consultation. The secretary can seek an attendance order for a student at a non-government school because of his or her behaviour. I will refer later to an amendment to that provision.

Some concerns have been raised about procedural fairness. The Law Society of New South Wales wrote to the Minister, to me and to a number of members of Parliament expressing its concern. These amendments will go some way towards alleviating those concerns, which were dealt with also by the Legislation Review Committee. I ask the Minister to consider some of those concerns when developing guidelines. We are concerned about the application to vary or revoke a non-attendance direction given to a student for a period of five days or less. Such an application might not qualify for a review and a non-attendance direction can be issued without consultation. I recognise that in some instances decisions have to be made immediately. I trust that the Minister will explain why some students will be supported to ensure that they do not fall through the cracks.

I will not go through all the details as I am conscious that others members want to contribute to debate on the bill but I will mention a couple of issues to which the Minister for Education referred. When introducing the legislation in the upper House the Hon. Sarah Mitchell gave a number of examples to which Minister Stokes referred—the obsessive student and a student who bought a one-way ticket to the Middle East. This is something for which we do not plan but we have to be able to deal with these students. It would be difficult for them to return to school. We heard stories about sexual assault cases in and around schools and about things that have happened at the weekends to students attending the same school. There are also examples of sexting and of the distribution of images. We can tell students not to send images of themselves to anyone until we are blue in the face, but that is what happens. Many members in this place and in the other place are worried about that but I have had to deal with those difficult issues in the past. It is awful for victims whose images are distributed without their knowledge.

The Opposition does not oppose the bill but will move some amendments which the Government has said it will support. I thank the Minister for agreeing to those amendments and for listening to the reasons behind them. It is our job to try to improve legislation. If we are to support this legislation we should look at ways of improving it. We do not have to agree to legislation just because of a particular ideological belief; we need to determine what improvements can be made. The Opposition's proposed amendments relate to the non-attendance direction and to ensuring that every student who receives a non-attendance direction is given appropriate support. It could be something as simple as ensuring that somebody from a government agency or a non-government agency contacts the student to ensure that an educational, social or support plan is in place. The biggest mistake we can make is to remove students because we do not condone their behaviour but then leave them to their own devices. If we do something like that we run the risk of their behaviour worsening. Supporting those students is a sensible approach. It will ensure that if non-attendance directions are given students will receive the best possible support.

When students are given non-attendance directions I have every faith it will be done in the best way possible. We must ensure that students are placed appropriately, taking into consideration the distance from their homes, their age and whether or not it is the most practical place. The Minister said earlier that we must ensure transparency. We must be kept informed of how many students receive non-attendance directions. The specifics can be left to government agencies or to the department. An adequate reporting mechanism must be in place and agencies must take responsibility for reporting. I thank the Minister, the Government and members of the crossbench for agreeing to the Opposition's amendments.

In my discussions with various stakeholders I was informed that they want to be heavily involved in the consultation process and, in particular, in the development of guidelines. This legislation is good but the development of guidelines is important. We must speak to people in a number of different areas—whether they are government or non-government officials, teachers, parents or those who are aware of every angle—as that will ensure that our guidelines are better. I am confident that the Minister will ensure that is done. Through collaboration we can achieve better results and everyone will be able to suggest something specific. The Opposition's proposed amendments will make the legislation fair, practical and appropriate. We must ensure that

schools are safe places and we must also ensure that the powers in this bill are not abused, for example, in those cases where suspension and expulsion procedures would be more appropriate.

We must ensure that there are adequate resources to implement this legislation and we must deal proactively with students to ensure that they do not reach crisis point. We must be proactive whenever we can and engage with students before they are at risk. The School Communities Working Together program plays an important role. A number of things can occur. I am sure every member in this place is aware that education is the most important thing in this State. Students across the State have an opportunity to do anything if they receive a good education. We have a great egalitarian system in New South Wales. Students and staff must feel safe and everybody must be given an opportunity to be the best that they can be. We must take seriously the education of children in this State. This bill will ensure that students and staff are safe and that all the issues to which we have referred are dealt with. I am sure that the provisions in this legislation will not be used in areas where they should not be. I implore the Government to look at ways to proactively support students before they fall through the cracks. When we issue directions such as non-attendance directions, we must ensure that students are not left to their own devices. I commend the bill to the House.

Ms TAMARA SMITH (Ballina) (13:13): On behalf of The Greens I contribute to debate on the Education Amendment (School Safety) Bill 2017. I listened to the second reading speech in the other place and to the contributions of the Minister and the Labor shadow spokesperson. The Greens care about safety in schools. As was highlighted, the safety of students and teachers in our public schools is important. The Greens do not support this bill because there is no gap in what principals can already do under the Education Act and the suspension expulsion guidelines. In 2001 there was a terrible incident in Dover Heights. In 2006 I was undertaking my practical legal training with the department in its legal branch and I helped to draft those guidelines. There was a significant gap in the power that principals had to investigate violent behaviour.

Debate interrupted.

Community Recognition Statements

TRIBUTE TO GRAHAM BOOTH

Mr GREG APLIN (Albury) (13:15): Graham Booth of Henty lost his battle with cancer on 8 November. The owner of a successful menswear business, Graham helped initiate the first Henty Community Bank in 1998—a branch of the Bendigo Bank and the first in New South Wales. Graham served on the board of directors for 19 years, continuing on the board after being diagnosed with cancer two years ago. The Henty branch has been so successful that it has given more than \$3 million back to the Henty community. Graham met his wife, Yvonne, at teachers' college. They married in 1967 and have three children. Together they became one of the mainstay couples in the Henty region. Graham was highly regarded as an adviser, mentor and friend by many and I was fortunate to know him in those capacities. One of his other great achievements was securing upgrades for the town's medical centre. A passionate advocate for Henty and regional communities, Graham will be sorely missed but he has left a great legacy. Vale Graham Booth.

DAINADUBI SCHOOL

Mr LUKE FOLEY (Auburn) (13:16): The mountainous jungles of Meghalaya in the north-east of India on the border of Bangladesh receive the highest rainfall anywhere on earth. In Sanskrit "Meghalaya" means the abode of the clouds. The remote village of Dainadubi, home to the Garo people, will have a school built thanks to the parishioners of St Peter Chanel and St Joseph parish in Western Sydney. This Catholic parish is an amalgamation of St Peter Chanel at Berala and St Joseph the Worker at Auburn South. The new school will be made of bricks to a standard that can resist the monsoons that wreak havoc in the wettest place anywhere in the world. I honour the good works of parish priest Father Thomas Kuranthanam, parish staff, the members of the parish council and parishioners. The efforts of the parish community in Berala and Auburn South will bring justice to the poor in perhaps the remotest Catholic community in the world.

LIFELINE COUNSELLOR GILLIAN DATE

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (13:17): This House acknowledges the outstanding achievements of Gillian Date, who is retiring after 21 years of service as a counsellor with Lifeline. Gillian initially became involved with Lifeline as a telephone counsellor before moving to service support and supervising other telephone counsellors—a role to which she dedicates one day a week. Gillian's distinguished level of professionalism and devotion to her tasks has been an inspiration to her peers and has also resulted in others becoming counsellors. Gillian has demonstrated the highest level of commitment and dedication as a volunteer to the Lifeline organisation and she has worked tirelessly in her endeavours to assist those in need. I congratulate Gillian on her outstanding achievements. We readily recognise her remarkable citizenship and service to the community.

YOUTH FRONTIERS PROGRAM

Ms SONIA HORNER (Wallsend) (13:18): I acknowledge Glendale High School student Jack Padgett for his positive involvement in the Youth Frontiers program, which aims to build leadership skills and self-confidence through a mentoring program. I was fortunate to join young Jack at Elernmore Vale Public School where he presented a Dealing with Bullying workshop to year 6 male students. I was very impressed by Jack's intelligence and maturity, and his presentation was a great success. I was further impressed by the sensitivity of the young men in the class. I thank also the classroom teacher Mr Kyle Brewis and relieving principal of Elernmore Vale Public School Cassie Bate-Barnier for hosting the presentation.

THE HILLS SCHOOL

Mr MARK TAYLOR (Seven Hills) (13:19): I acknowledge The Hills School's 40 years of educational service to communities in my electorate of Seven Hills. The Hills School is based in Northmead and is led by principal Peter Gurrier-Jones and deputy principal Neale Rudland. The school is a caring and supportive learning community that educates students with a diverse range of learning needs. It has modern assistance technologies and incredible facilities, such as a heated hydrotherapy pool. It also has engaging playgrounds for its students that provide calm, purposeful and positive learning environments. The school's motto is "We love learning". That love of learning inspires all 115 students thanks to their incredibly dedicated teachers and hardworking school learning support officers. I again acknowledge and congratulate The Hills School on its 40 years of educating students in the Seven Hills electorate.

MOUNT OUSLEY PUBLIC SCHOOL

Mr RYAN PARK (Keira) (13:19): It is my pleasure to draw the attention of the House to Neil Bramsen, the deputy principal of Mount Ousley Public School. Neil is a true asset to his school, to our electorate and, indeed, to public education as a whole. Neil was recently, and very fittingly, awarded the Prime Minister's Prize for Excellence in Science Teaching. Neil's passion for teaching and for enriching the lives of the pupils of this outstanding school is nothing short of exceptional. I have found that Neil shares many of my views. He sees education, and particularly science education, as a great enabler. He believes that science is crucial in hooking children into learning, to enjoying school, and to thinking critically and curiously about the world around them. Neil has a wonderful approach to education as a whole. I congratulate Neil on his outstanding achievement in winning this award. I also congratulate the Mount Ousley Public School on continuing to deliver outstanding public education.

MS SYDNEY TO THE GONG 2017

Mr MARK COURE (Oatley) (13:20): I acknowledge the MS Sydney to the Gong charity ride, which was held on 5 November 2017. For 36 years, tens of thousands of cyclists have hit the pavement in this legendary ride from Sydney to Wollongong to raise funds for people living with multiple sclerosis [MS]. I take this opportunity to thank the MS Events team and the St George Lions Club, which has contributed to making the event a huge success. I thank John and Lesley Craig, John and Tina Harrison, Eric and Carol Lee, and Teresa Whitters. The outstanding work they do as members of the St George Lions Club is commendable, and I ask the House to acknowledge their dedication. This year, the famous MS Sydney to the Gong ride raised almost \$2.6 million, which will be used to support people living with MS. MS is the most common neurological disease in young adults. Every working day, four people are diagnosed with MS, which represents 1,000 diagnoses each year. I acknowledge the efforts of all cyclists, volunteers and donors who made this event possible.

WOLLONGONG ROTARY CLUB NINETIETH ANNIVERSARY

Mr PAUL SCULLY (Wollongong) (13:21): On 28 October the Rotary Club of Wollongong celebrated its ninetieth anniversary. In truth, it was a celebration of the success and contribution of all the Rotary clubs in the Illawarra such is their collaborative nature. The Wollongong Rotary Club has packed a lot in to 90 years. Many Wollongong residents would not realise how their lives have been touched and supported by local Rotarians. Over those 90 years, the club members have developed and built the Mount Keira Summit Park and they continue to contribute to its maintenance. They have also supported the annual Santa Claus Pub Crawl and initiated the Emergency Services Community Awards. They have also developed the Bowel Scan project over 18 years in conjunction with the Commonwealth Government. For the past decade, the club has organised the annual Wings Over the Illawarra event, which is one of the most popular tourist events in the region. It has also restored Battery Park in Wollongong and raised hundreds of thousands of dollars and dedicated thousands of hours of volunteer service to the community. I wish the Rotary Club of Wollongong a happy ninetieth anniversary, and I thank all of the members who have been involved in the club.

NORTHERN BEACHES INTERCHANGE

Mr ROB STOKES (Pittwater—Minister for Education) (13:22): I acknowledge the Northern Beaches Interchange [NBI], which is a wonderful charity that provides support to children with additional needs and their families, and has been doing so proudly for the past 35 years. The charity has recently integrated with Ability Options to extend its capacity and to enhance its ability to serve even more families. I particularly acknowledge the wonderful work done by the NBI staff—Nikki, Ellekar, George, Sophie, Penny, Carolyn, Vanessa, David, Louise, and Trish. The NBI conducted its major annual fundraiser last Sunday, the Pittwater Paddle. It was a pleasure to paddle around Scotland Island. The local Federal member for Mackellar, Mr Jason Falinski, started the race and I thank him for his support. I also acknowledge the event sponsors: The Life Aquatic; Northern Beaches Credit Union; the Northern Beaches Council; and volunteer photographers Michael Mannington and Mike O'Flynn. It was a great event.

HANDS OFF GLEBE

Mr JAMIE PARKER (Balmain) (13:23): I draw the attention of the House to the fantastic work done by Hands Off Glebe, which is working for tenants' rights, more social housing, and an end to privatisation of public land and overdevelopment. Hands Off Glebe works particularly with social housing tenants, organising and mobilising some of the most vulnerable people in our community. The group grew out of protests against the former New South Wales Government's bulldozing of public housing in Cowper Street, Glebe, to be replaced by private apartments, with social housing allocated only one-quarter of the original site. Public housing in Glebe is definitely being challenged and Hands Off Glebe has been leading the successful fight to ensure that it is defended and extended. Hands Off Glebe aims to preserve the character and ambience of this historic part of the inner city. I acknowledge in particular the outstanding work of Dennis Doherty, Hannah Middleton, Peter Wright, Emily Bullock-Valentine, Julie Brakenreg, Sophie Scapolino, David Watson and Susan Watson. They are part of this key grassroots organisation that is leading the local community in speaking up for our community and ensuring that it is a place we can all enjoy and in which we can work.

TRIBUTE TO CYCLIST LAURELEA MOSS

Mr CHRISTOPHER GULAPTIS (Clarence) (13:24): I congratulate Laurelea Moss, who attended the 2017 UCI Masters Track Cycling World Championships that were held in Los Angeles in October. Laurelea took up cycling relatively late in life but clearly has a passion for the sport. Laurelea came home with six medals: gold in the women's 35-39 individual pursuit; gold in the women's 35-54 team sprint 2,000 metres; gold in the women's 35-39 scratch race; silver in the women's 35-54 team pursuit; silver in the women's 35-39 sprint; and silver in the women's 35-39 points race. Laurelea is a terrific competitor and this is a huge achievement. I wish Laurelea continued success in the future.

TRIBUTE TO DON MCHATTIE

Mr TIM CRAKANTHORP (Newcastle) (13:25): I pay tribute to the life of Don McHattie. Mr McHattie was a well-known and respected Novocastrian who made a number of significant contributions to the Newcastle community over a number of decades. Mr McHattie was born in Newcastle East and served for five years in the 15th Northern Rivers Lancers as a sergeant and was given the nation's highest award for bravery in peacetime, the George Medal. This honour was bestowed upon Mr McHattie for his outstanding leadership and courage in the Stockton Bight disaster of 1954. He risked his life countless times swimming through the raging surf to save his comrades. Mr McHattie continued his service to the Newcastle community by holding countless charity auctions and, more recently, carving a sculpture of a wedge-tailed eagle that is now part of the city's Anzac memorial. He was a great ambassador for our city and he will be missed.

THE HILLS CHRISTMAS CARD COMPETITION

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (13:26): It is with great joy that I enlighten the House about the multiplicity of young and incredibly talented students across The Hills community who have a diverse skillset of creative and artistic capabilities at their fingertips. This year marked my seventh annual Christmas Card Competition. The theme was "The Little Drummer Boy", and the quality of unique and imaginative designs was astounding. Had it not been for my dear wife, Nicole, applying her judging expertise while I attended to ministerial duties, I would have faced a strenuous task in selecting only one winner. While I thank all students who submitted designs, I commend 2017 winner, Miss Kiara Lee, of year 5-Green at St Angela's Primary School, and tied runners-up Miss Wania Abbas from St Gabriel's in Castle Hill, and Miss Lauren Jones from Excelsior Public School. They have all won a Toys "R" Us voucher.

BLUE MOUNTAINS LOVE

Ms TRISH DOYLE (Blue Mountains) (13:27): It is fortuitous that today I draw the attention of the House to *Blue Mountains Love*. Earlier this year independent Blue Mountains publisher Just Pressed celebrated relationship diversity with the launch of *Blue Mountains Love*, the region's only wedding magazine, which went on sale on 14 February—on Valentine's Day. The publication is a 124-page print magazine. The fabulous team comprises public relations specialist Michelle Grima, artist and graphic designer Kara Cooper, and journalists and social media experts Jacqueline Forster and Lisa Doust. *Blue Mountains Love*, which is published biannually, is a true celebration of love, diversity and all the clever creative people that make up our community. The inaugural cover featured local lesbian couple Kylie Watson and Tiphane Athans, who are actively involved in the local lesbian, gay, bisexual, transgender, intersex and questioning community. They have put their marriage plans on hold until legislation is passed giving them the same rights as heterosexual couples. Today we are a step closer to that marriage. Today Australia said "Yes!" Today love won.

TAFE APPRENTICE OF THE YEAR CODY HANNELLY

Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (13:28): I congratulate Cody Hannelly from Wellington. Cody, who is employed by Cavanagh Building Services in Dubbo, recently won the TAFE NSW Gili Award Apprentice of the Year. The Gili awards recognise the achievements of Aboriginal students, and Cody has been described as the perfect student. He is a great role model for Aboriginal youth across the electorate of Dubbo, and in particular for those in Wellington. On behalf of the electorate and the community of Wellington, I congratulate Cody Hannelly. We are very proud of him.

SOLDIERS POINT PUBLIC SCHOOL SEVENTIETH ANNIVERSARY

Ms KATE WASHINGTON (Port Stephens) (13:29): Recently I was delighted to celebrate an impressive local milestone—the Soldiers Point Public School seventieth anniversary. This important occasion was celebrated in style with an awesome school fete. For more than 70 years, Soldiers Point Public School has delivered quality learning, instilling in its students community spirit, respect for the environment and a lifelong love of learning. I pay special tribute to Principal Simon Parson and his dedicated staff, whose commitment to public education ensures that all students can achieve their potential. I thank everyone who made the school sparkle at the fete, particularly Kirsty Webb, Jane Lestone, Paula Adnam, Bronwyn Sherman, Simone Bradbury, Emma Champion, Cassandra Butterworth, Katie Allen, Anna Webster, Emma Bowen, Deanna and Tristan Cosgrove, Brenda Madden, Amy Blume, Janine Wright, Mel Lonie, Ella de la Motte, Carla Queenan, Lynda Simon, Sue Sala, Guy Holloway, Jen Baxter, and the resident koala. I congratulate the many students, parents, teachers and staff who have contributed to the school over the past 70 years.

CENTRAL COAST LADY SURF LIFESAVERS

Mr ADAM CROUCH (Terrigal) (13:30): In August this year I spoke in this Chamber about the pioneering women who, during World War II, served as lifesavers on the Central Coast. Throughout the war most male lifesavers were enlisted in the defence forces, leaving lady lifesavers to keep our beaches safe. In addition to the 20 ladies I have acknowledged previously, today I acknowledge Dora Hattley, Norma Lawrence, June Ranyard, Iris Wallwork, Jean Pateman, and the ladies' instructor Harry Vickery. It would be remiss of me not to pay tribute to Terrigal Surf Life Saving Club historian Cathy Cole for her phenomenal research efforts in tracking down the surviving ladies and their families. Surf Life Saving Australia has agreed to posthumously recognise their achievements by presenting them with their long-overdue bronze medallions, and next week the Governor-General will attend the presentation ceremony at the Terrigal Surf Life Saving Club. Unfortunately, I will be unable to attend due to Parliament sitting but I will award the families with my Terrigal Parliamentary Award to recognise their historic service. I congratulate the 26 lady lifesavers on their service to the Central Coast community.

BANKSTOWN CANTERBURY COMMUNITY TRANSPORT

Ms TANIA MIHAILUK (Bankstown) (13:31): On 30 October I had the pleasure of meeting with Bankstown Canterbury Community Transport Chairman Dennis Hayward, Executive Officer Rachel Thompson, Secretary Ron Norman and Kylie Wilkinson at their depot in Revesby. Bankstown Canterbury Community Transport is a not-for-profit organisation that is directed by a management committee of local volunteers and a team of 35 dedicated staff. Their goal is to provide high-quality, accessible, affordable and responsive community-orientated transport and social support services to frail, older and disadvantaged people. Currently it transports more than 3,000 regular clients, making around 65,000 trips a year. With more than 15,000 people over the age of 60 in the Bankstown electorate, Bankstown Canterbury Community Transport provides an invaluable service to the community, giving people back their independence by allowing them to travel to and from their homes as they need. I congratulate the executive committee and its volunteers.

MOSMAN FOOTBALL CLUB PINK DAY

Ms FELICITY WILSON (North Shore) (13:32): I congratulate the Mosman Football Club on its Pink Day, hosted last Sunday at Georges Heights Oval, which I was fortunate to attend. The day raised more than \$6,000 for the National Breast Cancer Foundation and brought together more than 100 women over the age of 30 from across the Manly Warringah Football Association and the Northern Suburbs Football Association. Kitted out in pink in support of those suffering from breast cancer, they played in 16 teams over four games and a grand final. I congratulate Mosman Football Club and President Louise Walker on hosting Pink Day and covering the costs of the day, and organiser Maria del Pilar Pollard. I also congratulate the volunteers, players and donors. Mosman Football Club is a community-based organisation catering for girls, boys, men and women from the age of five to over 50. They contribute much to our community. I again congratulate them on a highly successful Pink Day in support of those with breast cancer.

MAITLAND GEOLOGICAL SURVEY OPEN DAY

Ms JENNY AITCHISON (Maitland) (13:33): A few weeks ago I had the pleasure of attending the Geological Survey of NSW open day in Maitland. Held during Earthweek, this year's open day celebrated the work of government geoscientists. Rocks, minerals and fossils were on display as well as a number of computer displays and hands-on activities. Everyone in our community learned about the fascinating work of our geoscientists and it was a great way to engage kids to pursue a career in geology or minerals. I saw a replica of the Maitland Bar, which is the largest existing nugget found in New South Wales. It was lost to this State from the 1930s until 1956, when it was found in a cardboard box that workers were using as a cricket stump in their office cricket game. The original Maitland Bar is now on display at the Australian Museum as one of this State's 200 treasures. The exhibition in the new wing opened a few weeks ago. Maitland has lots of other treasures as well. It is home to many proud and hardworking public servants and miners, and it was great to meet some of them last week. I thank Chris, Trish, Guy and Mark for showing me around the displays.

ULLADULLA NATIVE FLORA AND FAUNA RESERVE TRUST

Ms SHELLEY HANCOCK (South Coast) (13:34): I congratulate the Ulladulla Native Flora and Fauna Reserve Trust on being named the NSW Department of Industry—Crown Lands, Water Crown Reserve Trust Community Manager of the Year at the 2017 Regional Achievement and Community Awards. I note that the Minister is in the Chamber. The trust manages the South Pacific Headland Reserve for the study and preservation of native flora and fauna and public recreation. The reserve is known for its picturesque landscapes, walking tracks and coastal lookouts. It is regularly used by birdwatchers, bushwalkers, researchers and local schools. The six volunteers oversee 16 hectares, with more than 200 species of flora and 90 birds, including the threatened glossy black cockatoo. The hardworking volunteers have improved public accessibility with a limited mobility track and visitor numbers have increased due to a range of guided walks and other public events at the site. I congratulate trustees Robyn Russell, Helen Moody, Donna Payne, Nicky Royall, Annie Boutland and Cate Brooks, who have worked tirelessly for the local community and who are worthy recipients of this prestigious award.

MACQUARIE FIELDS PUBLIC SCHOOL

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (13:35): Recently the Federal member for Werriwa, Anne Stanley, and I presented the Macquarie Fields Public School with some new Indigenous and Australian flags. In addition to providing a fine public education for kids in our community, the school makes a concerted effort to teach its students about community service, respect and helping others in need. We stopped for a cup of tea at the students' breakfast shop, which also sold chicken soup—but the fairy bread was by far the overall favourite amongst the younger students. The breakfast shop initiative was an idea to assist a number of selected students to learn new skills and build confidence as part of their learning and participation in the classroom. In addition, students were also raising money to support Stewart House. On behalf of the member for Werriwa, I commend the principal, Mrs Kerrie Hayman, and her staff for creating an engaging and supportive learning environment for Macquarie Fields schoolkids. I assured the parents I met at the assembly that their children are receiving a fine public education. They are learning more than reading, writing and arithmetic; they are also learning how to be good young citizens of our community.

PARAROOS PLAYER ZACHARY JONES

Mr GARETH WARD (Kiama) (13:36): I am pleased to acknowledge Tapitallee local Zachary Jones, who was among 14 players in the Pararoos squad that competed in the International Federation of Cerebral Palsy Football World Championships in San Luis, Argentina. The Pararoos players have cerebral palsy and other neurological disorders, including stroke and traumatic brain injury. They are a group of young footballers who are honoured to pull on the green-and-gold jersey to represent their country. The team spent time in Argentina

preparing for matches against the United States and other countries. The Pararoos played as world number one against Ukraine on 13 September and have played matches against Northern Ireland and other countries. I commend the young people involved in this initiative. I am delighted to see people with disabilities taking the field in this way.

WORLD SKILLS CHAMPION HAIRDRESSER GABY WARE

Mrs LESLIE WILLIAMS (Port Macquarie) (13:37): I recognise Gaby Ware, who recently returned from Abu Dhabi where she earned a gold medal and the title of the best hairdresser in the country at the 2017 WorldSkills event. After countless dedicated hours training and honing her hairdressing skills, she was selected in the Skillaroos squad to compete at the event that ran from 14 to 17 October in Abu Dhabi. Competing for four days, Gaby was challenged to complete nine different styles, each time being marked on overall hairstyle, cutting skills and various other techniques. She placed fifth in the world for hairdressing and earned the most points for skill of any Australian across all trades at the event. Gaby admitted competing against 32 other countries was the first time she felt nervous. Gaby was overjoyed with her success after finding out she had not only made the top five in the world but also won a gold medal as the best Australian. She will continue to work full time at her workplace, Milan's Hairdressing Studio, and plans to study teaching at TAFE so she too can be a mentor to young hairdressers. I congratulate Gaby on her gold medal victory and wish her all the best for her future endeavours as Australia's best hairdresser.

DAVIDSON ELECTORATE SCHOOL LEADERS PARLIAMENTARY TOUR

Mr JONATHAN O'DEA (Davidson) (13:38): It was my privilege to welcome 68 primary school leaders from my electorate to tour this Chamber and the Legislative Council earlier this month, followed by an afternoon tea and presentation of leadership certificates. It was a pleasure to host such intelligent and inquisitive students representing 19 schools, being Masada College, Mimosa Public School, Holy Family Catholic Primary School, Belrose Public School, Wakehurst Public School, Forestville Montessori School, St Ives North Public School, St Martin's Primary School, Kambora Public School, Roseville Public School, St Ives Park Public School, Roseville College, Lindfield Public School, Castle Cove Public School, St Ives Public School, Corpus Christi Primary School, Lindfield East Public School, John Colet School and Gordon East Public School. I again thank the students for their leadership within their local school communities and encourage them to continue to contribute valuably to their school and broader communities as they transition into high school. They have a bright future.

TRIBUTE TO RON SIDDONS, OAM, MBE

Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:39): I acknowledge the passing of Ron Siddons, OAM, MBE, of Burraneer. On 27 October friends and family gathered at Woronora Memorial Park to farewell Ron. Ron was a well-known Sutherland shire identity, a life saving association member for more than 50 years, beach inspector for 41 years and a lifeguard superintendent for 23 years. His work in establishing the Rainbow Club has received thanks from countless families across New South Wales. Rainbow Club Australia gives children with special needs the opportunity and confidence to explore and extend their abilities through sports skills, training and recreational activities. The Rainbow Club was formed after Ron helped a local father teach his disabled child to swim, and then more families approached him to help their children with swimming. Today it has 20 clubs across New South Wales, with families and volunteers facilitating swimming lessons for more than 600 kids. A great Australian, Ron's legacy is one that his wife, Lily, children Tanya, Lisa and Jason, and grandson, Tyson, can be very proud.

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

Bills

ROAD TRANSPORT AND RELATED LEGISLATION AMENDMENT BILL 2017

First Reading

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

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

RURAL CRIME LEGISLATION AMENDMENT BILL 2017

First Reading

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

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

*Visitors***VISITORS**

The SPEAKER: I extend a welcome to all guests in the gallery this afternoon for question time. I welcome student leaders from high schools across the Manly electorate, guests of the member for Manly. I also welcome a delegation from the Southlakes U3A, guests of the member for Lake Macquarie. I also welcome to the gallery commerce students and teachers from All Saints College, Maitland, St Peter's Campus, guests of the member for Maitland. I extend a very warm welcome to the wife of the Minister for Multiculturalism, Wendy, who is accompanied by her friend Sue, Professor Nadia Badawi, AM, and Angela Casey from the Children's Hospital at Westmead, Rob White from the Cerebral Palsy Alliance, and Mag Hosny, guests of the Minister for Multiculturalism, Minister for Disability Services, and member for Castle Hill.

*Question Time***BLUE MOUNTAINS TRAIN SERVICES**

Mr LUKE FOLEY (Auburn) (14:23): My question is directed to the Minister for Western Sydney. Why has the Government cut Redfern station from Blue Mountains express train services when so many Western Sydney commuters rely on this stop to get to and from work and university each day?

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (14:24): This Government continues to invest in additional services right across Western Sydney. This Government also invests in the north-west rail line and the integration of the Sydney Metro rail line right across our network. What we will see over the next 10 years is the single largest investment in rail infrastructure across Western Sydney in this State in generations. We will continue to see upgraded timetables to allow for the integration of that metro line.

The SPEAKER: Order! Opposition members will come to order. This is a bad start to question time. I call the member for Keira to order for the first time. If he continues to interject incessantly he will be removed from the Chamber.

Mr STUART AYRES: One thing I will say to all of the people who catch trains across Western Sydney—particularly on the T1 Western line—is that as the number of patrons continues to grow on this line, because we continue to provide better and more services, we will always favour the majority of people who travel across the network. The ability of the Government to collect data, particularly through the use of Opal, allows us to better plan where our rail services go and stop. There is no doubt that some people will change their—

Ms Prue Car: Point of order: My point of order is with respect to a breach of Standing Order 129, relevance. The question was about Redfern station on the Blue Mountains express line, not the Western line.

The SPEAKER: Order! The Minister has remained relevant to the question.

Ms Prue Car: The Blue Mountains express line and the removal of Redfern station from the express services—

The SPEAKER: Order! The member for Londonderry will cease arguing with the Chair. I call the member for Londonderry to order for the first time.

Mr STUART AYRES: Our commitment is to make sure that the majority of people catching our trains get to the stations that they need to faster. That is exactly what this train timetable update does.

TOURISM INDUSTRY

Mr BRUCE NOTLEY-SMITH (Coogee) (14:26): My question is addressed to the Premier. How is New South Wales building on its reputation as Australia's tourism and major events capital?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:26): I appreciate that question from the hardworking member because I know that he appreciates—as do all Government members—the jobs created from major events and tourism, and also the fact that it makes us a destination not only for Australians but also for overseas visitors. We all know how important tourism is for our community. Tourism and major events result not just in jobs and economic activity but also in community participation. Those things give us a sense of pride and heart as a community.

We have a remarkable story to tell in this space. The Government has already had achievements with respect to tourism and major events, and is committed to doing more. Since we have been in government overnight visitor numbers have grown by 27 per cent in New South Wales, and expenditure has increased by 41 per cent. Tourism is going from strength to strength and it is really exciting to know that in the last financial year New

South Wales made Australian tourism history. This State has had the greatest number of visitors on record and the most overnight visitors on record, and visitors to New South Wales spent more dollars than ever before. Over the 12 months ending in June, 34 million visitors stayed 189 million nights and spent more than \$27 billion across the State. That is a lot of dollars and a lot of jobs.

The success has been in generating a mix of new and diverse events—not just in Greater Sydney but also in our region. The Minister for Tourism, his predecessor, the Deputy Premier, and the whole team are very excited that we have secured or retained 548 events, which are expected to deliver more than \$3 billion in visitor expenditure for our economy. That is no mean feat. This Government has built a strong portfolio of successful and highly renowned festivals, sporting events, musicals, exhibitions and business events. Much of this has been underpinned by the success of the International Convention Centre [ICC]. The new \$1.5 billion ICC Sydney, which was thought of by this Government and delivered on time and on budget, has been a huge boost to the visitor economy. Those on the opposite side of the Chamber had 16 years to build an international convention centre but they failed.

Mr Brad Hazzard: Sixteen long years!

The SPEAKER: Order! Members will come to order. All interjections will cease. Members are taking up the Premier's speaking time. I direct the Clerk to stop the clock. The Minister for Corrections will cease interjecting. The member for Fairfield will cease interjecting.

Ms GLADYS BEREJIKLIAN: The ICC is not just attracting major events; it has employed 1,800 people since it opened—a great feat. Since December last year, the ICC has secured more than 1,000 events and has welcomed more than a million visitors through its doors. It is great to see business people and conference delegates descending from all over the world to Sydney. It is also great to know that many of them are staying on in Sydney and are going to our regional centres as well. The ICC has helped Sydney welcome almost 400,000 overseas business visitors in the last financial year alone. They stayed overnight and injected nearly \$700 million into our economy. That is just the start. The venue has set a new standard and has cemented our status not only as the events and tourism capital of Australia but also as one of the major capitals of the region. Unfortunately, as with everything else, those opposite let us down when it came to tourism and major events. Between 2008 and 2011 visitor numbers dropped by more than 3 per cent.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The clock will be stopped if members continue to interject.

Ms GLADYS BEREJIKLIAN: We will let the community compare the 3 per cent drop in tourism under those opposite with the 27 per cent increase under this Government. During their last term in government those opposite secured only approximately 210 events, while we have had nearly 600. Those opposite let the old convention centres be run into the ground, but we have built and resurrected the new convention centre, just like we resurrected New South Wales, which we are very pleased to continue to do. We are renowned for being a major tourism and events capital. [*Extension of time*]

New South Wales will capitalise on the outcome of today's plebiscite. We want to make sure that New South Wales is the destination of choice for all couples wanting to tie the knot. The wedding industry in New South Wales already generates over \$2 billion a year and is expected to grow by \$1.2 billion within the next 12 months. Our Government is working hard to bring visitors to our great and beautiful State. We will continue to do that because we know that it means more jobs and economic activity and a great sense of community. Just like every other part of government that they touch, those opposite managed to run New South Wales into the ground. We have managed to increase tourism by 27 per cent and will continue to do so. It is very heartwarming to know that our visitor numbers are increasing and are creating jobs, boosting economic activity and putting our State on the map not just in Australia but around the world.

CAMPBELLTOWN TRAIN SERVICES

Mr GREG WARREN (Campbelltown) (14:33): My question is directed to the Minister for Transport and Infrastructure. Given that Campbelltown rail commuters are set to lose hundreds of direct services to Parramatta, Liverpool and Blacktown every week, will he reconsider his decision to cut these services?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:34): Something I love about the member for Campbelltown is that he struggles to tell the truth.

The SPEAKER: Order! Members who continue to interject will be removed from the Chamber sooner than they think. I call the member for Blue Mountains to order for the first time. I call the member for Kiama to order for the first time.

Mr ANDREW CONSTANCE: There is nothing more true about the member for Campbelltown than that no-one can rely on what he says. He is telling everybody that there are trains without air conditioning travelling to Campbelltown.

The SPEAKER: Order! If the member for Campbelltown continues to interject he will be removed from the Chamber.

Mr ANDREW CONSTANCE: When Labor was last in office, 75 per cent of the trains on the network had air conditioning and 25 per cent did not. The number of trains on the network with air conditioning is now 97 per cent.

The SPEAKER: Order! I call the member for Campbelltown to order for the first time. I remind the member for Kogarah that interjections are disorderly at all times.

Mr ANDREW CONSTANCE: I hate to upset the question time strategy of the Labor Party members, but I am going to help them out. That is the beauty we have got out of the Opal data since we introduced Opal. On 26 November we are going to introduce a new timetable that is going to deliver 1,500 additional weekly train services to the network—everyone is a winner. The Government can now issue Opal data to smartphone application developers who are able to pump trip-planning information out through the network.

The SPEAKER: Order! I call the member for Blue Mountains to order for the second time. She will cease shouting and interjecting. I call the member for Blue Mountains to order for the third time.

Mr ANDREW CONSTANCE: I can inform the House that 380,000 people have planned their trip in advance of our new timetable. They have gone and had a look at the data and have started to plan their trips in advance of the timetable change. We have had only 217 timetable complaints. Those opposite are saying that hundreds of thousands of people are complaining, but they are not complaining because in places like Campbelltown there are going to be an additional 20 peak-hour services each week. In places like Campbelltown there are going to be eight-minute time savings to the city.

Mr Greg Warren: Point of order—

The SPEAKER: Order! The member for Campbelltown rises on a point of order. He should not be argumentative because the Minister has been relevant to the question. If the member for Campbelltown takes the opportunity to debate the question I will have him removed from the Chamber.

Mr Greg Warren: Standing Order 129 is about—

The SPEAKER: Order! I have ruled that the Minister is relevant to the question. I call the member for Campbelltown to order for the second time. The member will cease being argumentative.

Mr ANDREW CONSTANCE: The member for Campbelltown has come in here and said that people from Campbelltown cannot access the network—that is untrue. We are putting on additional services during the peak hour and we are improving the travel time from Campbelltown to the city. This comes at a time when the Government is putting 1,500 additional weekly train services onto the network. Western Sydney is, of course, the big winner, particularly on weekends, where we are seeing enormous growth in the demand for services.

The SPEAKER: Order! I warn the member for Blue Mountains for the final time.

Mr ANDREW CONSTANCE: The member for Campbelltown should not come in here with silly questions for the next four or five of them. He is making stuff up when he does not have the information and is running his silly little scare campaigns.

The SPEAKER: Order! I call the member for Londonderry to order for the second time. She will cease her incessant interjections.

Mr ANDREW CONSTANCE: I remember the time when those in Western Sydney were going to have their train fares go up by \$1,000—Labor is at it again. The member for Campbelltown cannot tell the truth. Those opposite are scaremongering at best. The reality is that the data says it all: 380,000 people have prepared for this timetable change through the Opal data being made available through smart phone applications. Of course, those opposite are telling us that thousands upon thousands of people are against the timetable changes, but we have had minimal complaints.

The SPEAKER: Order! When members come to order I will call the member for Cootamundra. I warn members who are ignoring the directions of the Chair. That is a very serious offence.

SMALL BUSINESS

Ms STEPH COOKE (Cootamundra) (14:38): My question is addressed to the Deputy Premier. What is the New South Wales Government doing to promote economic growth and business confidence in communities across the State?

The SPEAKER: Order! Members will come to order. The level of noise in the Chamber is atrocious. I call the Deputy Premier.

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:39): I thank the member for Cootamundra for her fantastic question. It is a question that comes directly from someone who has lived in regional New South Wales, created jobs in regional New South Wales and of course has run a small business in regional New South Wales. The member for Cootamundra brings that life experience to this House as a member of the Government. As the Minister for Small Business, I can say it is a fantastic day to have a member of the Government who has walked in my shoes and who supports the Government's promotion of small businesses. Anyone who wants to read one of the best inaugural speeches should go to the inaugural speech that Steph Cooke made yesterday. It was a fantastic speech that referred to how important regional areas are to the State and, more importantly, how important small businesses are to the State's economy as well as to local economies in creating jobs and prosperity in regional centres. I reiterate my thanks to her for her fantastic question.

Why would people not start a business or a small business in New South Wales? It is clear from recent data that New South Wales continues to be the number one State when it comes to business confidence and the place in which to start a business. We are seeing a plethora of new businesses and existing businesses absolutely thrive. It is fantastic to note that, on the back of the Government's investment not just in infrastructure but also in placing small business front and centre in this year's budget, the NSW Business Chamber's chief executive officer, Stephen Cartwright, has been prompted to say that businesses "know there's no better place in Australia to run or establish a business." According to the latest Sensis Business Index, small and medium-sized businesses in New South Wales are more confident about the growing State economy now than at any point in the past four years. That confidence has been indicated by some of the strongest business growth in the past 10 years, with more than 20,000 businesses commenced last year alone in New South Wales.

The statistics clearly reflect that New South Wales has the lowest unemployment rate in the nation, at 4.6 per cent. As members have heard me say repeatedly, the Government does not create jobs. The Government creates an environment conducive to successful investment by small and medium enterprises—the mums and dads and individuals who show courage by investing in their business and risk their home by taking out a business loan to be part of the small business community. Only Government members who either have run small businesses or accept how important small businesses are to our economy understand how important it is for a government to create an environment that is conducive to business success. This Government creates such an environment through the provision of a number of resources and programs across the State. When it comes to start-up companies, the Government's Boost program is the result of this Government partnering with the university sector and TAFE NSW and providing \$18 million in additional program funding to build a network of accelerators and incubators for small businesses. Small businesses will benefit from the university sector, which is great for research and data. The Government's initiative is bringing small business and the university sector together to make sure that we build the small businesses of the future.

An example of one such business is SmartShepherd from Armidale, which uses the latest technology to improve livestock breeding, efficiency and welfare. Chief executive officer Dave Rubie said, "We're very grateful for the UNE SMART Region Incubator and the support from the State Government to get our business off the ground. Using the incubator space means that our business is now within an hour's drive of our market, which is invaluable for getting feedback and conducting trials." Through the Government's Boost program, which is worth \$18 million, the Government is ensuring that we have the small businesses and other businesses of the future in this State. But of course one issue that is always raised with the Government is cutting red tape. The Government has addressed this by implementing the Small Business Friendly Council program and the Easy to do Business program and by providing \$15 million to cut through red tape, especially for small bars, cafes and restaurants. They will no longer have to deal with 13 agencies, 75 regulations and 48 forms to start a business.

This Government has provided one online site at which to enter the data once. By doing so, the Government has been able to reduce business commencement approval time from almost 18 months to 90 days. I cite as a fantastic example of that the great Grounded Space café at Parramatta, where I had the opportunity to meet Peter, who said, "The Easy to do Business program was very helpful and they made all the steps very simple to do online. When you are trying to juggle a million things it makes it so much easier when you have a guided process—and it can all be done online." The Government knows how time poor owners are when they are running their businesses. This Government wants to get on with creating jobs and investing in businesses. This

Government wants to be part of the great small business economy and wants to make it simple to do business in this State. [*Extension of time*]

Similar examples of the Government's streamlined business start-ups exist in regional areas of New South Wales. Recently I was in Dubbo announcing the Easy to do Business program and it was great to see small bars, cafes and restaurants coming through the system. The best thing this Government can do is ensure that small business owners have the resources and support they need to traverse the very complex small business sector. The Government recognises that in today's world we no longer have a domestic business market but a global market. The Government wants to make sure that small business owners have the resources to develop their businesses and become successful. To assist them, the Government has implemented a \$30 million Business Connect program and has provided at grassroots level a range of advisers with expertise in specialty areas to advise and support small business owners. The Government announced \$30 million for the program in this year's budget to facilitate small business owners acquiring skills in digital and financial literacy that will take them beyond the next 10 years of operation.

The SPEAKER: Order! Opposition members will come to order. There is too much audible conversation in the Chamber. Members may leave the Chamber if they do not wish to stay for question time. It is not compulsory for members to attend question time.

Mr JOHN BARILARO: In speaking about the future, I want to create an environment for the next generation of entrepreneurs. The Government invested \$25 million in the Sydney School of Entrepreneurship because it wants the best entrepreneurs to start their businesses in Sydney and in other areas of New South Wales. That is an exciting investment by the New South Wales Government. The Government also wants to back those great new businesses of the future. Recently the Government announced the \$150 million GO NSW Equity Fund, which will be funded jointly between the Government and First State Super and which will result in the Government and First State Super taking an equity stakeholding in the businesses of the future. This Government wants to back the next eBay, the next Facebook or the next Google. The New South Wales Government has such confidence in the private sector's small and medium enterprises as well as businesses in general that it is prepared to become a business partner to ensure that this State is the home of great innovative businesses of the future. To be able to do all that I have outlined, this Government has to run a tight budget and maintain budget surpluses. Opposition members have no idea about running budget surpluses and they have no idea how small businesses prosper in New South Wales.

The SPEAKER: Order! When members come to order, I will call the member for Granville. There is too much audible conversation in the Chamber. I remind members that it is not compulsory to attend question time. Those members who wish to have non-stop private conversations will do so outside the Chamber.

GRANVILLE TRAIN SERVICES

Ms JULIA FINN (Granville) (14:47): My question is directed to the Minister for Transport and Infrastructure. What benefit is there for the people of Granville and Harris Park to have their train trip to the city increased to between 43 and 45 minutes, which represents an increase of approximately 15 minutes on what it was five years ago?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:47): I thank the member for Granville for her question. For the information of the House, I make the point that, as part of timetable changes, the T1 Western line will get an additional 300 services. The Government made no secret that a number of stations would be moved to the T2 line to facilitate the new arrangement. However, the Government is also bolstering services. I do not understand why the Labor Party would oppose having an additional 300 services on the T1 Western line that services commuters of Parramatta, the Londonderry electorate represented by Prue Car, and many more Western Sydney Labor electorates such as Prospect, and places such as Penrith. As a result of changing a number of stations to the T2 line, the Government has increased services from a place like Penrith by 22 per cent. Judging by the sounds of questions asked today, Labor now opposes that.

The Government has been able to double the number of services at weekends and late at night for customers between Penrith and Doonside on the T1 Western line, where there is a train at least every 15 minutes. There will be an increase in the number of T1 Western line trains on weekends for Blacktown, Seven Hills, Westmead and Parramatta customers, with a service every 10 minutes. For the information of my good mate the member for Seven Hills, capacity will be boosted in the morning peak for Seven Hills commuters with the addition of four city-bound trains an hour, which means that commuters will be provided with a service every three to four minutes, on average.

Ms Julia Finn: Point of order—

The SPEAKER: Order! The member for Granville rises on a point of order. I rule in anticipation of her point of order that the Minister for Transport and Infrastructure has been relevant to the question.

Ms Julia Finn: My point of order is taken under Standing Order 129, relevance. My question related to the removal of the T1 Western line, and he is speaking only about stations where the T1 service stops.

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

Mr ANDREW CONSTANCE: As a result of some stations being converted onto the T2 line, which the member for Granville is talking about, we have been able to deliver great results for Western Sydney west of Parramatta. As I said, there will be more T1 Western line trains during peak hours for Penrith, Kingswood and Werrington stations, with a service on average every 7½ minutes, instead of every 10 minutes. St Marys and Mount Druitt will get a T1 Western line train on average every six minutes, in both the morning and afternoon peaks, instead of every 7½ minutes. Big service increases will occur for Rooty Hill and Doonside stations in the afternoon peaks, with a train on average every six minutes, instead of every 15 minutes..

We are doing two things: We are bolstering services on the T2 line and we are bolstering services on the T1 line for communities west of Parramatta. This line of silly questioning from those opposite shows that they are opposed to us delivering an extra 300 services to stations west of Parramatta. As the good member for Parramatta will tell us, as a result of these timetable changes we are able to deliver an express train to the city every three minutes. Why are the Leader of the Opposition and those opposite opposed to an extra 300 services on the T1 Western line as part of the change in train timetables? We had to make some decisions in relation to the T2 line, which mean that more services are available and there are more frequent services for commuters across Western Sydney. But it appears that those opposite oppose the changes. What have those opposite got against Western Sydney?

Ms Jodi McKay: What have you got against Redfern?

Mr ANDREW CONSTANCE: I note the interjection of the member for Strathfield. What do the kids in the public gallery think about—

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

Mr ANDREW CONSTANCE: —our new ferry being named *Ferry McFerryface*? If you like it, stick up your hand. I notice the attendant told them to keep their hands down; they love the name.

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

Mr ANDREW CONSTANCE: The bottom line is that across the network this Government, come 26 November, is going to deliver 8,600 new weekly services. Those opposite oppose us at every step.

The SPEAKER: Order! The member for Rockdale will come to order. Yesterday I said I would not have him removed from the Chamber, but that does not apply today. The member for Rockdale is far from being the teacher's pet; that is the member for Balmain. The member for Sydney, who is not here, is also the teacher's pet. Those members who continue to interject will be removed from the Chamber.

DISABILITY SERVICES

Mr JAMES GRIFFIN (Manly) (14:53): My question is addressed to the Minister for Disability Services. How is the New South Wales Government supporting our most vulnerable people with disabilities, as well as strengthening their opportunities for employment?

The SPEAKER: Order! Members cannot hear the question because they continue to interject. They are like a year 9 English class on Friday afternoon, as the member for Lakemba will confirm.

Mr RAY WILLIAMS (Castle Hill—Minister for Multiculturalism, and Minister for Disability Services) (14:54): I thank the very capable member for Manly for his question. A couple of weeks ago I joined the member for Manly at Dee Why beach with a wonderful group called Bush Links, which is providing opportunities for people with disability to remove invasive plant species and so embellish the environment. It is a wonderful project that gives employment to a host of people with disability. I also acknowledge the wonderful work being done by the Manly Community Centre, which is another marvellous service provider for people with disability. Together with the Federal Government, we are undertaking the largest social reform in the area of disability that has ever occurred.

Ms Sophie Cotsis: Fund disability advocacy.

The SPEAKER: Order! I call the member for Canterbury to order for the first time. If she continues to interject she will be removed from the Chamber without further warning.

Mr RAY WILLIAMS: I mentioned disability and not ability because if I look at those opposite while mentioning ability, I am reminded that they do not have any. The reform on behalf of people with disability is immense, and at full transition we will give opportunity to no fewer than 140,000 people with permanent disability in New South Wales by providing the funding they require for a full suite of services, support and accommodation so that they can lead the best possible quality life. We do not expect that 140,000 people will require this help but, because of the responsible nature of the National Disability Insurance Scheme and the way it has been structured for New South Wales, we have built in a safety net so that if the number of people with disability increases, we will be able to give them the opportunity to access the NDIS. The NDIS is on time and on budget, and 70,000 people have already been recognised for entry to the NDIS with, importantly, 60,000 people already having plans in place.

The NDIS is going to generate up to \$7 billion for the economy of New South Wales. Through that injection into the economy, we fully expect that there will be an increase in employment in that sector of between 28,000 and 30,000 people. This increase in jobs will be in Western Sydney, south-western Sydney and, importantly, right across the regions. This presents a massive opportunity for young people to find employment in that sector. These young people may wish to pursue a career in nursing in the future, but they will get a foot on the ladder through finding a job with a disability provider. Next year the Berejiklian-Barilaro Government has guaranteed that \$3.2 billion will be injected into the NDIS, because this Government is a responsible financial manager with a budget that is in check. This Government's position should be compared with its predecessor government, which left us billions and billions of dollars in debt thanks to its failed policies. If those opposite were still in government there would be no possibility of government funding for the NDIS. We have led the way in New South Wales through our financial management.

The SPEAKER: Order! Opposition members will come to order. Their behaviour is unruly.

Mr RAY WILLIAMS: I acknowledge the fact that the Premier recently gave an award to Ability Links, which provides opportunities for people with disability right across New South Wales.

The SPEAKER: Order! Government members will come to order.

Mr RAY WILLIAMS: I was proud to join the member for Oatley, Mark Coure, in his electorate to present a number of awards on behalf of the Ability Links program. Consultancy Urbis undertook a recent independent review of the program, which showed that for every \$1 invested, we get a \$3 return; and when looking at our Indigenous communities, we get a \$4 return for every \$1 invested. That is because Ability Links provides great support on behalf of people with disability and, importantly, on behalf of Indigenous people with disability. *[Extension of time]*

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

Mr RAY WILLIAMS: One of the successful features of the NDIS from the perspective of New South Wales has been our transferring of services from the government to the non-government sector. We have been able to secure wonderful organisations such as the Cerebral Palsy Alliance, the Benevolent Society, Northcott—organisations that have operated in New South Wales for more than seven decades in some cases—that have provided high-quality services on behalf of people with disability. We have sought and found the most reputable organisations, not large multinational organisations or organisations outside of this country but not-for-profit organisations based in New South Wales that are providing up to 70 per cent of services on behalf of people with disability.

As a responsible Liberal-Nationals Government, we have a different view when transitioning from the government to the non-government sector. Compare our responsible approach with that of those opposite when they were transferring New South Wales assets. We well remember the New South Wales assets—such as commercial leases at Circular Quay—that were transferred to the Obeid family. There was not one member of the Obeid family who could not access State-owned assets. The typical attitude of the Labor Party when transitioning State-owned assets has seen many former Labor Ministers end up in jail.

Ms Liesl Tesch: Point of order: My point of order relates to Standing Order 129, relevance.

The SPEAKER: Order! There is no point of order. The Minister has remained relevant to the question. The member for Gosford has not stopped interjecting so she probably has not heard a word he has said. I call the member for Gosford to order for the third time.

Mr RAY WILLIAMS: We have taken the responsible approach of putting people with disability first. People with disability will have their funding and their future secured because of the responsible approaches by this New South Wales Government.

CENTRAL COAST TRAIN SERVICES

Mr DAVID HARRIS (Wyang) (15:01): My question is directed to the Minister for Transport and Infrastructure. The northern Central Coast is a fast growing region, so how does the Minister justify terminating the 5.32 a.m. and the 5.39 a.m. trains from Wyee and Warnervale at Gosford, adding more inconvenience for long-suffering commuters?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:02): What is great about the Labor Party's strategy today is that it gives me every opportunity to continue to stand here and remind the House that since coming to office this Government has delivered 27,000 additional weekly transport services.

Mr Brad Hazzard: How many?

Mr ANDREW CONSTANCE: It is 27,000—including in places like the Central Coast, where the good member who asked the question is from.

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

Mr ANDREW CONSTANCE: I remind the House that we will be growing services in the Central Coast as part of the timetable change. I believe it is on bus route 47 that there will be additional services. One other point I make for the member is that we are also investing in new trains for his region, the intercity fleet, which those opposite are opposed to. That means there will be around 300 maintenance jobs in the electorate of Wyong—yet the member for Wyong belongs to a party that is opposed to those 300 jobs.

The SPEAKER: Order! It is very hard for me to hear the Minister with this level of interjection and general conversation. It will also be hard for me to rule on any point of order.

Mr David Harris: Point of order: My point of order relates to Standing Order 54. I wanted silence, because the Minister—

The SPEAKER: Order! If the member for Wyong wants silence, he should cease interjecting.

Mr David Harris: The Minister said the jobs are coming to my electorate when they are in fact going to the electorate of The Entrance.

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

Mr ANDREW CONSTANCE: There are more jobs for the Central Coast, but the member belongs to a party that is opposed to these 300 jobs. I do not know why those opposite are opposed to UGL Limited jobs—in the order of 300 full-time maintenance jobs on the new intercity fleet—and investment.

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

Mr ANDREW CONSTANCE: It is ironic that the shadow Treasurer, who has been leading the charge, drives around in a Hyundai—and that same company is making the trains. Those opposite are anti-manufacturing in relation to trains, which deliver three-quarters of a billion dollars in savings. The member has asked a question about timetable changes when he is getting more services in the region.

The SPEAKER: Order! I warn all members who are on three calls to order that they will be removed from the Chamber for the remainder of the day.

Mr ANDREW CONSTANCE: The member belongs to a party that is opposed to full-time maintenance jobs on the intercity fleet and he is asking silly questions. There have been 27,000 additional weekly transport services since we have come to office. As part of the Growth Services program, there are 3,300 additional services as part of the timetable change on 26 November, including in places like the Central Coast.

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

Ms Trish Doyle: You're making it up!

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

[Pursuant to sessional order the member for Blue Mountains left the Chamber at 15:05.]

Mr ANDREW CONSTANCE: The member for Blue Mountains wants to keep 40-year-old trains on the network. Additional services for the Central Coast are part of the timetable changes that the member for Wyong opposes. The Government is also investing in metro, which means we also have to invest in integration with the larger network. As part of that, we are also doing major infrastructure upgrades at Hornsby, which will ultimately

improve the way that trains move through that station from the Central Coast. The member for Wyong is a habitual complainant who needs to understand that more Central Coast services than ever—that is, 27,000 additional weekly services—have been delivered by this Government since we came to office. On 26 November there will be a timetable change, which means 8,600 additional services, and those opposite are complaining about it.

Mr David Harris: Point of order: I do not mind being berated, but if the Minister is addressing me directly across the Chamber then I should be able to reply to him.

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

LIQUOR LAWS

Mr JOHN SIDOTI (Drummoyne) (15:07): My question is addressed to the Minister for Lands and Forestry, and Minister for Racing. How is the New South Wales Government reforming liquor laws to provide a wide range of entertainment options?

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (15:07): I thank the member from Drummoyne for his question. He is an example of a hardworking member who cares not only about his community but also about communities across New South Wales. I thank him for his interest in Sydney as a great place to live, a great place to work and a great place for many people to visit. As the Minister responsible for liquor regulation in this State, I have been pleased to oversee extended trading for licensed premises around the city and in places such as Kings Cross and the Oxford Street precincts. We are ensuring that we strike the right balance between supporting local businesses and providing public safety. I am pleased to report to the House that there are now 26 venues in the central business district [CBD] precinct that can admit patrons until 2.00 a.m. and serve drinks until 3.30 a.m. The response from the industry to extended trading has been supportive, reassuring and welcoming. These venues are providing more diverse options for locals and visitors to enjoy.

The latest venues to be granted the right to later trading include the Hudson Ballroom, the Side Bar and the Hilton Hotel in the CBD, the Orient Hotel in The Rocks, and the Courthouse Hotel, the Della Hyde bar and the Colombian Hotel in the Oxford Street precinct. Following the recommendations of the Callinan review of liquor laws this Government has introduced these extensions. Venues seeking extensions must provide live entertainment. This in turn creates opportunities for local artists and performers in these areas. These additional venues follow changes we have made to restrictions on drinks served at small bars in the CBD and Kings Cross precinct. Under these changes venues no longer have to mix spirits with mixers. Those who appreciate a fine whiskey in a relaxed, small bar setting would sooner go without than be forced to dilute their favourite drop. Small bars are also able to sell cocktails not listed on the menu after midnight.

Bartenders are rightfully proud of their trade and by removing this restriction we are encouraging Sydney's small bars to be innovative and to flourish. These changes recognise that small bars in Sydney have good compliance records and a low risk of alcohol-related violence. Their lower patron limit number also makes it easier for staff to monitor patron behaviour. Liquor and Gaming NSW monitors the changes to ensure that there is no rise in alcohol-related incidents. This Government's support of small bars is providing more diverse night-time entertainment and helping to boost local economies. This new type of liquor licence was introduced by this Government in 2013, and since then the growth of small bars has been phenomenal. Following the Callinan review we have increased the small bar size from 60 to 100 patrons with extended trading times for small bar licence holders. Small bars across New South Wales can also trade as late as 5.00 a.m., either permanently or for special occasions, by applying for a special licence from Liquor and Gaming.

Small bars are meeting a demand for a more sophisticated night-time entertainment for those wanting to relax in a more intimate setting. There are 73 venues across New South Wales operating with a small bar licence, an increase of 26 since we relaxed the trading conditions last December. It is not just Sydney that is enjoying the benefits but regional New South Wales as well, including Newcastle, Wollongong, Tamworth, Jindabyne, Lismore and Moss Vale. Small bars typically have high-quality food and beverages, and many feature live entertainment such as acoustic or solo music. By cutting red tape and speeding up licence approvals the New South Wales Government is supporting small business. These are sensible changes, and there are more to come. The thousands of people who are employed in the industry, whether in pubs, clubs or restaurants, can be assured that this Government is working hard to cut the red tape and create the right conditions that will secure and grow jobs in this industry.

The SPEAKER: Order! The member for Canterbury will come to order and stop chewing gum in the Chamber.

Mr PAUL TOOLE: That is why the Berejiklian-Barilaro Government is a government for the worker, because we are creating the right conditions for small business and the jobs that come with that across this State.

WESTCONNEX CONSULTANCY COSTS

Mr JAMIE PARKER (Balmain) (15:13): My question is directed to the Premier. Does the Premier believe the \$16.5 million paid to the bankers Goldman Sachs for only 11 months of work advising on the WestConnex project represents good value for taxpayer funds?

Mr Clayton Barr: Yes, she does.

The SPEAKER: Order! The member for Cessnock will come to order. The Premier has the call.

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:13): I thank the member for Balmain for his question and appreciate his interest in WestConnex. At least he is consistent on these issues and asks questions that matter to his community. The member would be aware that it is a project in excess of \$16 billion of taxpayers' money. It is the largest road project in Australia, and it is this Government's responsibility to ensure that we not only manage it well but also have the best advice available in relation to any transactions, tenders or work issued as part of that project. That is the reason we are making that investment. This is entirely consistent with investments the Government makes across the board on a range of major projects and transactions.

I am pleased to say that because of our strong economic management we can invest in projects such as WestConnex. I do not know of many jurisdictions anywhere in the world that have no net debt in the general government sector, have triple-A credit ratings and surpluses and have an investment in infrastructure over four years which is more than the nation is investing in a decade. That happens through hard work and vigilance. Those opposite are all over the shop when it comes to this project. I know, the Minister for Western Sydney knows and every member in the electorates of Western Sydney knows that people are calling for traffic decongestion. People crave more time with their families and less time sitting in traffic. They also crave a city that is livable and allows them to connect with each other, and WestConnex is critical to that. It is a shame that those opposite do not appreciate what their communities are saying. I know that the member for Balmain represents his constituency in the inner west, but those opposite think that Western Sydney ends at Strathfield. There are a whole bunch of areas beyond Strathfield that are the fastest growing parts of New South Wales.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The member for Keira will resume his seat.

Ms GLADYS BEREJIKLIAN: I ask that the clock be stopped when interruptions occur.

The SPEAKER: Order! I direct the Clerk to stop the clock. The member for Keira will stop his conversation and remain in his seat.

Mr Ryan Park: Typical.

The SPEAKER: I direct the member for Keira to remove himself from the Chamber for a period of two hours.

[Pursuant to sessional order the member for Keira left the Chamber at 15:16.]

Ms GLADYS BEREJIKLIAN: Unfortunately those opposite think that Western Sydney ends at Strathfield, when the fastest growth in population in New South Wales is west of Parramatta. That is why our Government is investing in WestConnex. That is why we need to make sure that every decision we make in relation to that project has an eye to the future. The role of WestConnex, not only in connecting our Greater Sydney region but also in preparing for the second Sydney airport, is a major challenge and a fantastic opportunity. When those opposite were in government they promised to widen the M4; they never did. They promised to widen the M5; they never did. We are promising both those projects, plus the critical piece of road infrastructure that links the M4 and the M5.

Labor fails to acknowledge the truth, which is that this Government is providing congestion-busting for Greater Western Sydney, and residents will spend less time in traffic and more time doing what they want to do. Many residents in the inner west will experience less traffic on their streets. There will be fewer rat runs because a lot of the traffic will go underground. That is something Labor fails to acknowledge. I heard some members opposite interject on the length of the toll concession. When they were in government the length of toll concessions they put in were longer than that for WestConnex. The Cross City Tunnel has a longer concession period than WestConnex. Those opposite are hypocrites. Not only are they failures in infrastructure and failures in delivering a budget and a strong economy which funds infrastructure, but they are also hypocrites on top of everything else. I am happy to answer questions on infrastructure every day of the week.

I thank the member for Balmain for his question but reassure him that it is a worthwhile investment, because it means that the people of New South Wales will get the best advice to ensure that every stage of that project is not just New South Wales best practice but global best practice.

HEALTH SERVICES

Mr AUSTIN EVANS (Murray) (15:18): I address my question to the Minister for Health, and Minister for Medical Research. How is the Government investing in our State's health system and are there any related matters?

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research) (15:19): I congratulate the member for Murray on asking his first question. We are looking forward to his bringing the best of his background to this House. He told the House yesterday in his inaugural speech about his varied country background, his primary school days at Matong, his high school days at Narrandera and his time at Coleambally Irrigation Co-operative Limited. He brings with him the trust of his community, and trust is a big thing in politics. I also congratulate the member for Cootamundra, Steph Cooke, who also brings the trust of her community with her into this place. Do those two new members think that their communities would trust the Labor Party in government?

Government members: No!

Mr BRAD HAZZARD: It is all about trust.

The SPEAKER: Order! The Minister will not incite members of the Opposition.

Mr BRAD HAZZARD: Because of his advocacy on behalf of his community, the member for Murray would know that the Government has allocated \$35 million to upgrade Griffith Base Hospital, and that is only the beginning. He also knows that the renal dialysis unit for which he fought has attracted another allocation of \$650,000.

The SPEAKER: Order! The member for Maitland will come to order. She does not know what she is talking about.

Mr BRAD HAZZARD: I am working on hers.

The SPEAKER: Order! The Minister should not be distracted by the member for Maitland.

Mr BRAD HAZZARD: I apologise. In response to the announcement about the work that will be done at the local hospital, Mayor of Griffith John Dal Broi said that this is just the beginning because Griffith now has a new member and everyone is excited about that. Madam Speaker—

The SPEAKER: Order! I am listening.

Mr BRAD HAZZARD: Thank you, Madam Speaker. That is very good of you.

The SPEAKER: Order! Not many members on the Government benches are listening.

Mr BRAD HAZZARD: When the Coalition came to government a few years ago, more than 50 per cent of hospitals in New South Wales—

Ms Gladys Berejiklian: It is seven years now.

Mr BRAD HAZZARD: Yes, and they have been seven good years. Members opposite were in government for—

Government members: Sixteen long years!

Mr BRAD HAZZARD: As I was saying, when we came to government, more than 50 per cent of the State's hospitals were more than 50 years old. While the Coalition has been in government it has been building hospitals across the State. This year alone, it has allocated \$1.7 billion for capital growth in the health sector across the State. Members from the bush will know, but will appreciate being reminded, that the Government preserves one-third of all capital spending for the bush. That means an allocation of \$550 million just this year. The community can trust the Berejiklian-Barilaro Government because it has runs on the board. Coffs Harbour Base Hospital has been allocated \$156 million; the South East Regional Hospital at Bega has been allocated \$187 million; and Wollongong Hospital has been allocated \$137.2 million. What is the member for Wollongong saying?

The SPEAKER: Order! Members will cease arguing across the Chamber.

Mr BRAD HAZZARD: The member for Wollongong should visit the hospital to see what the Government has been doing rather carry on in this place about it doing nothing. It was his Labor colleagues who did nothing. The Government has allocated \$30 million to Inverell Hospital; \$60 million to Armidale Hospital; \$73 million to the hospital at Oxley; \$70 million to Mudgee District Hospital; \$241.3 million to the Dubbo hospital; \$30 million to the hospital at Barwon; and \$37.3 million for the Narrabri District Hospital. In addition,

\$88 million is being spent on the fantastic Byron Central Hospital. Of course, the member for Orange appreciates that the former member made sure that \$72.8 million was allocated to Parkes Hospital. This is not only about buildings; it is also about nurses, doctors and other staff. This Government is providing jobs in the bush. [*Extension of time*]

The SPEAKER: Order! It was a little early for the Minister to instruct the member for Murray to seek an extension.

Mr BRAD HAZZARD: He is no-one's puppet. We all know who is the puppet—she is wandering around Bennelong. It is great to have the puppet back. This Government is creating jobs across the health sector. Has it added 1,000 nurses and midwives to the health system?

Government members: No!

Mr BRAD HAZZARD: Two thousand?

Government members: No!

Mr BRAD HAZZARD: Three thousand?

Government members: No!

Mr BRAD HAZZARD: Four thousand?

Government members: No!

Mr BRAD HAZZARD: Five thousand?

Government members: No!

Mr BRAD HAZZARD: Six thousand?

Government members: No!

Mr Lee Evans: Is it 6,740?

Mr BRAD HAZZARD: The member for Heathcote is absolutely right: The Government has added 6,700 and a few more nurses and midwives to the health system. It has also added 2,700 new doctors to the sector. This is all about trust. I will not go into it again, but a few weeks ago I mentioned that the Leader of the Opposition—

The SPEAKER: Order! That is enough. Members do not need to get personal.

Mr BRAD HAZZARD: —failed to tell his colleagues.

The SPEAKER: Order! That is enough.

Mr BRAD HAZZARD: I will not go into the details because it is not necessary, and it is not the Leader of the Opposition in whom I am interested today. However, he did not trust his colleagues to tell them about his driving record. I digress; I want to talk about the shadow Minister for Health. Brad Franklin said that the Hon. Walt Secord had been reckless in attacking doctors and clinical staff and in naming patients who should not have been named. He said that it was not the first time he had witnessed such reckless behaviour and people being distressed by heartless references to the tragic gas mix-up at Bankstown-Lidcombe Hospital that led to brain damage in the case of one baby and the death of another. My message to the Hon. Walt Secord is that if he wants to be the Minister for Health he needs the trust of doctors. Doctors do not trust people who do not understand the system. This is all about trust, and members opposite are not trusted.

Petitions

PETITIONS

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

Inner West Bus Services

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

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**.

Foster Care Services

Petition calling on the Government to restore foster care services to the Department of Family and Community Services and not permit discrimination against prospective LGBTIQ foster parents, received from **Ms Jo Haylen**.

RESPONSES TO PETITIONS

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

The Hon. Gabrielle Upton—Manilla Rail Viaduct—lodged 10 October 2017—(Mr Kevin Anderson)

Business of the House

SHARE THE DIGNITY CAMPAIGN**Reordering**

Mr CHRIS PATTERSON (Camden) (15:27): I move:

That the General Business Notice of Motion (General Notice) of which I gave notice this day [Share the Dignity campaign] have precedence on Thursday 16 November 2017.

The Share the Dignity campaign brings to light the very real indignity faced by many homeless women.

The SPEAKER: Order! The member for Camden is talking about a serious subject and members should show some respect. Members will come to order or leave the Chamber.

Mr CHRIS PATTERSON: Many homeless women face choosing between buying food or sanitary products. Stigma is often attached to menstruation, and lack of access to sanitary products directly inhibits women's participation in education, in work and in society at large. In fact, the United Nations has linked menstrual hygiene to human rights, and specifically to the right to human dignity. It is important that we discuss these issues and shine a light on the importance of dignity in the face of homelessness and domestic violence. This motion should have precedence because many women experiencing homelessness and in domestic violence shelters face unthinkable indignities during their monthly period. Those unable to afford sanitary products must clean themselves in public toilets and use paper towels or newspaper to create makeshift sanitary pads.

Domestic and family violence is an endemic problem in our communities and is a key focus for the New South Wales Government. Women living in violent relationships often leave their homes quickly to find safety and do not have time to pack all their belongings. Sanitary products are often forgotten or not thought of in such situations, yet they are essential to women's health and wellbeing. This motion should have precedence tomorrow because women in these situations are already facing immense hardship and should not have to face the stress of wondering where their next tampon or pad will come from. The work of the Share the Dignity campaign is critical in taking this stressor from women already experiencing hardship and ensuring that, at least in respect of her personal care during a monthly period, a woman is able to maintain her sense of dignity. Having run this campaign in my office and having had more than 500 handbags delivered, I can say what an outstanding success it is. From speaking to people at the shelters that provide this much-needed service, I know that they would like the support of this House tomorrow.

Ms JODI McKAY (Strathfield) (15:31): My motion deserves to be given precedence tomorrow because never before in this State's history have we had a road or transport project that has been so poorly managed and delivered. WestConnex is a debacle of the highest order. Taxpayers and motorists of this State are paying for this Government's incompetence. The revelation today that the Government has no idea how to get to the airport or to the port undermines the fundamental reason for this project: to take motorists from Western Sydney to the airport. What we know from reading the newspapers is that the Government has rejected Lendlease's bid, a fact that was proudly spruiked by the Minister for WestConnex just a month or so ago. The story of the gateway could not be more comical. It is a serious blunder in regard to this project, because just a few months ago we found out that the gateway was no longer part of WestConnex. What makes this so extraordinary is that the gateway was in the business case, it was in the environmental impact statement, it was in the colourful literature, it was in the media releases and of course it was on the website. Then it just disappeared.

This project is deeply unpopular, and nowhere more so than in Western Sydney—just ask the member for Londonderry, the member for Mount Druitt or the member for Blacktown. This deeply unpopular project is supported by the member for Penrith even though the residents in his electorate are paying a toll on the M4, a road that is not new. Then there is the Rozelle interchange, another project botched by the Sydney Motorway Corporation. What on earth is happening with the Rozelle interchange? We simply have not been given that information. This project has been removed from the control of the Sydney Motorway Corporation.

The only information coming out of the Sydney Motorway Corporation is from the chief executive officer, Dennis Cliche—and we know what he did last week; he said how "exciting" the tolls on the M4 are. This project has been removed from the Sydney Motorway Corporation because it is a secretive organisation and it is not accountable to the community. Only Labor has taken the side of residents whose homes have been acquired. This Government has given no explanation as to why this project has blown out to \$16.8 billion. This is a project that is characterised by incompetence, deceit, bungles and billion-dollar blowouts. Any genuine question asked by the community is met with a wall of secrecy and subversiveness. It is the worst-managed project in the State's history. [*Time expired.*]

The DEPUTY SPEAKER: Order! Members will be referred to by their electorates. The question is that the motion of the member for Camden have precedence on Thursday 16 November 2017.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: EXTENSION OF SITTING

Mr ANTHONY ROBERTS: I move:

That standing and sessional orders be suspended at this sitting to permit the House to sit past 10.00 p.m.

Motion agreed to.

Motions Accorded Priority

NORTH COAST INFRASTRUCTURE INVESTMENT

Consideration

Mr GEOFF PROVEST (Tweed) (15:36): My motion should be accorded priority because it acknowledges the New South Wales Liberal-Nationals Government's record investment on the North Coast and recognises that only a New South Wales Liberal-Nationals Government can deliver the infrastructure, the jobs and the services that the people of the North Coast need and deserve. Mr Deputy Speaker, you have been a member representing part of that area for many years. You know that under Labor we were neglected. Under Labor there was no money for infrastructure and job creation.

I have been a member in this place for just on 10 years. In the first four years there was no investment in the North Coast by the then Labor Government. There was a vague promise and it was never delivered—it never came through. It is clear why: Labor could not handle the Treasury or the fiscal management of this great State. I sat in Opposition and saw the Labor Party announce so many things and then cancel them. For example, the city metro—\$5 million just gone—and the T-card; remember that? Ninety-thousand dollars gone, ripped off and stolen from the good people of New South Wales.

Since the Liberals and Nationals have come into power, there has been a record amount of investment on the North Coast. The Pacific Highway has been upgraded and work has been carried out on hospitals in Lismore and up and down the coast. Even in the Tweed in recent times there have been various announcements and commitments, and work has actually started. We have seen jobs generation and growth. The Deputy Premier was in the area only recently. Jobs have been created at the Glass Lab, a large surfboard manufacturer. From 14 jobs currently it will create another 17 jobs, with four more apprentices. This has resulted in an increase in apprenticeships through our TAFE. We often hear the word TAFE being blurted out by those opposite. We often hear those opposite talking down TAFE. But on the North Coast apprenticeships are up by 40 per cent.

Members should note that figure. Apprenticeships are up 40 per cent. That is astronomical growth, which has occurred because the economy is in good shape. There has been investment in infrastructure, in jobs and in services. That did not happen under previous governments. It came about because of good fiscal management and investment by the Liberal-Nationals Government. That is why this motion should be given priority. All the families on the North Coast suffered terribly under Labor but we are now seeing the positive effects of this Government.

The DEPUTY SPEAKER: Order! I remind members that a number of them are on three calls to order. The House will sit until 10 o'clock tonight but some members might want an early mark. I will not direct members to remove themselves for the remainder of the day but I may direct them to leave the Chamber for shorter periods.

CAMPBELLTOWN TRAIN SERVICES

Consideration

Mr GREG WARREN (Campbelltown) (15:40): My motion should be accorded priority because when the Minister's new train timetable comes into effect it will remove direct services from Campbelltown to Liverpool

and Blacktown as well as Parramatta. What government would cut services between two major growing regions? That is totally inconsistent with the rhetoric of each of the members on the opposite side of the Chamber.

I know that the Minister is having a bad day. He has been roughed up by 2GB and by members of his own party. He is wandering around like a lost and wounded dog, but he is experiencing nothing like the inconvenience or frustration that Campbelltown rail commuters will experience as a result of these changes. I will give members the facts of the matter—the Minister's department's figures. More than 1,100 services every week will be cut. The Government's own data shows that those services are used by 32,000 passengers every week.

I want to be really clear about this because the Minister keeps on drawing on examples that are inconsistent with the facts. I am talking about the direct service between Campbelltown, Liverpool, Parramatta and Blacktown. Right now people can get on a train in Campbelltown and go direct to those growing regions through Western Sydney. With this new timetable passengers will not have that direct service. It is inconceivable that the Government would cut a service between these major, growing regions.

The question was posed to the Minister. An embarrassing example was given and his answer was, "One can only assume that this has come from the brilliant mathematician the member for Campbelltown." That was the Minister's response. I thank him for acknowledging his perception of my brilliance but I want to correct a couple of things. You do not need a PhD in mathematics to work out that this is a dud deal for the people of Campbelltown and a dud deal for Western Sydney.

I am not the only one who has this opinion of the Minister. Even the Minister's mate Ray Hadley has turned on him over the debacle surrounding the name of the latest ferry. Whatever he decides, I am not too perturbed about that. The party on this side of the House produced Bob Carr. What has the party on the other side of the House produced? It would be unparliamentary of me to say but I will leave it to Ray Hadley, who could not have put it more eloquently or accurately. I ask that this motion be accorded priority because this Government is failing the people of Campbelltown with this change.

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

The House divided.

Ayes48
Noes33
Majority.....15

AYES

Anderson, Mr K
Barilaro, Mr J
Brookes, Mr G
Cooke, Ms S
Davies, Mrs T
Evans, Mr A
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
Williams, Mr R

Aplin, Mr G
Berejiklian, Ms G
Conolly, Mr K
Coure, Mr M
Dominello, Mr V
Evans, Mr L
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
Upton, Ms G
Williams, Mrs L

Ayes, Mr S
Bromhead, Mr S (teller)
Constance, Mr A
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
Ward, Mr G
Wilson, Ms F

NOES

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

Atalla, Mr E
Car, Ms P
Cotsis, Ms S
Dib, Mr J
Harris, Mr D
Kamper, Mr S

Bali, Mr S
Catley, Ms Y
Crakanthorp, Mr T
Donato, Mr P
Harrison, Ms J
Lalich, Mr N (teller)

NOES

Leong, Ms J
McKay, Ms J
Parker, Mr J
Smith, Ms T F
Washington, Ms K

Lynch, Mr P
Mehan, Mr D
Piper, Mr G
Tesch, Ms L
Watson, Ms A (teller)

McDermott, Dr H
Minns, Mr C
Scully, Mr P
Warren, Mr G
Zangari, Mr G

PAIRS

Fraser, Mr A
Hancock, Mrs S
Perrottet, Mr D
Tudehope, Mr D

Foley, Mr L
Hoenig, Mr R
Hornery, Ms S
Mihailuk, Ms T

Motion agreed to.

The DEPUTY SPEAKER: Order! I place the member for Drummoyne on two calls to order.

NORTH COAST INFRASTRUCTURE INVESTMENT**Priority**

Mr GEOFF PROVEST (Tweed) (15:49): I move:

That this House:

- (1) Acknowledges the Government's record investment on the North Coast.
- (2) Recognises that only a Liberal and Nationals Government can deliver the infrastructure, jobs and services that the people of the North Coast need and deserve.

The statements in that motion are absolutely true. The North Coast suffered under Labor. Our hospitals, jobs growth, industries and services all suffered time and time again. We sat in opposition and pleaded with those on this side of the Chamber time and time again but we did not get any response—it was like we did not exist. If memory serves me correctly, those opposite were more focused on changing Ministers. In four years Labor went through 30 or 40 Ministers and three Premiers. There are some amazing things happening on the North Coast. There is amazing investment by the Liberal-Nationals Government in the Pacific Highway, in bridge upgrades, in hospital upgrades and in a number of new police stations and courthouses. More importantly, this Government has given local businesses the confidence to invest. We had some interest-free loans to give out to local businesses and every one of them was employing more and more people and more and more apprentices. As I said earlier, it is important to understand that a government can build all the infrastructure it likes, but if people do not have jobs the whole community fails. If people live on welfare they go into a downward spiral.

On the North Coast we have seen a massive growth in the number of jobs and in the number of people seeking extra qualifications. In my electorate we have the great TAFE at Kingscliff. There has been a 40 per cent increase in apprentices and we have employed a large number of extra teachers. It is one of the best campuses. Obviously, I am committed to the Tweed, but the TAFE really is going extraordinarily well. That is because in my electorate alone approximately 20,000 home sites are being built. There is development up and down the coast. Jobs are being created on the highway and in the hospitals. For example, when my hospital is completed the number of staff will increase from 1,200 to 2,500—that is an enormous number. One of the things that absolutely cuts me to the bone is the Labor Party's negativity. The Hon. Walt Secord has no idea. I do not know how Labor puts up with him as shadow Minister for Health because he spends most of his time up on the North Coast. He flies in, criticises and flies out. He is "loose with the truth Walt". He has no idea and no connection with the local people. In fact, he insults the local people. He does not go to any other regions, he is up on the North Coast all the time. That is why I am so proud to be part of the team on this side of the House.

The DEPUTY SPEAKER: Order! Opposition members will come to order. They will have an opportunity to contribute to the debate.

Mr GEOFF PROVEST: We have good financial management and planning, we identify the issues, and we deliver. For four years I saw promises being broken. Now I see not only promises in budget allocations but also infrastructure being built. Members on the opposite side of the House should take a drive up and down the Pacific Highway to see what is happening north of Newcastle. Jobs are being created and work is being done.

It is incredible. That is why I feel so proud and why the good people on the North Coast appreciate the efforts of the New South Wales Liberal-Nationals Government.

Mr DAVID HARRIS (Wyong) (15:55): Today is known as National Party Wednesday, when the National Party members get to stand up and crow about all the things that are happening in their part of the world. I looked it up in Wikipedia and I came across what happens on a Wednesday.

Mr Gareth Ward: Is that your authoritative source?

Mr DAVID HARRIS: It is. What happens on a Wednesday is "the book of lists." Each book contains hundreds of lists, many accompanied by textual explanations, on unusual or obscure topics, for example "Famous people who died during sexual intercourse", "The world's greatest libel suits", "People suspected of being Jack the Ripper" and "The member for Tweed's list of infrastructure projects on the North Coast". I am a *Doctor Who* fan—a Whovian—and the problem is that it is like getting into a time machine and going back to 2015; the list of infrastructure projects has not changed. All they do is stand up every Wednesday and repeat the same thing over and over. The list has not got any longer in three years. It is the same list and the same projects. The reason the Government is having trouble in regional New South Wales is that Government members think that people will only vote for them if they are building infrastructure. On this side we know that governments are about people and people want services. They want public servants who look after what they need in the community.

TAFE is a great example. Now we are getting "mobile TAFE", "shop-front TAFE" and every sort of TAFE. But the real indicator is that TAFE has just employed a person in charge of divestment. The job description of a person in charge of divestment would be to look at infrastructure that belongs to TAFE and sell it off. The member for Tweed mentioned how well his TAFE is doing, but I would be very worried if I were him because this Government hates big publicly owned buildings. The Government tried to privatise hospitals in my area and in the member for Kiama's area because it does not want to own them. It was only the great public outcry that stopped that happening. In Dapto, which again is close to the member for Kiama's area, a perfectly good TAFE was converted into a shop front.

Mr Christopher Gulaptis: Point of order: I ask you to bring the member back to the leave of the motion, which is not about Dapto. It is about the North Coast.

The DEPUTY SPEAKER: Order! Members are given some latitude when discussing motions accorded priority. I am sure the member for Wyong is about to draw his remarks back to the northern part of the State.

Mr DAVID HARRIS: Exactly. I am warning members about what may happen in the northern part of New South Wales, given this Government's record in other parts of New South Wales. That is entirely appropriate. When TAFE employs someone to be in charge of divestment they are looking at all properties across the State, including in the North Coast. That employee will not be earning money if they do not do their job and divest things. Government members do not understand that this is about services and about the Government meeting the needs of people in areas such as disability support.

When advocacy groups lose their funding—and this will affect the North Coast as well—people with disabilities on the North Coast will lose the primary organisations that speak out for them. The funding cuts will affect TAFE NSW disability consultants who help people with disability to finish their courses. I suggest that Government members stop referring to lists and instead listen to what their communities are saying about services and service delivery. I say that because I like the member for Tweed, and I hold grave fears that if he does not get the message he may not be with us after the next State election. I suggest that the member for Tweed stop referring to lists and start talking about things people want to hear about.

Mr CHRISTOPHER GULAPTIS (Clarence) (16:00): I am proud to support the motion moved by the member for Tweed because truer words have never been spoken. For 16 years under Labor there was zero public investment on the North Coast. Even when the North Coast was fighting for an 80-20 funding split for upgrading the Pacific Highway, Labor opposed the funding. Labor members wanted to confine the people of the North Coast to a nineteenth century transport route and did not care about the deaths that had been occurring on that highway; nor did they care about the people who travel along the Pacific Highway, education or medical services. As for Bob Carr, when he visited Grafton in 2007 he gave an iron-clad guarantee that the Grafton Bridge would be built. But as soon as he was elected he dumped that promise—like so many other promises he made. As far as the people on the North Coast are concerned, he was a lying hound. There were broken promises from here to Timbuktu.

In 2015 Luke Foley promised a great big koala national park, which would have decimated the timber industry on the North Coast and thrown thousands of timber workers onto the scrapheap. That shows what Labor thinks about the North Coast—it could not give a hoot. When Labor members arrive at Newcastle, they think they are on the North Coast. For the information of Labor members, I will outline the benefits that the Liberal-Nationals Government has provided for the North Coast: a \$270 million Grafton Bridge; in partnership with the Federal

Government, \$4.36 billion for the Pacific Highway upgrade; \$27 million for a new Sportsmans Creek Bridge in my electorate; \$7 million towards an ambulatory care unit in Grafton; \$7 million towards the Northern Rivers Livestock Exchange in Casino, which will create hundreds of jobs and for which the people of Casino have waited—and I thank the Premier for visiting the North Coast to make an announcement—and \$4 million for Coraki HealthOne.

In addition to that, there is the announcement of a \$550 million new Tweed Hospital; the Lismore Base Hospital has had \$270 million spent on it; and the Byron Central Hospital has had \$88 million spent on it. My list begs the question: What was Labor doing during the 16 years it was in government? Labor was asleep at the wheel and did not spend a zack on the North Coast. Labor members should be absolutely ashamed of themselves. I ask them please to not visit the North Coast because we do not believe them and we do not trust them.

Mr TIM CRAKANTHORP (Newcastle) (16:03): The motion relating to record investment moved by the member for Tweed is very curious. As the member for Wyong said, The Nationals have a time machine. I cannot help but picture the Deputy Premier trying to hop into his time machine while holding his new proposal for a nuclear reactor on the North Coast. Perhaps that will create some jobs and investment! As the Deputy Premier said, "We could have them operating here in a decade." Nuclear for Climate has identified the North Coast as a region for a possible reactor site. All the Deputy Premier needs to do now is tell the people on the North Coast exactly where he wants to put his nuclear reactor.

This Government has not invested in police on the North Coast. Unemployment has increased. What about North Coast hospitals? The nuclear reactor might create a bit of work; unemployment is a big issue. As the member for Tweed said, "If people do not have jobs the whole community fails." I have only to cite the example of Coffs Harbour to illustrate my point about unemployment levels. When Labor was in government, youth unemployment was 9.8 per cent but the rate is now 17.4 per cent in Coffs Harbour. The unemployment rate in Grafton under Labor was 3.7 per cent in 2011 but now it has increased to 8.6 per cent. Hooley dooley! Let us examine policing on the North Coast. Police numbers in the Byron-Tweed area have slipped below 2009 levels. The local area command has not received a single constable from the past two graduations of 236 new probationary constables.

The member for Tweed should come clean and admit that he has failed the residents of Tweed because he has not increased the number of police officers in his electorate. That is contrary to what he said in 2009: "I pledge to significantly increase police numbers when we form government." But police numbers in the Tweed have gone down, down, down. Let us now examine the issue of hospital investment. The Tweed was promised \$534 million, but was allocated \$2.5 million in the budget. When will the project be complete? It will be finished in 2025. By then I could be a grandfather. Inverell Hospital was promised at a cost of \$30 million but the budget allocation was only \$5 million. What about Coffs Harbour hospital? The Government promised \$156 million. But what is in the budget? It allocated \$5 million. When will the project be completed? It will be finished in 2021. What about the privatisation of Ageing, Disability and Home Care [ADHC]? Under this Government, disability services are disappearing and so are jobs. [*Time expired.*]

Mr GEOFF PROVEST (Tweed) (16:06): In reply: I thank the member for Newcastle, the member for Wyong and the member for Clarence for their valuable contributions to the debate. The member for Wyong referred to TAFE. I understand that recently the member for Northern Tablelands and the member for Lismore announced a \$2.3 million learning centre for the Northern Tablelands TAFE.

The DEPUTY SPEAKER: It has been opened.

Mr GEOFF PROVEST: That is great. The member for Wyong accused the Government of wanting to sell off large government buildings. If memory serves me correctly, the member for Wyong was part of the Government that sold off the generators at two minutes to midnight on the night before Christmas. He seems to have forgotten that tiny point. In terms of ripping off the people of New South Wales, Labor is right up there. I appreciate the concern expressed by the member for Newcastle, but to say that there has been no investment in the Police Force on the North Coast indicates to me that once again the Hon. Walt Secord has given him the wrong information.

The DEPUTY SPEAKER: Order! I remind the member for Canterbury that she is on two calls to order. I remind the member for Swansea that she is on three calls to order.

Mr GEOFF PROVEST: As recently as two months ago, the Government opened a \$25 million brand-new police station. Three months ago the development application was approved and building commenced on the new \$3 million Water Police station on the North Coast. It is terrible for the member for Newcastle to say that no infrastructure has been provided. Once again, I attribute the source of the next comment I will deal with to the Hon. Walt Secord, who continually demonstrates his lack of knowledge and understanding of how hospitals

are built. He does not understand that there is a rolling budget. The first step is to purchase the land and then the construction project is put out to tender. When the tenders are received and accepted, it is only then that payments are made. Nobody puts \$534 million into an account and deals off that.

That is not the way to build a hospital according to modern financial practice. The comments of the Hon. Walt Secord show a lack of knowledge about how to run a budget and build infrastructure. It is no wonder that when we took government from those opposite this State was billions of dollars in debt. Obviously those opposite cannot read a balance sheet, which is sad. I am sure that our Treasurer would be willing to give them a course in how to read a balance sheet, because we like to share our knowledge—as we all know, knowledge is power. It seems there is a bit of a vacuum of knowledge in fiscal management and planning on that side of the House. We only need to look at communities around the great State of New South Wales to see that major infrastructure development is happening. Those opposite cannot deny that there is once-in-a-generation development because of the good fiscal management of this Government and its desire to serve the good people of New South Wales.

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

The House divided.

Ayes46
Noes31
Majority..... 15

AYES

Anderson, Mr K
Bromhead, Mr S (teller)
Constance, Mr A
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
Ward, Mr G
Wilson, Ms F

Aplin, Mr G
Brookes, Mr G
Cooke, Ms S
Davies, Mrs T
Evans, Mr A
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
Williams, Mr R

Ayres, Mr S
Conolly, Mr K
Coure, Mr M
Dominello, Mr V
Evans, Mr L
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
Upton, Ms G
Williams, Mrs L

NOES

Aitchison, Ms J
Barr, Mr C
Chanthivong, Mr A
Daley, Mr M
Harris, Mr D
Kamper, Mr S
Lynch, Mr P
Mehan, Mr D
Scully, Mr P
Warren, Mr G
Zangari, Mr G

Atalla, Mr E
Car, Ms P
Cotsis, Ms S
Dib, Mr J
Harrison, Ms J
Lalich, Mr N (teller)
McDermott, Dr H
Parker, Mr J
Smith, Ms T F
Washington, Ms K

Bali, Mr S
Catley, Ms Y
Crakanthorp, Mr T
Finn, Ms J
Haylen, Ms J
Leong, Ms J
McKay, Ms J
Piper, Mr G
Tesch, Ms L
Watson, Ms A (teller)

PAIRS

Barilaro, Mr J
Berejiklian, Ms G
Fraser, Mr A

Foley, Mr L
Hoenig, Mr R
Hornery, Ms S

PAIRS

Perrottet, Mr D

Mihailuk, Ms T

Motion agreed to.*Bills***EDUCATION AMENDMENT (SCHOOL SAFETY) BILL 2017****Second Reading Debate****Debate resumed from an earlier hour.**

Ms TAMARA SMITH (Ballina) (16:19): I will recap what I was saying in relation to the Education Amendment (School Safety) Bill 2017 when debate was interrupted earlier. The Greens are committed to the safety of students, teachers and visitors in our schools, and we note that public schools in New South Wales are safe places.

In opposing the bill, The Greens assert that there is no gap as suggested. I also want to talk about resourcing because not a lot is being said about that. I mentioned earlier that I worked with Margaret Baker in the legal branch of the department on enrolment procedures, which still stand us in good stead today. Under those procedures and part 5A of the Education Act, a principal can refuse to enrol a student who has a history of violence and a risk assessment suggests that there would be significant risk to the health and safety of students and teachers if the student was to be enrolled. Under the current part 5A provisions, a principal can also develop strategies to eliminate or minimise that risk or request that the student be enrolled in a more appropriate educational setting. Does that sound familiar? It should, because those provisions are in the new non-attendance directions. It is a doubling up.

The Law Society of New South Wales, the New South Wales Teachers Federation and quite a lot of principals have told me that the scenarios that were mentioned by the Minister today could easily be addressed using the current part 5A provisions and the Suspension and Expulsion of School Students Procedures. I point out that some people are saying enrolment is prospective enrolment because under part 5A the big paradigm shift was—as we learnt from the terrible violent incident that occurred many years ago at Dover Heights—principals did not have the power to request the records of a student enrolling and did not have the capacity to request from police, the Department of Family and Community Services or a range of stakeholders information about a prospective student. Of course, "enrolment" under part 5A refers to prospective and continuing enrolment. Principals tell me that they can make risk assessments at any time under the current legislation.

In addition, when the Dover Heights case went before the Industrial Relations Commission the department received one of the biggest fines under work, health and safety legislation that the commission had ever given. That is another legislative layer that empowers principals. There is a very strong power under the work, health and safety legislation to ensure the safety of teachers, workers and students. We believe there is no gap under the current part 5A provisions. Principals can seek information from a range of important stakeholders. Currently under section 26H of the Education Act the secretary may direct that a student not be enrolled at any government school other than a government school that they specify if the student is believed on reasonable grounds to constitute a risk to the health or safety of any person, including that student. Given the fact that currently under part 5A and section 26H of the Education Act and under the Suspension and Expulsion of School Students Procedures 2011 principals can, in effect, give non-attendance orders—vis-a-vis they can suspend, expel or refuse to enrol a student on the grounds that they pose a significant risk—we cannot find any substantial reason for the new provision.

All the matters raised in schedule 1, apart from the review provisions, are already either in current legislation or in current guidelines and procedures. We are very concerned that there is no mention of the right of a child to receive education, how children will be supported to re-enter school life, and how they will continue their education while they are the subject of a non-attendance order. It is tricky to balance safety against the rights of a child who may have engaged in acts of violence, but we know that we must spend resources and time deradicalising students, and having students work with appropriate experts to ensure they do not end up in the criminal justice system, which will cost millions of dollars not to mention the harm done when students miss out on beneficial early years experiences. I have been asked why the department got rid of behaviour itinerant teachers as part of its devolution agenda. They were experts in their field. The department also got rid of its specialised student welfare consultants. When we lost 1,100 experts from the field, we were the poorer for it. I encourage the Minister to have a conversation with principals about what we lost when we lost those experts.

We have also lost people with expertise in the disability area—people with master's degrees and PhDs. Resourcing is very important and it is missing from this conversation. We commend the Labor Party amendments and I point out that the Law Society's contributions were outstanding. We are very grateful to the Labor Party and to the Minister for accepting the amendments. There has been a lack of consultation about the bill. That is hard to understand because it is critical to get this right the first time; we do not make changes to the Education Act every day. It is about 10 years since there has been legislation this significant. Why not consult more broadly to make sure we get it right? Principals do suspend without initial interviews. If a student has absconded, there is no requirement for the principal to sit down with the student before they are suspended. There seems to be quite a lot of misinformation about the bill.

Mr Gareth Ward: The reason for the change.

Ms TAMARA SMITH: I note the interjection. I note also the examples that were given. I have been assured by former principals and senior officers in the Teachers Federation that they are confident they can address those issues. We would like the Minister to address that fact that under schedule 1 students who receive a non-attendance direction for less than five days have no right of review. We feel that is a complete lack of procedural fairness. There does not seem to be any good reason for that provision. Some important stakeholders have not been consulted, including the NSW Aboriginal Education Consultative Group. We know that Aboriginal and Torres Strait Islander students will be over-represented in the number of students given non-direction orders, as will vulnerable young people. Some key guidelines are missing from the legislation. Until we see those guidelines we simply will not know how this will play out in schools. As a matter of law, when legislation affects the rights of vulnerable people—in this case, children and young people, children and young people with disabilities, and children and young people from minority groups—the primary legislation should contain substantive detail. The Greens oppose the bill.

Debate adjourned.

TERRORISM (HIGH RISK OFFENDERS) BILL 2017

First Reading

Bill introduced on motion by Mr Mark Speakman, read a first time and printed.

Second Reading Speech

Mr MARK SPEAKMAN (Cronulla—Attorney General) (16:29): I move:

That this bill be now read a second time. The Government is pleased to introduce the Terrorism (High Risk Offenders) Bill 2017. This bill introduces important reforms to protect the community from offenders who have reached the end of their prison sentence and pose an unacceptable risk of committing a future serious terrorism offence at the end of their sentence. It is a sad reality that terrorism continues to present an ongoing threat to the safety and security of New South Wales and the nation. Australia's National Terrorism Threat Level remains PROBABLE, which means that:

Credible intelligence, assessed by our security agencies, indicates that individuals or groups continue to possess the intent and capability to conduct a terrorist attack in Australia.

Unfortunately, the people of New South Wales are all too familiar with the terrible impact caused when the threat of terror manifests itself. Monday 15 December 2014 will forever be etched into the collective memory of the nation as the day in which terror struck in the heart of Sydney. This was the day that Man Monis, an armed terrorist sympathetic to the Islamic State terrorist group, took 18 people hostage in the Lindt café in Martin Place. Ultimately, the lives of two innocent people—Tori Johnson and Katrina Dawson—were lost as a result of the terrorist's actions that day and the early hours of the following morning.

New South Wales has been subject to numerous terrorism plots that, thankfully, have been prevented due to the efforts of the NSW Police Force and other law enforcement and intelligence agencies. One only needs to imagine the carnage that would have been caused if the plot to detonate explosives smuggled onto a passenger plane in a meat grinder had not been foiled by the authorities. This plot, and all of the other plots that have been prevented, show how important it is to be vigilant and address new challenges as they arise. This means ensuring that the authorities have effective powers and legal frameworks aimed at combating terrorism and protecting the public. This bill aims to do just that.

The bill creates a post-sentence supervision and detention scheme covering New South Wales offenders serving a sentence of imprisonment for an indictable offence. The bill will enable the Supreme Court to impose extended supervision orders or continuing detention orders on offenders who pose an unacceptable risk of committing a future serious terrorism offence at the completion of their sentence. The New South Wales post-sentence supervision and detention scheme will complement the Commonwealth's post-sentence detention

scheme for Commonwealth offenders and builds on structures in place for the New South Wales post-sentence supervision and detention framework for serious sex and violence offenders. That scheme covers quite a small number of high-risk offenders who require incarceration or intensive supervision after their sentence has ended.

The bill also makes the necessary amendments to the Crimes (Administration of Sentences) Act 1999, or CAS Act, and its regulations to ensure offenders subject to the Commonwealth post-sentence detention scheme are able to be housed and managed in New South Wales correctional centres. The bill also implements recommendation 12 from the Martin Place Siege Joint Commonwealth—New South Wales review and recommendation 42 from the New South Wales Coroner's inquest into the deaths arising from the Lindt cafe siege. It does so by amending the Privacy and Personal Information Protection Act 1998 to allow New South Wales public sector agencies to disclose personal information they hold to the Australian Security Intelligence Organisation where ASIO requests that information and certifies that it is reasonably necessary for ASIO to fulfil its statutory functions.

There is no doubt that laws to keep offenders behind bars or under supervision after they have completed their sentences are tough laws. The New South Wales Government makes no apologies for this. The bill adds to the already strong arsenal of laws aimed at disrupting terrorism and keeping the community safe. The post-sentence supervision and detention scheme is not intended to operate indefinitely for each individual offender subject to the scheme. The scheme will provide a real opportunity for an offender to utilise the extensive rehabilitation and countering violent extremism services offered by the New South Wales Government. If an offender undergoes rehabilitation and no longer poses an unacceptable risk of committing a future serious terrorism offence, they will no longer be subject to the extended supervision or continuing detention.

I now turn to the detail of the bill. Part 1 contains the objects of the bill, contains the definitions used throughout the bill and explains the application of the bill, including the bill's relationship with other Acts. Division 1.3 of part 1 provides the key concepts used throughout the bill. Division 1.3 provides that an "eligible offender" is a person who is 18 years of age or older and who is serving a sentence of imprisonment for a New South Wales indictable offence. This also includes a person who is continuing to be supervised or detained after serving a term of imprisonment for a New South Wales indictable offence. An eligible offender is considered to be a "convicted NSW terrorist offender" if either: the offender is serving, or is continuing to be supervised or detained under this Act after serving, a sentence of imprisonment for an offence against section 310J of the Crimes Act 1900; or the offender has previously served a sentence of imprisonment for an offence against section 310J of the Crimes Act 1900 and is serving, or is continuing to be supervised or detained under this Act after serving, a sentence of imprisonment for any other New South Wales indictable offence.

An eligible offender is considered to be a "convicted NSW underlying terrorism offender" if: the offender is serving, or is continuing to be supervised or detained under the Act after serving, a sentence of imprisonment for a New South Wales indictable offence; and the offender's offence is a serious offence; and the offender's offence occurred in a terrorism context. Clause 9 (2) outlines the types of offences—for example, a firearms offence—that are considered to be serious offences for the purposes of the definition of "convicted NSW underlying terrorism offender". Clause 9 (3) outlines how an offence is taken to have occurred in a terrorism context for the purposes of the definition of "convicted NSW underlying terrorism offender".

Clause 10 outlines how an eligible offender is considered a "convicted NSW terrorism activity offender". An eligible offender is a convicted New South Wales terrorism activity offender if the offender is serving, or is continuing to be supervised or detained under the Act after serving, a sentence of imprisonment for a New South Wales indictable offence, and either: the offender has at any time been subject to a control order; or the offender has at any time been a member of a terrorist organisation; or the offender has made statements or engaged in other conduct involving advocating support for engaging in any terrorist acts, or is associated or otherwise affiliated with other persons or with organisations advocating support for engaging in any terrorist acts.

The Supreme Court is responsible for determining whether an eligible offender is a convicted New South Wales terrorist offender, convicted New South Wales underlying terrorism offender or convicted New South Wales terrorism activity offender. Clauses 11 and 12 of the bill outline the procedural requirements for making an application for one of these determinations and also the factors the Supreme Court may take into account when determining an application.

Part 2 of the bill allows the State to apply to the Supreme Court for an extended supervision order for an eligible offender. The court can make an extended supervision order if the offender is in custody or under supervision either: while serving a sentence of imprisonment for a New South Wales indictable offence; or under an existing interim supervision order, extended supervision order, interim detention order or continuing detention order. In determining whether to make an extended supervision order, the Court must be satisfied that the eligible offender is a convicted New South Wales terrorist offender, a convicted New South Wales underlying terrorism offender, or a convicted New South Wales terrorism activity offender. The court must also be satisfied to a high

degree of probability that the offender poses an unacceptable risk of committing a serious terrorism offence if not kept under supervision under the order. The court can also dismiss an application for an extended supervision order.

Division 2.3 provides the application process for the State to apply to the Supreme Court for an extended supervision order. An application can only be made in respect of an eligible offender who is in custody or under supervision while serving a sentence of imprisonment for a New South Wales indictable offence, or under an existing interim supervision order, extended supervision order, interim detention order or continuing detention order. An application for an extended supervision order cannot be made until the last 12 months of the eligible offender's current term of custody or supervision. It must be supported by documentation that addresses the list of factors in clause 25 (3) that the court must have regard to when determining an application, as well as a report, prepared by a qualified psychiatrist, registered psychologist, registered medical practitioner or other relevant expert, that assesses the likelihood of the eligible offender committing a serious terrorism offence. The maximum term for an extended supervision order is three years. The order commences either when the order is made or when the eligible offender's current custody or supervision expires, whichever is later.

Clause 27 allows the court to make an interim extended supervision order if it appears that the offender's current custody or supervision will expire before the proceedings are determined, and that the matters alleged in the supporting documentation would, if proved, justify the making of an extended supervision order. The maximum term for an interim order is 28 days. An interim supervision order can be renewed for a total period that does not exceed three months. An extended supervision order and an interim supervision order can include any conditions the Supreme Court considers appropriate. Clause 29 of the bill outlines some of the possible conditions the court might consider. This includes a requirement to wear electronic monitoring equipment and to participate in intervention programs or initiatives. The maximum penalty for a breach of an extended supervision order or an interim supervision order is 500 penalty units—which is currently \$55,000—five years imprisonment, or both.

Part 3 of the bill allows the State to apply to the Supreme Court for a continuing detention order. The court can order the continuing detention of an eligible offender if the offender is a detained offender or a supervised offender. A detained offender is a person who is in custody either while serving a sentence of imprisonment for a New South Wales indictable offence, or under an existing continuing detention order, emergency detention order or interim detention order. A supervised offender is a person who is in custody or under supervision either under an extended supervision order or an interim supervision order, or whose obligations under an extended supervision order or an interim supervision order have been suspended or under an interim detention order.

In determining whether to make a continuing detention order, the Supreme Court must be satisfied that the offender is a convicted New South Wales terrorism offender, a convicted New South Wales underlying terrorism offender or a convicted New South Wales terrorism activity offender. The court must also be satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious terrorism offence if not kept in detention under the order.

Division 3.3 provides the application process for the State to apply to the Supreme Court for a continuing detention order. An application can be made only in respect of a detained offender or a supervised offender, and cannot be made more than 12 months before the end of the offender's total sentence or the expiry of an existing continuing detention order. An application must be supported by documentation that addresses the list of factors in clause 39 that the court must have regard to when determining an application, as well as a report—prepared by a qualified psychiatrist, registered psychologist, registered medical practitioner or other relevant expert—that assesses the likelihood of the eligible offender committing a serious terrorism offence. The Supreme Court can determine an application for a continuing detention order by making a continuing detention order, making an extended supervision order instead of the detention order, or by dismissing the application. The maximum term for an order is three years. The order commences when the order is made or when the eligible offender's current custody expires, whichever is later.

Division 3.5 of the bill allows the court to make an interim detention order. An interim detention order can be made if it appears that the offender's current custody will expire before the proceedings are determined, and that the matters alleged in the supporting documentation would, if proved, justify the making of a detention order. The maximum term for an interim order is 28 days. An interim order can be renewed for a total period that does not exceed three months. Division 3.6 of the bill provides for emergency detention orders. An emergency detention order can be made by the court, on application by the State, in respect of an eligible offender who is the subject of an extended supervision order or an interim supervision order and who, because of altered circumstances, poses an unacceptable and imminent risk of committing a serious terrorism offence if the emergency detention order is not made. The term of an emergency detention order cannot exceed 120 hours.

Part 4 of the bill provides that all proceedings under the proposed Act are civil proceedings and, to the extent to which the Act does not provide for their conduct, are to be conducted in accordance with the law relating to civil proceedings, including the rules of evidence. This does not impact on the weight the Supreme Court gives to information admitted under the Act. Clause 51 provides for registered victims to be notified of certain applications under the proposed Act. Registered victims are also given an opportunity to make a statement setting out the person's views about a proposed order and any conditions to which the order may be subject. A victim's statement must not be disclosed to the eligible offender unless the victim consents to the disclosure. Clause 52 enables prescribed terrorism intelligence authorities also to make submissions to the court.

Clause 53 provides that an appeal can be made to the Court of Appeal against a determination by the Supreme Court to make or to refuse to make one of the orders specified in that clause. Part 5 enables the Attorney General, in circumstances prescribed by the regulations to require any person to provide "offender information" of a kind prescribed by the regulations. "Offender information" is defined to mean any document, report or other information that relates to the behaviour, beliefs, financial circumstances, or physical or mental condition of any eligible offender. This information may include terrorism intelligence. Failing to comply with a requirement to provide information will incur a maximum penalty of 100 penalty units for a corporation and 100 penalty units or imprisonment for two years or both in other cases. Any document or report so provided will be admissible in proceedings under the proposed Act despite any Act or law to the contrary. As noted, while a document may be admissible in proceedings, this does not impact on the weight the Supreme Court applies to that information.

Clause 60 enables the Attorney General or a prescribed terrorism intelligence authority to apply to the Supreme Court to request that information be dealt with as terrorism intelligence. The Supreme Court must take steps to maintain the confidentiality of terrorism intelligence, including hearing evidence about the intelligence in private or restricting access to the terrorism intelligence. Despite this, the Supreme Court must provide either the offender or the offender's legal representative, or both, access to or a copy of the terrorism intelligence. A person who fails to comply with the Supreme Court's orders is subject to a maximum penalty of 100 penalty units or imprisonment for two years or both for an individual or 100 penalty units for a corporation. This provision also provides for an aggravated offence carrying a seven-year maximum penalty. This applies where a person fails to comply with the Supreme Court's orders and intends to endanger the health or safety of any person or prejudice an investigation into a relevant indictable offence, or is reckless in doing so.

Part 6 confers functions under the proposed Act on the High Risk Offenders Assessment Committee. This committee was established under the Crimes (High Risk Offenders) Act 2006 and will exercise functions including, first, reviewing risk assessments of eligible offenders and making recommendations about what action could be taken in respect of those offenders; secondly, facilitating cooperation and coordination between relevant agencies in connection with any functions relating to the risk assessment and management of eligible offenders; and thirdly, facilitating information sharing between relevant agencies in connection with the exercise of their high risk terrorism offender functions.

Part 7 of the bill contains a number of miscellaneous provisions. This part provides that the Attorney General, or any other person prescribed by the regulations, is entitled to act on behalf of the State for the purposes of applications made under this Act. The Attorney General may also enter into arrangements, on behalf of the State, with one or more other Australian jurisdictions, or one or more of their agencies, for the exchange or sharing of information that the parties hold about terrorism activities or suspected terrorism activities.

I now turn to how the bill will amend other legislation. On 1 December 2016, the Commonwealth Parliament passed the Criminal Code Amendment (High Risk Terrorist Offenders) Act 2016, which enables the post-sentence detention, but not supervision, of Commonwealth terrorist offenders who pose an unacceptable risk of committing a future serious terrorism offence. Schedule 2 to the bill makes amendments to other legislation necessary to implement the Commonwealth's post-sentence scheme. Schedule 2 also amends the necessary legislation to ensure that offenders subject to both the New South Wales scheme and the Commonwealth's post-sentence scheme can be housed and managed in the New South Wales corrections system.

Schedule 2.10 addresses a gap in the Local Court's capacity to punish longer-term inmates effectively for possession of prison contraband. The existing framework prevents the Local Court from imposing a new sentence to be served consecutively, or partly concurrently and partly consecutively, on an offender who is already serving a prison sentence, if the new sentence would end more than five years after the existing sentence began. The amendment will address this gap and is limited to four prison contraband offences to maintain the important balance of authority between the Local Court and the District Court. Schedule 2.14 amends the Privacy and Personal Information Protection Act 1998 to allow public sector agencies to disclose certain personal information to the Australian Security and Intelligence Organisation. This was a recommendation arising from the Lindt cafe siege.

I would like to thank the following people who have worked hard to deliver this reform: from our New South Wales Government agencies, Anna Read, Daniel Noll, David Spackman and Paul McKnight from the Department of Justice; Kara Lawrence from Corrective Services NSW; Jennifer Hastings from the Office for Police; Bernhard Ripperger from the Office of the General Counsel; Assistant Commissioner Michael Willing from the NSW Police Force; Michelle Micallef from Corrective Services NSW; Mark Follett from the Department of Premier and Cabinet; and especially Andreas Heger from the Department of Justice. I would also like to thank the following staff from ministerial offices: Tom Payten, Greg Dezman, Katherine Danks, Julian Whealing, Monica Tudehope, Ed Clapin, Mitchell Clout, Bran Black, and especially Clare Wesley.

The protection of the community from the ongoing threat of terrorism is of paramount importance to the New South Wales Government. We will do whatever we reasonably can to ensure law enforcement authorities have at their disposal effective powers to keep the community safe. Through this bill, the Government is delivering on that commitment and ensuring that the counter-terrorism measures in New South Wales are some of the strongest in the country. We do not take this legislation lightly. It is unfortunate that we have to introduce these laws. But what would be more unfortunate—what would be unforgivable for a government—is if someone who we knew posed an unacceptable risk of committing a serious terrorism offence in custody was then released into the community and committed an atrocity. I commend the bill to the House.

Debate adjourned.

EDUCATION AMENDMENT (SCHOOL SAFETY) BILL 2017

Second Reading Debate

Debate resumed from an earlier hour.

Mr DAVID HARRIS (Wyang) (16:53): I make a contribution on the Education Amendment (School Safety) Bill 2017. I endorse the address made by the shadow Minister and recognise the contribution of the Minister. I also thank the Minister up-front for accepting important Labor amendments to ensure that this bill addresses a range of issues because our school system has a responsibility to all students in the system: those who are at school and who are at risk of harm as well as those young people who get themselves into trouble and are sometimes the perpetrators of that harm. Even though we do not excuse their behaviour, we have to acknowledge that we still have a duty of care for them. I acknowledge, as other speakers have, that our public schools are overwhelmingly safe places. I say that as someone who has worked in the education system for 23 years, 18 of those years as a school principal. It is within that context that I make my contribution today.

I particularly thank the member for Ballina for her contribution in which she outlined her experience with the department's legal branch—a group of people on whom I had to rely on many occasions to ensure that I had clear advice as to how to act in certain situations. The member for Ballina said that many of the occurrences that this bill might address already are covered in existing legislation, and I acknowledge that. Perhaps in the Minister's reply he might be able to outline instances of where this bill is needed to cover inadequacies in the current legislation. If my memory serves me correctly, this bill also addresses cases in which incidents happen outside of the school. It can be very difficult for principals to deal with an incident that has not occurred on school grounds. I will talk about that through some experiences I had.

I was a primary school principal. Even though I worked in primary schools, I came across students—particularly students with intellectual disabilities—who could be very violent. I also had to deal with students who were quite traumatised by their early life experiences, which caused them to exhibit violent behaviour. That often did not have anything to do with the school setting itself but it was because they had become angry with the world due to the experiences—some of them quite horrific—they had been through. And there were also those students who exhibited sexual behaviour.

The example I will talk about was a young person who had an intellectual disability and had been abused as a child. He had been the victim of sexual assault as a child and had been used in the production of child pornography, particularly by his father. He was quite traumatised by that and acted out his trauma by sexually attacking other children, and this happened both at school and at home. This young person was only eight years old. He was a risk to the point that when I was the deputy principal he had to spend all of his non-classroom time in my office because we could not let him go into the playground. The reason I use this example is that, although the bill does not necessarily cover this, it is something we have to think about as a community. His mother sought help. She came to me and told me that when he had children around to play at home he had assaulted some of them. She did not know what to do. Because of his age, he slipped through. He was not eligible for some help because he was too young and he was not eligible for other help because he was too old, and some of it was because of his disability. Because he was under 10 years of age he was not able to be declared responsible and therefore could not be charged for some of the acts he had committed.

It was very difficult to deal with his needs and at the same time protect other students from his behaviour. Because he did not like being put in my office—he wanted to be outside with everybody else and he did not really understand—I and other members of staff were victims of assault. In fact on three occasions he totally destroyed my office, pulling down large cupboards and putting himself in potential danger. We had suspended him and we tried to get outside assistance. Finally, in desperation, I called a multiagency meeting. Representatives of about 12 different agencies sat around a table. None of those representatives could offer him help because he did not fit into a particular box. The only advice I could give his mother was to take him to the local hospital with his suitcase and leave him there. That was heart-wrenching for her. She did not have the skills to cope with his behaviour. Finally, after she did that, agencies stepped in and he was put into foster care. I met that boy seven or eight years later, and he was doing a lot better.

I raise that example because initially the bill contained no compulsion to put in place orders that would ensure that a child like that was monitored when he was not at school. That child caused more trouble when he was not at school than he did when he was at school. We could control him a little but we were unsuccessful on some days. I had a couple of black eyes to prove that! At that time there did not seem to be any help, so I was very pleased when the Minister agreed to include the amendment to develop and implement a plan of support for a student issued with a non-attendance order. Often children's behaviours escalate while they are not at school. If they do not have proper supervision those children can cause considerable harm.

The other example is of a difficult situation which was drawn to my attention only a few weeks ago. A minor had allegedly assaulted a kindergarten child on a bus. The children were not attending a public school; it was another type of school. I was contacted by the parent of the victim. The parent was very concerned that even though the child had received a suspension that child would continue to attend the same school as their daughter—the victim. The parents were very concerned that every day their daughter would see the person who had allegedly assaulted her. I spoke to the school department involved and learnt that because he was less than 10 years old the child could not be charged and there was no police investigation.

Although the school tried to put playground arrangements in place to keep the two children separate, as we all know that would have been difficult or impossible. Every day that that little girl attended school there was a possibility that she would run into this other person on a regular basis. I am not sure whether this bill would cover a situation like that, but there are certainly some very complex issues that principals have to deal with in order to protect the rights of the children and staff at a school, but often also the perpetrators of the violence or the sexual assault. [*Extension of time*]

As I said at the start of my speech, a bill like this may cover those types of situations. The last example I gave was particularly difficult because the incident occurred on a bus outside school. In that type of situation there is a grey area about whose responsibility it is. I have faced that question of jurisdiction in relation to kids being violent on a bus—whether it was a civil police matter, a matter for the school or a matter for both agencies. In those sorts of cases I relied on the department's legal branch to give me advice about how to proceed to make sure that all of the bases were covered in looking after all the young people and the staff involved.

I return to the amendments which the Government has accepted. I have mentioned already the compulsion to develop and implement a plan of support for students issued with non-attendance orders. I think that is essential. As I said, a duty of care operates for all children—for those inside the system and for those who have been placed outside the system. The second amendment is to ensure that the enrolment direction issued to a student must consider practical measures such as distance, travel options, age and intellectual capacity appropriateness. That is very important. There is also an issue around whether parents can transport the children to the place that has been nominated. Some of these young people are too violent to travel in a taxi or a special bus. I know of several cases where students have been refused access to a taxi to attend another place—a suspension school or a behaviour school—because of the way they have acted in that vehicle. I highlight that as an issue that may have to be looked at. Maybe it comes under the "practical measures" with respect to travel options. Some parents do not own a vehicle; they do not have the capacity to deliver the child to where it has been placed. While something may sound good in theory and may be very important, it is not always practical.

The third point I want to mention is the requirement for annual public disclosure of the number of non-attendance directions. The member for Ballina raised this issue. As the shadow Minister for Aboriginal affairs, I ask that the statistics for Aboriginal students be shown separately in that annual disclosure. We already know that young Aboriginal people are over-represented in the juvenile justice system. We also know that they are over-represented in the number of suspensions—short and long suspensions—and expulsions. I would be very concerned that as they can be issued with a non-attendance order, Aboriginal children may be over-represented in this area as well. We have a duty to Aboriginal children to monitor those figures separately from the overall figures, to ensure that that is not the case.

As I said, I support the bill. I have raised a couple of examples of quite complex situations in which a non-attendance order might have been appropriate because other steps had failed. I hope that a non-attendance order will trigger outside services to wrap children once they are out of the school setting. I recently visited Father Chris Riley's Youth Off The Streets school at Blue Haven for children who no longer attend school in traditional settings. That sort of school setting is sometimes a lot better for young people who experience difficulty within the school system. I hope that children are not just sent home; I hope that alternative education settings in the community are looked at for those children and that they are not just moved to the school down the road. As I said, we have a duty of care to staff and students in our schools. We have a duty of care to all young people. Whilst a bill like this is important in dealing with some of those extreme issues, we have to make sure that young people experiencing difficulties are not marginalised even more, which would end up costing the community a great deal more in the long run.

Ms JULIA FINN (Granville) (17:08): I speak in debate on the Education Amendment (School Safety) Bill 2017. It is important to protect students and to make sure that our schools are inclusive and supportive places. Schools have a duty of care for all students. I commend the contributions made by the members for Wyong and Lakemba, particularly given their previous experiences as school principals. As the member for Wyong has just reflected, there are real challenges in exercising that duty of care and educate violent students who are not easily educated or controlled and who are not fitting in at school. When I first read in the *Sunday Telegraph* about the proposals contained in this bill, I was deeply concerned. If someone is falling through the cracks we should not make the cracks wider. The article suggested that students would be kicked out of school temporarily and would be required to be homeschooled. This is not a realistic and effective solution to stop students committing crimes or to curb their potential for sexual violence. I am relieved that it is not as dangerous as that article indicated. It is not a way around limitations on the expulsion or suspension of students.

I am also relieved that the Opposition's very sensible amendments have been adopted, most importantly to ensure a support plan is in place for every student issued with a non-attendance order. There can be very good reasons to issue a student with a non-attendance order, primarily because they are a potential danger to other students. It is not a punishment but is designed purely to prevent harm. These are extreme cases that affect only students who are known to be contemplating but have not committed quite heinous acts or people charged with serious crimes awaiting trial when there may be a risk to other students. The non-attendance order can be issued by the Minister on the grounds that there is a significant risk that the student will engage in serious violent conduct, regardless of whether the student cannot or might not be held criminally responsible for that conduct; the student supports terrorism or violent extremism; or the Minister believes on reasonable grounds that this action is necessary to protect the health and safety of students and staff at any school.

When introducing this bill in the other place the Hon. Sarah Mitchell referred to the scenarios in which a non-attendance order would be used, including if a student was suffering from a psychiatric disorder in which the student was obsessed with rape and murder of younger students; had not yet committed violence at school but had committed acts of serious violence against persons or animals away from school; had a one-way ticket to the Middle East and was in possession of a communication device that had accessed information about Islamic State; or had been involved in a scenario like the one reported in the media last year where people were encouraged to post explicit photographs of female students for the purposes of the images being shared and rated by those visiting the site. I sympathise with those female students and with anyone who has been assaulted or violated and who has to endure their day-to-day life with a constant reminder of their suffering through encountering at school every day the person who attacked them or circulated explicit photos of them. They should not have to live with that.

The trauma inflicted through sexual assault or through circulating explicit images of a student will last much longer than it is generally expected that a student would be subjected to a non-attendance direction. The non-attendance direction is only a short-term solution, but is an important mechanism nonetheless. Although it is extremely rare, there have been a few situations in recent years when school students have been radicalised and intercepted before they have committed a crime or a terrorist act, including where they have been intercepted at the airport and not allowed to board a plane. It is a major challenge to decide what to do with a child who has not yet committed a crime. All of these situations are horrible and warrant a student being removed. There is no argument about that. We do not want students in schools who endanger other students or who have been radicalised to influence their peers in the same way.

But the protection of other students always carries a risk for the student issued with a non-attendance order that not being at school could worsen their behaviour. Not being at school could mean that they are less supervised and become more of a danger. Schools and students do not exist in a bubble. They are part of a community and the students are parts of families and social circles beyond the school community. It is not just about protecting the school community but it can and should be the first step in turning around the student. There is more to ensuring the safety of the school community and the wider community than just excluding a potentially

dangerous student from the school. That is why it is essential that a support plan is in place for the student and that the support plan and the directions it sets out be realistic and practical for that student to comply with.

When this was first announced in the *Sunday Telegraph* it was suggested that homeschooling would be the solution for excluded students, which really alarmed me. It is a totally unrealistic assumption that an excluded student has a parent at home all day who is capable of teaching them and rehabilitating their behaviours. We need these students to be rehabilitated otherwise they will be a danger to the community for many years to come. Not all students have a parent at home during the day to supervise them, and in some cases parents are not a positive influence on their children. They can be the source of their antisocial ideas, from sympathy for terrorism to justifying sexual violence. We cannot just leave radicalised students alone with their computers, which in many cases is where they came to be radicalised in the first place. Nor can we assume that the only targets of sexually violent fantasies are their fellow school students. Freeing them from the supervision given in school is not a solution. That is why there must be a plan for their supervision that aims to address their problematic behaviour so they can return to school and so they are no longer a danger to the wider community.

I am not sure how or why that article was put forward to promote this bill. It was inflammatory and frightening. It showed a bizarre and narrow understanding of how families work and how they sometimes fail. It assumed all children have at least one parent at home who can teach them, which assumes that their parents speak fluent English. It ignores the difficult position some children find themselves in when they are caught between two cultures and they can sometimes be vulnerable to falling in with the wrong crowd. It also assumes that their ideas about terrorism and sexual violence are not shared by their parents, which may or may not be true. Certainly in the case of sexual violence, a very high proportion of sexually violent people are victims of abuse and sexual abuse themselves.

In reality, some students who are a danger to other students will be well served by parental supervision while others will need something more. A plan needs to be developed that takes these sorts of factors into consideration to ensure the ongoing and effective supervision of students. After all, the Education Act stipulates that every child has a right to receive an education and the State has the principal responsibility to provide public education for children. This bill has got to be a solution to these challenges. Non-attendance orders are one, but not the only, solution to problematic behaviour. They should be used cautiously when other options are not available or appropriate. We cannot wait for behaviour to escalate or incidents that occurred off school grounds to be repeated at school.

Ms KATE WASHINGTON (Port Stephens) (17:16): The Opposition supports the Education Amendment (School Safety) Bill 2017. Any tool that allows school principals to keep their staff and students safe from harm will always be supported by the Opposition. I thank the shadow Minister for education, the member for Lakemba, Jihad Dib, for his commitment to public education. I know how deeply he cares about the wellbeing of students and staff. He has listened to stakeholders' concerns about this bill and has applied his wide knowledge of schools to seek amendments to the bill to ensure that there is still a level of protection for students who may be on the receiving end of a non-attendance order. I acknowledge his work on this bill and his efforts to ensure that the stakeholders' concerns have been addressed. I also acknowledge the thoughtful contributions from the member for Wyong and the member for Granville. I acknowledge the member for Wyong's understanding of and connection to the issues that many schools and school principals face, which this bill addresses to some extent. At the end of the day, we are talking about school students receiving non-attendance orders and, to point out the obvious, school students are children.

This bill applies to all children, from kindergarten to senior high school years. Theoretically, a child as young as four could be issued with a non-attendance order. While acknowledging that the behaviour included in the remit of this bill is entirely unacceptable, it is also important not to demonise the children that this bill is likely to capture. We should be looking at what we can do to help them find a positive life path. We should be questioning how a child gets to the point where their conduct warrants a non-attendance order. I am pleased and somewhat relieved to see that the amendments to the bill moved by the Opposition in the other place have been agreed to by the Government, particularly in relation to mandating the need for principals to put in place support plans for students issued with a non-attendance notice under this bill. Without a plan these children could be removed from school and left without any support, setting up a dangerous scenario, which has been raised by other members, where the risks to themselves and the community are likely to heighten and the children become further marginalised. Without a support plan we are shifting the problem onto other agencies, such as the police and correctional services. That is not fair on anyone. Clearly the bill is targeting extreme behaviour. But children rarely display extreme or violent behaviours out of the blue. It is likely that they were displaying lower level behaviours that, had they been identified earlier and had the children been given support earlier, may not have escalated to the point at which they required a non-attendance notice. It is also likely that they were living in adverse circumstances or had been exposed to traumas that could have been identified as potentially giving rise to harm. Those children could have been reported to the Department of Families and Community Services [FACS]

or they could be children who have been identified as being at risk but who run the risk of never even being seen by a caseworker.

As the shadow Minister for Early Childhood Education, frequently I am told of the need for more support and earlier support for children by the family and community services sector. In our preschools and in our schools, teaching staff are seeing children who are struggling but who do not have the supports that they need to be able to achieve their potential. However, it is very heartening to see that domestic violence is being talked about more often and that every member of this House acknowledges that domestic violence is a scourge. But children are the silent victims of domestic violence. Their voices and the impact on them of this scourge are not yet being fully acknowledged or recognised by this Government. We know this because it is reflected in the resources being given to services that are meant to support those children.

An agency in Port Stephens that is tasked with supporting children, who have been identified as having witness trauma, sits on a waitlist with the names of at least 100 children, and that was the number the last time I heard. Children will be lucky to receive any support before they start school, despite being identified as being in need of support. It is simply the case that the service is not sufficiently resourced to interview every child and to offer the services that children need—and that is in my electorate alone. It should not come as a surprise that kindergarten children are being expelled. That happens because they previously have been identified as having been impacted by trauma. They get to school, and they have never learnt, or have never had the support to show them, that there are other ways to respond to situations than through violence, through highly sexualised behaviours or by acting out the terribly harmful and abusive conduct that they have witnessed. Support needs to be provided earlier and long before they start school.

For the sake of those children in our communities, we must do more to support children who have experienced and/or witnessed family violence firsthand, and we must do that as early as possible. Other children have been identified as being at risk and have not received the support they need. We know that the Department of Family and Community Services [FACS] in the Hunter has the highest level of staff vacancies, the highest level of children in care and the lowest level of face-to-face assessments. The Hunter FACS office monitors more than 3,200 children placed in care—the highest of any FACS district in the State. The same office fielded 15,900 reports of children at risk of harm from April 2016 to April 2017—the most of any FACS district. The under-resourcing of this service has real impacts on the ground. It means that staff at this office, despite their best efforts, had the resources to conduct face-to-face assessments for only 21 per cent of reports of children at risk of harm in the June 2017 quarter. That is the lowest percentage of any FACS district, but this reflects the high vacancy rates of that office, the high number of reports that this office receives and the under-resourcing of services. And that is just in the Hunter alone.

Farther afield in rural and remote communities across New South Wales, the statistics get worse. I was horrified to learn recently, although not surprised, that one in three children living in rural and remote New South Wales is not able to access the health supports that they need. Research recently commissioned by Royal Far West found that children living in very remote areas in Australia were twice as likely as those living in major cities to be developmentally vulnerable in one or more areas of life in their first year of school. Those students also were three times more likely to be developmentally vulnerable in two or more domains. Alarming, those figures have increased since 2012. That should be ringing loud alarm bells with the Government that its infrastructure agenda is not delivering much-needed services to children in rural and regional New South Wales.

Students in remote and very remote areas are less likely to engage in early childhood education and care services. The report notes that long travel time and a smaller number of services being funded to meet the needs of families in remote areas are shown to be significant contributing factors to lower participation rates in early childhood education and care. Indigenous children have lower levels of participation in early childhood education and care than do non-Indigenous children. The report notes that early childhood is the period of greatest developmental plasticity with profound long-term influences, and that access to timely and quality early childhood education and care services, such as preschool, and early childhood intervention services, such as allied health services and paediatricians, can prevent avoidable disadvantage and address presenting issues from the onset. However, for children who live in remote areas, the effects of such disproportionate levels of disadvantage are compounded due to poor access to services.

If that continues, schools increasingly will need to rely on the powers conferred by this bill. To avoid this happening, the Government ought to be addressing the obvious need in the areas I have mentioned. While the bill on its face appears to focus on acts of terrorism and related activities, I fear that it will more often capture students—in other words, children—that this report speaks of; children whose lack of access to health and education services has seen them travel down an avoidable path of dysfunction and disconnection. Another cohort that could easily be captured under this legislation is children with special needs who resort to violence and whose access to support for their needs, inside and outside school, often is inadequate. [*Extension of time*]

Across our schools and preschools, there are students with diagnosed disabilities whose access to support is not adequate due to limited funding. Many other children have special needs but are not diagnosed and, consequently, have no support. Combine the inadequate supports within the system with inadequate access to early intervention and we end up with children who struggle in so many ways. Some of those have the potential to conduct themselves in a manner which could result in a non-attendance order foreshadowed in the bill. Issuing a non-attendance order to those children without any plan only pushes the risk elsewhere and further marginalises them. Moreover, that action creates more difficulties for them in their lives.

If a student in a rural and remote community is issued with a non-attendance order and a plan, where do they access the services and support they need? I can honestly state to the House that in some of the rural and remote communities, the support and services simply do not exist. With my Opposition colleagues, I welcome this bill: safety in our schools has to be our paramount concern. But I also take this opportunity to urge the Government to do more to support children earlier. When risks have been identified in a child's early years, we ought to be doing all that we can to ensure that child avoids a life of disadvantage and dysfunction. Morally and economically, it is the right thing to do.

This bill deals with the consequences of not providing support to children earlier. I urge the Government to think about the long-term benefit to our communities and to our economy of resourcing early intervention supports during a child's all-important early years in an effort to reduce the need for schools to resort to the powers that this bill confers.

Visitors

VISITORS

TEMPORARY SPEAKER (Mr Greg Aplin): I acknowledge the presence in the House of Susie Boyd, who is the President of the New South Wales Parents and Citizens Federation.

Bills

EDUCATION AMENDMENT (SCHOOL SAFETY) BILL 2017

Second Reading Debate

Ms JENNY AITCHISON (Maitland) (17:28): I join in debate on the Education Amendment (School Safety) Bill 2017. As other members have said, in effect this bill is an amendment to the Education Act that allows the Minister for Education to issue students with a non-attendance order from schools on the following grounds: serious violent conduct—in this case, that is regardless of whether the student cannot, or might not, be held criminally responsible for the conduct when, for example, it involves loss of life, serious physical or psychological injury, serious damage to property, a serious offence of a sexual nature, animal cruelty, and/or when the student supports terrorism or violent extremism; and the Minister believes, on reasonable grounds, that this action is necessary to protect the health and safety of students and staff at any school.

The Opposition is as concerned as is everyone else in the community about increasing levels of violence and radicalisation in our schools. In the past few years in primary schools in this State we have witnessed the terrible consequences of those trends as a result of children being sexually assaulted by their classmates, or students in older classes. That is just one example. We have seen young people involved in terrorist activities. Our schools should be places of education, of enjoyment, of fulfilment, and of opening young minds to the thoughts and teachings of others. They should be places where young people learn how to lead a life of meaning in an increasingly complex world. But most of all, they must be safe places for everyone.

As the shadow Minister for the Prevention of Domestic Violence and Sexual Assault, I will focus on students who engage in serious violent conduct, particularly in relation to sexual assault. Labor has a commitment to improving the support that we give to students to live a life free from violence. For example, primary school principals in my electorate have said to me, "Jenny, if we could stop children experiencing violence at home, our educational outcomes would really start to improve; that would be our game changer." The member for Port Stephens spoke eloquently and articulately about issues that arise when violence in the home is not addressed and that violent behaviour starts to play out in schools. This is of great concern to members on this side of the House.

The Government seems to be reluctant to implement any intervention programs aimed at preventing violent behaviour from being accepted as normal in the early years of education. While this Government is very happy to give high school students dot points about respectful relationships as part of the curriculum, this is not the case in primary schools. Labor members are committed to correcting this omission. We know that children need to learn about the dangers of violence. Even when I was a girl—which is a very long time ago—children were taught about stranger danger. They were told not to blindly trust strangers and to ensure that they do

everything they can to stay safe. Yet we know also from research that this only addresses some 30 per cent of sexual assault, which means that our kids in this big, bad world are taught about only 30 per cent of the risk of being sexually assaulted. We know that children are more at risk from sexual assault and physical violence perpetrated by someone they know. So why are we not preparing them for the 70 per cent of threats they will face at the hands of someone they know?

Discussing violence and sexual assault within families is a difficult conversation to have but, although difficult, it must be had in order to protect young people in our community. We saw in this State the response to the Safe Schools program, when opponents became hysterical about the prospect of such issues being discussed with their children. We have the capacity to teach children at a young age about positive social behaviour and interaction. Kindergarten teaches children how to get on in a group environment. They might start learning to read and write, but they also learn how to respect their teachers, not to speak when the teacher is speaking, to share their resources, to help those in need, not to fight and many other positive learning behaviours. We are prepared to teach our children about these important behaviours but somehow we are not prepared to engage them in learning about respectful relationships.

I spoke earlier this year with Dr Phil Lambert, PSM, the Deputy Chair of Our Watch, the joint Commonwealth-State framework for preventing violence against women and their children. He is a former General Manager of the Australian Curriculum, Assessment and Reporting Authority, a fellow of the Australian College of Educators, a fellow of the Australian Council for Educational Leaders, and a recipient of the Public Service Medal for his contribution to leadership in education and work in the community to prevent violence against women and girls. Dr Lambert is very skilled leader in this area and well qualified to speak on this subject. One thing he told me that really stuck in my mind is that at a recent conference on curriculum development in Lisbon, Portugal, the overwhelming resolution was that one important area of education needed to be improved in all schools.

My son has just finished the Higher School Certificate and because we are told that STEM is the future I thought this important area would be science, technology, engineering and mathematics. But, no, the one part of the curriculum that teachers from all around the world know is lacking in our schools is respect. Teachers around the world are telling curriculum designers that students need to learn more about respect. These are just some of the reasons that Labor has pledged to extend respectful relationships education into primary school. We have pledged that if we are elected to government in 2019—

Dr Geoff Lee: Point of order: The member for Maitland should direct her remarks to the bill before the House.

TEMPORARY SPEAKER (Mr Greg Aplin): I am sure that the member for Maitland has strayed only momentarily and will return to the leave of the bill.

Ms JENNY AITCHISON: I will do so. We have pledged to join Our Watch because New South Wales is the only State in Australia not to have done so.

Dr Geoff Lee: Point of order: Mr Temporary Speaker, the member for Maitland is flouting your ruling.

TEMPORARY SPEAKER (Mr Greg Aplin): Order! The member for Maitland will return to the leave of the bill before the House.

Ms JENNY AITCHISON: Labor wants to work with experts like Dr Lambert and the many other members of Our Watch, as well as with experts in other Australian States, to do everything we can to reduce violence in our community. Exactly one year ago I met with Professor Simon Hackett, Professor of Applied Social Sciences at Durham University in the United Kingdom. Professor Hackett has worked in a multitude of child protection roles and has undertaken a significant amount of research into children who engage in harmful sexual behaviours. He was the first author of the recently developed National Society for the Prevention of Cruelty to Children [NSPCC] national operational framework on harmful sexual behaviours in the United Kingdom. Professor Hackett spoke to me at length about his work in this area. Of particular interest to me was his work on children with harmful sexual behaviours, specifically his longitudinal work studying these children and their long-term outcomes for rehabilitation—which is the nub of this bill.

Just before I met Professor Hackett we had received notification of an alleged sexual assault by two 12-year-old boys against a six-year-old girl at a primary school in Sydney. Professor Hackett discussed his 2013 joint study with Phillips, Masson and Balfe, published in the *Child Abuse Review* and entitled "Individual, Family and Abuse Characteristics of 700 British Child and Adolescent Sexual Abusers". This research examined the characteristics of children and adolescents from nine United Kingdom services over a nine-year period, from 2000-2009. In the abstract, the research found:

The most common age at referral was 15 years, though a third of all referrals related to children aged 13 or under.

Generally speaking, those children would attend primary schools, where Labor says we should have respectful relationships training. The abstract goes on to say that 38 per cent of the sample were identified as learning disabled—similar to the comments made by the member for Port Stephens about risks. The research also found that surprisingly high rates of sexual and non-sexual victimisation were present in the backgrounds of the children and young people referred. When Professor Hackett spoke to me about this research, he said that the numbers were about fifty-fifty in the population of children who sexually harm others having themselves suffered physical and sexual assault, with only a very small number appearing to suffer some level of psychopathology that was not explained by their personal lived experience of abuse or a learning disability. [*Extension of time*]

The study also found:

A wide range of abusive behaviours was perpetrated with just over half of the sample having penetrated or having attempted to penetrate another individual. Victims were usually known to the abuser but in 75 per cent of cases were not related. Fifty-one per cent of the sample abused females only, though 49 per cent had at least one male victim.

This is not just children playing doctors. Also, most of the abusers were not related to the victims, so were friends or other students. This analysis indicates that these behaviours are not one-off events. We need to stop these behaviours, not just exclude children from school and hope they will stop offending. I was extremely interested in Professor Hackett's further comments to me about what interventions made a difference for these child perpetrators, which brings me to the amendments that Labor brought forward last night in the upper House and to which the Government has agreed. Professor Hackett said that those who completed their education were significantly more likely to live a life without reoffending. When the researchers drilled down to what this meant, they found that education was generally associated with a strong adult mentor or support person in their lives.

Those children who were excluded and isolated were the ones who went on to reoffend. Professor Hackett described it to me basically as those children who were told they were monsters and isolated from others never learnt to have respectful relationships with other people. That is why the amendments the Opposition successfully argued for in the other place are so vital; they will ensure that a plan of support is implemented for students who are issued with non-attendance orders. It also brings us to a practical issue: Plans or enrolment directions must consider practical measures such as distance, travel options, age and intellectual capacity appropriateness. I am glad that the Government, under pressure, agreed to the amendments. We cannot leave these children to work it out themselves, and to exclude them from what for many will be the only place in their entire lives where they can experience a supportive and nurturing environment and can learn more positive behaviours.

We must provide some kind of support to stop children becoming recidivists. It is incredible to me that the Government, which speaks so much about reducing recidivism in domestic violence—indeed, it is the only priority of the Premier in relation to domestic violence in this State—is not making legislative changes that support a reduction in recidivism for children and adolescents who have committed their first violent acts. Most importantly, we need to ensure that these programs are appropriate and effective in reducing recidivism. What is currently available to help these child offenders in New South Wales? In September last year Rachel Olding wrote in the *Sydney Morning Herald* that the only Sydney service to rehabilitate children who sexually abuse other children—New Street—has three times as many referrals as it can handle, and that some children who it is alleged have committed sexual offences would be ineligible to enter the program. These situations are not isolated. According to the NSW Bureau of Crime Statistics and Research, in 2015, 30 sexual offences on school grounds were reported to police, and there are indications that the problem is much wider.

The New Street program does innovative work, and operates from four sites in Western Sydney, in Hunter New England, and in the Western NSW Local Health District in Dubbo. The program is also looking to operate a further service for the Illawarra Shoalhaven Local Health District. Hopefully, Labor's amendments to the bill will provide the legislative imperative for more resourcing of this program, both in the number of spaces in the program and the locations where it is offered. The amendments that Labor proposed to the bill are vital to ensure that we do not leave unsupported those children who are very vulnerable and who already have shown they are not coping with assaults and the lived experience. Without a pathway back into positive relationships, they will not make it.

So where are we landing with this legislation? What we have learnt from the process is that the Government is not serious about addressing the causes of violent behaviour that is playing out right now in our schools. It took an amendment from this side of the House to propose a supportive regime to help to reduce recidivism and stop young people from losing their connection with their communities, their schools and often their families. Time and time again, we see this Government prepared to lock up people, exclude them and isolate them without addressing any of the core issues that lead to antisocial, violent or radical behaviours. I have focused exclusively in this debate on violent and sexual behaviour. However, I believe the same is true when it comes to radicalisation of young people. We know there are experts out there who work in deradicalisation and we need to ensure that those programs are funded properly. [*Time expired.*]

*Visitors***VISITORS**

TEMPORARY SPEAKER (Mr Greg Aplin): I welcome to the public gallery members of the public who are attending A Little Night Sitings, which is a program organised by the New South Wales parliamentary education section. Tonight's program focuses on democratic systems, and we are hearing debate on the Education Amendment (School Safety) Bill 2017.

*Bills***EDUCATION AMENDMENT (SCHOOL SAFETY) BILL 2017****Second Reading Debate**

Mr PHILIP DONATO (Orange) (17:43): My contribution to debate on the Education Amendment (School Safety) Bill 2017 will be brief. From the outset, I indicate that I support the bill. This is an example of legislation adapting to the changing times and the environment we find ourselves living in. This bill is underpinned by the primary objectives of the safety of students and staff at school and the overriding public safety/public interest in ensuring that schools are safe and secure environments and workplaces. I turn now to the details of the bill. In this day and age we must be ever vigilant to the threats of terrorism, extremism and serious violent behaviour within our community. Unfortunately, serious violent criminal conduct is an ever-present problem. Age is no barrier, and with the availability of online information platforms, technological advancements and social media, extremist ideology can be distributed, shared and viewed discretely and remotely.

Schools are not immune to this behaviour. Schools should be safe places for our children to attend, enjoy, learn, feel protected, be nurtured and mentored, whilst hardworking staff should also feel that they are working in a safe and secure environment. More and more often we hear of impressionable young people being manipulated and/or radicalised to the extent where they may present a danger in their community to their peers and their schools. This legislation will go some way towards protecting those in our schools through the Minister having the necessary power to identify those students who pose a significant risk to other students and staff in relation to serious violent conduct involving a loss of life or serious physical or psychological injury, or a serious offence of a sexual nature and/or an offence involving serious animal cruelty. Some people critical of the bill argue that incidents or evidence of activities that may occur outside the school gate—for example, at home—could be used by the Minister in the determination process when considering the issue of a non-attendance direction, and that all students in New South Wales have a right to an education.

I believe the bill in its present form adequately addresses those concerns. First, the bill incorporates review provisions. Secondly, the NSW Civil and Administrative Tribunal can review and determine the Minister's decision. Further, the bill requires the Minister to develop risk management strategies to enable the student involved to continue their education whilst mitigating the risk posed to school students and staff. The Minister must consider all other options including, but not limited to, home or distance education or education in some other facility to allow the student to continue his or her level of education whilst absent under a non-attendance direction. Of course, this is always a balancing act, with competing interests of a right to education versus the right to public safety. However, the overriding primary objective should, and always will, be the protection of our students and hardworking staff within our school systems.

In closing, I congratulate the Minister and his hardworking staff on the preparation of this bill. I also acknowledge the work of the Department of Premier and Cabinet, Family and Community Services, the Department of Health, the Advocate for Children and Young People, and Multicultural NSW. I commend the good work of the shadow education Minister, the member for Lakemba, for the commonsense amendments that were put forward, adopted and incorporated in the bill. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) (17:47): I support the Education Amendment (School Safety) Bill 2017. As the Minister for Education, the member for Pittwater, has noted already, schools are among the safest places in the community. Nevertheless, unfortunately some children engage in serious violent conduct that poses a risk to themselves, to other students and to staff. It is important that these risks are assessed and, if appropriate, strategies are developed to enable a child with serious violent behaviour to continue their education. I will digress for a moment. Some extremely sad events have occurred in our State's schools in the past week, and I acknowledge the Opposition's Education spokesman, the member for Lakemba, and the Minister for Education for their tremendous, supportive work. As the Minister said recently, the whole House acknowledges and comes together on such matters. Members on both sides of the House have contributed to debate on the bill, and the Minister has outlined the amendments comprehensively. This is a good bill, which has bipartisan support. I commend the bill to the House.

Mr ROB STOKES (Pittwater—Minister for Education) (17:49): In reply: I thank the members representing the electorates of Lakemba, Ballina, Wyong, Granville, Port Stephens, Maitland, Orange and Camden who contributed to debate on the Education Amendment (School Safety) Bill 2017. The bill will enable the Minister for Education to direct a student not to attend school for a specified period if the Minister believes on reasonable grounds that there is a significant risk the student will engage in serious violent conduct, or the student supports terrorism or violent extremism and issuing a non-attendance direction is necessary to protect the health and safety of school students and staff. The bill also will require the Minister to assess whether the attendance of the student at school constitutes a health and safety risk and, if appropriate, develop risk management strategies to enable the student to attend school.

Lastly, the bill extends school disciplinary powers to student conduct that significantly affects or is likely to significantly affect the health or safety of students or staff, regardless of whether that conduct occurs on or outside school premises or within or outside school hours. The amendments are important and will allow schools to remain safe and healthy environments for all students, teachers and staff. All people attending a school for education or for work, or a visitor, should have the right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. The non-attendance direction will be used in a small number of cases as necessary if it is necessary—and I hope it is not—as a risk assessment and management tool to enable schools to continue to provide a healthy and safe environment for all students and staff whilst working with teachers, other government agencies, parents and community organisations.

I acknowledge that the member for Lakemba stressed the need to consult widely and work with all stakeholders in developing the guidelines, and I commend him for raising that point. I am advised that the department will consult broadly across government. In particular, the department will consult with the Department of Premier and Cabinet, the Department of Justice, the NSW Police Force, Juvenile Justice, the Children's Court, the Department of Family and Community Services, the Advocate for Children and Young People, the Department of Health, the Child and Adolescent Mental Health Service, the Children's Guardian, Multiculturalism NSW and the NSW Civil and Administrative Tribunal. The department will consult with the non-government schools sector, the Aboriginal Education Consultative Group [AECG]—I note that the members for Wyong and for Ballina requested consultation with this group specifically—the New South Wales Secondary Principals Council, the NSW Primary Principals' Association, the NSW Teachers Federation, the Public Service Association, the Federation of Parents and Citizens' Associations of New South Wales, youth peak bodies, the Law Society of New South Wales, and other groups that may be relevant as those groups come to light.

The member for Lakemba raised the need for work to be undertaken on proactive strategies for students identified as having serious violent behaviour and violent extremism behaviour. I am advised that the department has a broad range of strategies to respond to serious violent behaviour by students. These include, but are not limited to, identifying a student with a history of violent behaviour at enrolment or while they are attending school; teaching students about protective behaviours and risk behaviours as part of the personal development, health and physical education curriculum, which is mandatory from kindergarten to year 10; and supporting students to change their behaviour in consultation with the student, parents and other agencies and experts as required. In the context of antisocial and extremist behaviours, the department has developed an online awareness module to help school staff understand what antisocial and extremist behaviour is and how to respond to it. Two of the training modules deal with resilient, respectful and inclusive schools, and supporting vulnerable students.

The department has instituted a Case Management and Specialist Support Unit, which is available to all New South Wales schools. The unit is staffed by school executive, psychologists, student support officers, community liaison officers and administrative support. The unit works with schools to conduct an environment scan to identify where policies, programs and strategies can be strengthened or established to create and maintain resilient, inclusive and cohesive learning environments. It also has a response role if a school experiences a critical incident related to antisocial and extremist behaviour. The member for Ballina raised several concerns. I point out that this extra power is required. It is important to understand that this is not about suspension or expelling the student. The bill seeks to deal with the risk posed by the potential for a student to engage in serious violent conduct before that risk eventuates. This is different from the power provided in section 35 of the Education Act to deal with conduct that already has occurred in relation to a school through discipline, such as suspension and expulsion.

The non-attendance direction is not designed or intended to be a disciplinary power. It will not be used to punish the student or to achieve a correction in their behaviour. The non-attendance direction will be used as a risk assessment and management tool to enable schools to continue to provide a healthy and safe environment for all students and staff. The member for Ballina also raised the existing powers in section 35 of school leaders to be able to suspend or expel a student. The Crown Solicitor has advised that the department is unable to deal with misconduct unless it occurs at school or in relation to a school. It was therefore important in the change in schedule 1—I think it is item [28], the substantive change to section 35—to clarify that the powers of principals to take disciplinary action could relate to activities outside the school, particularly for emerging challenges such

as cyberbullying, for example, or issues relating to the misuse of images in such a way that constitutes a health or safety risk to students at the school. I was surprised that The Greens would seek to oppose the sorts of changes that relate to protecting students and staff against the types of threats that are emerging through the misuse of new technology.

The member for Wyong mentioned the number of complex cases that principals deal with in our schools. He acknowledged the duty of care and the need to include this power in current legislation. He was keen to ensure that the AECG and other Aboriginal education support groups are consulted during the development of the guidelines. I already have spoken about my agreement with the member on this point, and again I commend him for raising it. The member for Wyong, like the member for Lakemba, has significant experience in leading a public school and that is service of which he should be very proud. The member for Port Stephens raised concern about the issue of a non-attendance direction in some respects risking targeting vulnerable students. My response to that is that the non-attendance direction is designed to protect vulnerable students, not to target them.

Children of compulsory school age are required to attend school, and a large number are arguably vulnerable due to their age, capabilities and life experiences. School should be a safe environment for them. Schools should not have to wait until risk eventuates before they can take action to assess and manage the risk. That ultimately is what this bill is all about: providing a safe and secure environment for everyone who attends school, whether they be students, staff or visitors. This recognises the important duty of care that every principal, every school leader, I as Minister and the Secretary of Education have in securing a safe environment for every student, teacher and visitor to a school. I believe these are important amendments that will help make our schools even safer places, recognising that our public schools across the State constitute overwhelmingly safe environments for our young people. I thank everyone who participated in this debate for their contribution. I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr ROB STOKES: I move:

That this bill be now read a third time.

Motion agreed to.

Visitors

VISITORS

The DEPUTY SPEAKER: I acknowledge John McCormack in the gallery. It is great to see him here.

Bills

ROAD TRANSPORT AND RELATED LEGISLATION AMENDMENT BILL 2017

Second Reading Speech

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (18:00): I move:

That this bill be now read a second time.

I am pleased to introduce the Road Transport and Related Legislation Bill 2017. The purpose of the bill is to amend road transport and related legislation to provide for some important road safety initiatives, improvements on existing policies and administrative amendments. The outcomes of these legislative changes will deliver positive road safety outcomes and contribute to the effective and reliable delivery of transport and freight services for the people of New South Wales.

The bill provides for amendment of the Road Transport Act 2013 to allow for the creation of the New South Wales written-off heavy vehicles register, to allow camera technology to be used for enforcement of vehicle dimension offences and to increase the maximum penalty that a court may impose for road transport offences under the statutory rules. The bill seeks to modernise the Driving Instructors Act 1992 by mandating Working With Children Check clearances and introducing "good repute" requirements for driving instructors. Roads and Maritime Services will be given broader powers to caution, to suspend or to cancel a driving instructor's licence if the instructor no longer displays competence or suitability for the licence.

The bill also amends the Point to Point Transport (Taxis and Hire Vehicles) Act 2016 to align certain provisions with those of work health and safety legislation, including enhancing the powers of the Point to Point Transport Commissioner who will be able, among other things, to compel a person to provide information, to

produce documents or to appear and to give evidence. Other amendments are generally related to removing reporting and administrative burdens on taxi licence holders, providers of a taxi service and providers of a booking service.

I seek leave to incorporate the remainder of the second reading speech in *Hansard*.

Leave granted.

Members may be aware that New South Wales has been active for some years in advocating for the establishment of a written-off heavy vehicles register. At the November 2014 meeting of the Ministerial Transport and Infrastructure Council, New South Wales raised the issues of profit motivated theft of heavy vehicles and the quality of heavy vehicle repairs. The proposal to establish a national register to address these problems was supported by the Commonwealth and most jurisdictions. In May this year, New South Wales again raised this issue at the Transport and Infrastructure Council meeting where the Council agreed to progress the development of the register and announced that New South Wales would lead the project.

All Australian States and Territories have registers for written-off light vehicles to ensure crashed vehicles that are structurally unsafe are not re-registered and driven on public roads. Originally introduced as a measure to remedy the rebirthing of stolen vehicles using the identifiers of written-off vehicles, the registers are now a nationally effective mechanism for ensuring the ongoing integrity of vehicles which have been damaged. The registers enhance consumer protection by informing prospective buyers about whether a vehicle has at some stage been written off. The purpose of the amendments in this bill is to extend these safeguards to the management of written-off heavy vehicles in New South Wales.

Heavy vehicle roadworthiness and integrity are critical for road safety but also important for the protection of road infrastructure. Owing to a law of physics which explains that momentum is the product of mass and speed, heavy vehicles which collide with light vehicles and other objects bring considerable crash forces. As a result, these crashes are highly likely to result in driver and passenger fatalities and serious injuries. Statistics from Transport for NSW's Centre for Road Safety suggest that although representing less than 3 per cent of all registered motor vehicles in New South Wales, heavy vehicles are involved in 16 per cent of fatalities.

In 2016, Roads and Maritime inspected more than half a million heavy vehicle units in New South Wales. Of the vehicles inspected, 17 per cent identified with a defect with 2 per cent identifying as a major or major grounded.

As a result of the amount of infrastructure build occurring in New South Wales, increasing numbers of heavy vehicles are often required at short notice to remove landfill and other material from these sites. It is essential that these and all heavy vehicles operating on our roads are roadworthy.

The incidence of heavy vehicle theft is also an issue for the development of a register. The National Motor Vehicle Theft Reduction Council reported that, in the 12 months to March 2017, some 1,200 heavy vehicles were stolen across Australia accounting for around 3 per cent of all vehicle thefts. The council comments: "Costs to individuals and businesses impacted by this type of theft will generally be much higher than for other vehicles in terms of temporary replacement costs, lost productivity and increased insurance premiums". The customisation of prime movers and the interchangeability of components, for example, mean that stolen parts are currently hard to identify.

I am sure that honourable members will agree that any reform which improves the safety, security and integrity of heavy vehicles on our roads is to be supported.

Accordingly, the proposed amendments to the Road Transport Act will create a New South Wales written-off heavy vehicles register which applies to vehicles over 4.5 tonnes. This will be separate from the existing register which will be renamed the New South Wales written-off light vehicles register. Many of the provisions of the written-off heavy vehicles register mirror those of the existing light vehicle register, such as the provisions relating to the requirement for written-off vehicles to be recorded in the register, for damage assessment to be undertaken, for the maintenance of records relating to assessments and so on. The amendments will provide for "statutory written-off heavy vehicles" which cannot be safely re-registered as well as "repairable written-off heavy vehicles". There is no upper age limit for a written-off heavy vehicle to be recorded on the register as there is for a written-off light vehicle. This reflects the fact that heavy vehicles tend to be older than light vehicles and are more valuable.

Allowing a written-off heavy vehicle to be repaired, which is not possible for a light vehicle, acknowledges the high cost of these vehicles and the fact that there are interchangeable components that could constitute a heavy vehicle combination. The category of "repairable written-off heavy vehicle" will allow an eligible heavy vehicle to be re-registered following repair if the application for registration is accompanied by a certificate of compliance issued by a licensed motor vehicle repairer. Unlike the requirement for light vehicles, the certificate must confirm that the vehicle has been repaired by a licensed repairer.

The New South Wales Government is committed to working with the National Heavy Vehicle Regulator, other jurisdictions and the heavy vehicle industry to develop a secure system to register written-off heavy vehicles and to ensure common damage assessment criteria: to that end New South Wales, on behalf of Austroads and the National Motor Vehicle Theft Reduction Council, is leading a project to develop a national framework for the assessment and classification of written-off heavy vehicles.

An expert reference group has been established to develop this framework, harnessing the technical knowledge of the National Heavy Vehicle Repairers Association, the Insurance Council of Australia and other key stakeholders. I am pleased to be able to report that a technical guide for national crash damage assessment criteria is expected from the expert reference group in November 2017. This will inform the development of regulations in New South Wales to support the written-off heavy vehicles register in the first instance.

I believe that other jurisdictions will follow our lead and provide for the inclusion of heavy vehicles in their written-off vehicle legislation and ultimately for the formation of a National Written-off Heavy Vehicles Register. In future, written-off heavy vehicles will be reported to the National Exchange of Vehicle and Driver Information System database which will allow the information to be shared across jurisdictions.

I now turn to the amendment which allows for camera enforcement of dimension offences.

Honourable members will be aware of the chaos caused when an over-height vehicle ignores warning signs and crashes at the entrance to a tunnel: the M5 tunnel, the Sydney Harbour Tunnel and a number of other of rail bridges and overpasses come to mind.

Since 2014, Roads and Maritime Inspectors have attended numerous over height vehicle incidents in major Sydney tunnels. On 5 October 2017, a Queensland registered vehicle ignored the sign and got stuck in the Marrickville Overpass. The northbound lane was blocked for approximately 90 minutes whilst damage to the bridge was assessed before the vehicle was removed. A fine of \$2,270 was issued by Police for disobeying low clearance sign. Repair costs associated with these incidents can range from around \$10,000 when an over-height vehicle hits a steel overhead beam, to more than \$1 million, which was the cost to repair the M5 East Tunnel after an incident in May 2010.

The problem is not confined to vehicle height: in 2013, before penalties were increased significantly some 12 over-length vehicles were charged after failing to negotiate the tight bends of Galston Gorge in Sydney's North West. Then Traffic and Highway Patrol Commander, Assistant Commissioner John Hartley, has been reported as saying that unauthorised vehicles entering a designated restricted route pose a significant risk to other road users. "Despite significant signage warnings, measuring bays at either side of the gorge, and camera systems, we are still seeing numerous truck drivers taking the risk on the gorge," Assistant Commissioner Hartley said in February 2016. Moreover, these events are occurring despite increased penalties. Assistant Police Commissioner Michael Corboy also was interviewed recently on radio regarding the continued use of the gorge by drivers of over length vehicles. The assistant commissioner advised that Police together with RMS will ramp up their efforts to deter this unlawful practice.

In June 2015 maximum court-imposed fines for dimension offences were increased from \$2,200 to \$3,740. In addition, RMS was given the ability to suspend or cancel a person's driver licence for up to three months. These significant penalties were in addition to suspension or cancellation of a vehicle's registration which had been introduced two years earlier for dimension offences.

In early September 2017, a rigid vehicle carrying steel material ignored the sign and got stuck in Galston Gorge. As a result, the road had to be closed at Hornsby Heights for four hours.

The camera systems Assistant Commissioner Hartley referred to have been deployed to alert police to contraventions of the law in Galston Gorge. Roads and Maritime has developed a combination of devices to remedy this problem. The technology uses multiple laser systems to determine the dimensions of a vehicle as it travels. In addition, a camera will take photographs of the vehicle. These will include the length of the vehicle and the location of the incident. While vehicle dimension measurement systems are used internationally, Roads and Maritime believes that this is the first time that evidence from devices of this type, in conjunction with cameras to record incident location, have been proposed for use in enforcement. Once again, New South Wales is at the forefront of the application of technology for road safety and Roads and Maritime is to be commended for its initiative in this regard.

The current use of the technology requires police to intercept the vehicle, for Roads and Maritime to inspect the vehicle and measure its length and for the driver to be charged.

In order to recognise this technology, the bill amends the Road Transport Act to provide for camera enforcement of dimension offences by motor vehicles. A "dimension offence" is defined in the bill to mean an offence that involves "driving a vehicle in contravention of a maximum dimension requirement applicable to the driver on a length of road". For example, signs indicate that vehicles over 7.5 metres long are prohibited from using the road in Galston Gorge.

Traffic enforcement devices approved for use currently include speed and red light cameras. Photographs from these cameras are used as prima facie evidence in proceedings. Accordingly it is proposed to include new "traffic enforcement devices" which are designed to measure the dimensions and photograph a vehicle driven in contravention of a maximum dimension requirement. Camera measurements and photographs will be used to provide prima facie evidence in proceedings for a "dimension offence" which will be a new "detectable traffic offence".

Operator onus liability will be extended for these offences: that is, the registered operator of the vehicle recorded by the devices will be considered liable unless he or she nominates the driver (where the registered operator was not driving at the time of the offence). Penalties for dimension offences include substantial fines including a maximum court fine of \$10,000 for a severe risk breach under the Heavy Vehicle National Law, and fines, licence or registration suspension or cancellation under the Road Transport Act.

It is proposed to initially deploy the technology at Galston Gorge where sanctions will apply to heavy vehicles with a combined length of more than 7.5 metres. In addition to placing no fewer than 13 signs in and around the Gorge, Roads and Maritime has been undertaking community consultation in anticipation of the commencement of the proposed legislation. No-one will be able to say they weren't warned.

The use of dimension technology should discourage drivers from ignoring diversionary signs and restricted routes designed to protect fragile and valuable infrastructure. It is intended to reduce, in particular, the numbers of over-dimension heavy vehicles causing damage and blockages which inflict delays, inconvenience and the cost of repairs on the public of New South Wales.

In a further amendment to road transport legislation, the bill addresses an inconsistency involving the maximum penalty a court may impose for offences created under the statutory rules.

Penalty notice fine amounts are subject to annual increases in line with movements in the Consumer Price Index. However, court penalties are not subject to such increases. This has created problems when penalty notice fine amounts for certain serious speeding offences, for example, could increase above the maximum court fine following CPI adjustment.

The law provides that the penalty notice fine amount for an offence created under the statutory rules should not exceed the maximum fine a court may impose for the same offence. Accordingly, a cap has been placed on certain serious penalty notice fine amounts. For example, the fine for a heavy vehicle detected at 45 km/h above the speed limit in a school zone has been limited to \$3,740. This is less than it should be relative to other speeding offences. The proposed amendment will set a new cap at 50 penalty units (or \$5,500) so that penalty notice fine amounts under the regulations can increase and not exceed those which a court may impose under the Act.

The next set of amendments involves the Driving Instructors Act 1992, a statute that is in need of modernisation and alignment with aspects of passenger transport legislation. Roads and Maritime is the authority under the Act and has a range of regulatory

functions with respect to all instructors and driving schools to ensure that driving instructors are appropriately licensed and are persons of good repute and good character.

There is a need to modernise the Act to remove prescriptive and outdated provisions for driving instructor licence sanctions. The amendments to the bill will give Roads and Maritime greater ability to deal with allegations of malpractice, bribery, fraud, and incompetence of driving instructors.

To support Roads and Maritime to effectively regulate driving instructors, the definition of a driving instructor needs to be expanded to include instructors in testing and assessment roles. The proposed amendments will provide formal regulation of instructors, particularly those who provide assessment in the heavy vehicle competency based assessment scheme or motorcycle rider training scheme.

Despite the Act requiring that the holder of a driving instructor's licence must be of "good character", courts from time to time have overturned Roads and Maritime decisions to cancel or suspend a licence because they have had little guidance as to what does or doesn't constitute "good character" in the context of driving instruction.

In April 2016, the NSW Ombudsman reported to Transport for NSW on ways in which the Transport cluster could better respond to child protection issues following incidents with taxi and bus drivers and driving instructors. One of the recommendations was for the review of current policies and, in particular, the development and implementation of mechanisms for ensuring compliance by driving instructors with the Child Protection (Working with Children) Act 2012. The current Working With Children Check, which involves a national criminal history check and a review of findings of workplace misconduct, is an obligation on an employer. As most driving instructors are self-employed, this has been difficult to enforce.

Following consultation between the NSW Ombudsman, Roads and Maritime and the NSW Office of the Children's Guardian, the bill provides for a Working With Children Check clearance or a current application to be a prerequisite for a driving instructor's licence. In addition, the authority may suspend or cancel a driving instructor's licence on the grounds that the holder has no clearance or current application. This will ensure that self-employed instructors in particular hold a clearance. While Roads and Maritime imposes Working With Children Check clearances as policy—and most instructors have complied—the bill will give that policy the force of law. This requirement will not be imposed on heavy vehicle driving instructors who have a licence condition preventing them from instructing for class C or car licences as they do not instruct persons under the age of 18. I am sure that honourable members will agree that these precautions are crucial for this kind of occupational licensing, which often involves working one-on-one with juveniles.

In addition, the bill incorporates the Ombudsman's recommendation for an amendment which allows the authority to be assured that a person is considered to be of "good repute" in addition to good character as a prerequisite for issuing a licence. The requirement that the authority—Roads and Maritime—attests that a person "is considered to be of good repute" is an existing condition for the issue of bus driver authority in the Passenger Transport Act 1990.

"Good repute" concerns a person's good name in the community rather than the intrinsic nature of "good character". Importantly, the driver authority or licence is meant to be a guarantee to the public that the holder is a person to be trusted. The aim is to protect the community: only persons of good reputation are considered suitable to be bus drivers. The inclusion of "good repute" for driver instructor licensing will allow established case law in the NSW Civil Administrative Tribunal to better inform court decisions in these cases, and the review of the decision-making grounds in the Act will better inform appeal courts on what is expected of participants in the scheme.

The addition of the "good repute" requirement, and other amendments to powers to refuse or suspend a licence, will allow the authority to take action on the grounds that charges have been laid against an applicant or licence holder. The bill extends the ability to suspend or cancel a licence on the grounds of having been found guilty of an offence against the Act or regulations, where a finding of guilt is made for any offence within New South Wales or elsewhere and for offences involving motor vehicles, including penalty notice offences. Importantly, the bill provides that, having regard to the objects of the Act, the authority may suspend or cancel a licence because it is "of the opinion that the holder of the licence no longer displays the competencies, or is no longer suitable, to act as a driving instructor".

Turning to other matters, the bill strengthens the importance of an instructor's competence by amending the objects of the Act to emphasise "performance". The bill will expand the definitions of a "driving instructor" and "driving school" to include testing and assessment roles. A regulation-making power will allow the statutory rules to create different driving instructor licence types.

The bill will bring us a step closer to ensuring that only those of excellent personal qualities and skills will be considered appropriate for the issue of a driving instructor's licence and I am pleased to be able to say that the industry supports these amendments.

The final set of amendments in the bill concern the Point to Point Transport (Taxis and Hire Vehicles) Act, which was passed by both Houses in June 2016. Since then, the supporting regulation has been developed and the Point to Point Transport Commissioner—the new regulator—has been engaging with industry and working to educate existing service providers to ensure compliance with the rules, requirements and systems of the new regulatory regime. The new Act and regulation will commence on 1 November 2017, with the exception of the Passenger Service Levy which will take effect on 1 February 2018.

Certain changes are now considered necessary to fine-tune the regulatory regime. Honourable members, it is worth recalling that the new point to point transport legislation, in which New South Wales is a national leader, will create a risk-based regulatory scheme for the taxi, hire car and ride share industries with clear accountabilities based on work health and safety legislation. Taxi and booking service providers will be responsible for ensuring that their services are safe. Safety duties and safety standards are clearly defined for industry participants and there is a graduated penalty regime for non-compliance.

Firstly, the bill provides authority for persons assisting authorised officers of the Point to Point Transport Commission to lawfully enter premises. This is similar to a power in the Work Health and Safety Act 2011. It will allow the commission to draw on the skills of interpreters, auditors, mechanical engineers, safety experts and information technology specialists during inspections, audits and investigations.

Secondly, similar again to the work health and safety regulator, the commissioner will be given the authority to compel a person to provide information, produce documents or appear and give evidence. The commissioner must have reasonable grounds for believing that a person "is capable of giving information, providing documents or giving evidence" in relation to a possible

contravention of the legislation. Moreover, a person will not be required to appear and answer questions unless the commissioner has taken all reasonable steps to obtain the information or documents and they have not been provided. The person will be given written notice of the requirement and information about entitlement to legal privilege and other matters. This amendment will strengthen the commissioner's ability to enforce compliance with the legislation.

The third amendment changes when proceedings for offences under the Act or regulation may be commenced from two years from the date on which the offence was committed to two years from the date when the offence first comes to the notice of the commissioner. The intention is to allow a matter to be thoroughly investigated so that a sound case can be brought against the offender. It is a standard provision in many compliance regimes.

Other amendments are designed to reduce the regulatory burden on industry participants. The requirement in the Act for the reporting of "notifiable occurrences" has been modified following feedback from industry participants. Accordingly, the provision has been changed to ensure that only serious incidents relevant to the safety of the industry are reported to the Point to Point Transport Commissioner. This amendment would mean the reportable occurrences align more closely with what bus operators must currently report.

In addition, taxi licence holders will no longer be required to notify the commissioner of a change in lease arrangements. The taxi licence holder must notify the taxi service provider of any change and this will allow the provider to comply with safety standards under the legislation including consultation with the holder of a taxi licence.

Taxi service providers and booking service providers, following an amendment in the bill, no longer will be required to return their authorisations to the commissioner in the event of cancellation or suspension. This amendment recognises that authorisations will be in an electronic format so physical return is unnecessary. Further, a minor amendment provides that taxi number plates must be returned to Roads and Maritime rather than the Point to Point Transport Commissioner or the Commissioner of Police as originally proposed in the legislation.

The amendments in this bill cover a wide range of road transport and related issues from the management of written-off heavy vehicles, recognition of new technology for the enforcement of over-dimension vehicles to improvements in driving instructor regulation through the point to point transport reform. Each reform demonstrates again that New South Wales is at the forefront of road transport initiatives that will deliver positive road safety outcomes and facilitate better passenger transport services for the people of this State.

I commend the bill to the House.

Second Reading Debate

Ms JODI McKAY (Strathfield) (18:02): I lead for the Opposition on the Road Transport and Related Legislation Amendment Bill 2017. I state from the outset that the Labor Opposition does oppose this bill. This bill amends three Acts: the Road Transport Act 2013, the Driving Instructions Act 1992, and the Point to Point Transport (Taxis and Hire Vehicles) Act 2016. I will first address the Road Transport Act 2013, which is amended to allow for the creation of a written-off heavy vehicle register for New South Wales, camera and other technologies to be used to detect and to enforce vehicle dimension restriction, and administrative changes to increase the maximum fine a court can impose for breaches of the Act. The Opposition supports these changes.

I note that under the existing legislation the fines imposed by penalty notices cannot exceed the maximum fine a court may impose for the same offence. However, penalty notice fine amounts are subject to an annual increase in line with the consumer price index while court fines are not. This created problems where fine amounts for certain speeding offences potentially increased above the maximum fine a court may impose. This amendment is a commonsense reform to address this problem. Importantly, the Opposition supports the establishment of a written-off heavy vehicle register. It may surprise people that such a register has not been established already.

The New South Wales road toll is increasing. Tragically, far too many people in this State are dying on our roads. The victims are disproportionately young men and women with their entire lives ahead of them. In my time as the shadow Minister for Roads, I have heard some truly harrowing stories from many people affected by deaths on our roads. Many of those stories have included incidents involving heavy vehicles. For that reason, the Labor Opposition welcomes any reform that will strengthen this State's approach to heavy vehicle safety. There is no doubt whatsoever that we need to do more to ensure our roads are safer, and the Labor Party is committed to working with the Government, motorists and the experts to ensure that we get the basics right.

Upon the member for Oxley becoming the Minister for Roads, Maritime and Freight, I offered to convene a roundtable with her to discuss road safety in New South Wales. Unfortunately, that offer was not accepted. Nor was the invitation accepted by the previous Minister for Roads. The Labor Opposition progressed with that roundtable. It was an initiative very much welcomed by stakeholders. We continue to listen to advice about how we can make our roads safer. I again extend an invitation to the Minister to work together in the spirit of bipartisanship.

The Labor Opposition will hold a heavy vehicle safety roundtable very soon that will once again bring together experts. It would be wonderful if the Minister were to attend. It was clear from our earlier roundtable that people believe the Government is not doing enough to improve heavy vehicle safety. I do not doubt the Government's commitment to the written-off heavy vehicle register, nor the objectives behind the proposal. I also think it is appropriate that New South Wales leads on this initiative, and I congratulate the Minister on this State's

agreeing to do the work to see this register established and then rolled out nationally, as agreed by the Transport and Infrastructure Ministerial Council in 2014. The register will ensure that crashed vehicles that are structurally unsafe are not re-registered and driven on public roads.

Of course, New South Wales already has a written-off vehicle register for light vehicles, and I understand that will help in the creation of a similar register for vehicles weighing more than 4.5 tonnes. Given that we are talking about heavy vehicle safety, it is concerning that members opposite said nothing while their Federal colleagues took the knife to the Road Safety Remuneration Tribunal. The Labor Opposition believes there is a clear link between rates of pay for truck drivers and road safety. I congratulate the Transport Workers Union on its endless advocacy on heavy vehicle safety.

Heavy vehicle safety more generally has come to the fore in New South Wales with the increasing number of trucks on our roads, particularly in areas like mine where government road and transport projects require the removal of literally millions of cubic metres of spoil. We know that numerous police operations have found defects and safety issues with these vehicles. While it is outside the leave of the bill, perhaps the Minister could use this opportunity to tell the House what the Government is doing to remove unsafe heavy vehicles involved in government contracts from our roads.

A written-off heavy vehicle registry may be a good reform, but it is not the be-all and end-all of road safety. This bill also allows for camera and other technologies to be used to detect vehicles that contravene dimension limits. This is an important reform that will ensure we do not see heavy vehicles making our roads unsafe and significantly damaging public infrastructure that our community relies upon. I note that the Government has committed to installing this technology at Galston Gorge, where it has been demonstrated that there is a need for such technology. We have seen heavy vehicles damage our road network because their drivers simply do not comply with size restrictions. Given the number of other safety incidents both in Sydney and in regional New South Wales, I would be interested to hear from the Minister about where else this detection technology could be used. Obviously the Government has advice in this regard.

I note media reports suggesting that a truck measuring 8.26 metres was caught by police travelling along Old Bathurst Road 30 minutes after a safety incident occurred. I know that the Minister has committed the Government to examining the possibility of this legislation applying also to Old Bathurst Road. I welcome that commitment, but the Government would be considering other locations and it would be appropriate for the Minister to reveal the Government's plans. The Opposition looks forward to working with the Government to ensure that this technology is rolled out as appropriate.

I turn now to the Driving Instructors Act 1992. The proposed amendment mandates Working With Children Checks for driving instructors. That is an important reform to ensure the safety of young people as they learn to drive. Most people would be surprised to learn that driving instructors working with young people have been doing so without this important screening. Thousands of young people across the State access driving instructor services every year, with parents relying on the safety and security of the services provided by many private operators. This is a long-overdue reform, and I welcome the requirements of driving instructors being brought into line with those that apply to other professionals where adults have supervisory responsibilities over young people.

The bill also enables Roads and Maritime Services to sanction driving instructors if they no longer display the competence or suitability to be a driving instructor. As I said, thousands of young people learning to drive access the services provided by driving instructors every year. It is vital that these instructors have the necessary skills and experience to teach young people how to drive properly and in accordance with our road rules. In addition, they should be people of good repute. If they are not suitable and/or competent then this bill gives Roads and Maritime Services the power to caution or to suspend their driving instructor licence. The Opposition believes it is entirely appropriate for those not adhering to this high standard to be sanctioned and, in the most serious of circumstances, have their authority to be an instructor revoked. This legislation also makes important administrative changes to ensure the existing legislation is in line with trucks and public passenger vehicle instructor legislation.

The final element of the legislation is an amendment to the Point to Point Transport (Taxis and Hire Vehicles) Act 2016. Given the Government was dragged kicking and screaming to regulate the point to point element of the innovative economy in New South Wales, I welcome this amendment to a bill being put before the Chamber. The amendment strengthens the Point to Point Transport Commissioner's investigative powers while also reducing the red tape requirements for taxi licence holders and other service providers, where appropriate, especially the provisions relating to reporting requirements.

I note that in our consultation with stakeholders on this bill, the Taxi Council expressed concerns regarding the amendment of section 136 of the point to point legislation. Under the existing Act, proceedings for offences under the Act can be commenced two years from the date on which the offence was committed. However, this amendment would allow proceedings to commence up to two years from the date the offences first came to the notice of the commissioner. The Taxi Council told us that it would prefer a quicker resolution of offences. However, it does not oppose the bill and remains supportive of the broader purposes of the bill.

I also understand from the second reading speech in the other place that while the new point to point Act and regulations commenced this month, there is still some delay in the introduction of the passenger service levy, which has now been deferred until February next year. Perhaps the Minister could update the House on the progress of the levy and the issues that obviously have arisen. In conclusion, I thank the Minister for Roads, Maritime and Freight for offering a briefing to the New South Wales Opposition and for providing the Opposition access to departmental staff, who were professional and efficient in ensuring the details of this legislation were understood. As I have stated, the Opposition will not oppose this bill.

Mr CHRIS PATTERSON (Camden) (18:11): I too speak in support of the Road Transport and Related Legislation Amendment Bill 2017. The bill amends the Road Transport Act 2013 to introduce a New South Wales written-off heavy vehicles register, to provide for camera technology to be used for enforcement of dimension offences and to increase maximum court-imposed penalties for offences under the statutory rules. The bill also amends the Driving Instructors Act 1992 to modernise outdated provisions, mandate Working With Children Checks, and make other changes to improve the ability of Roads and Maritime Services to take action against incompetent or disreputable instructors.

The bill also amends the Point to Point Transport (Taxis and Hire Vehicles) Act 2016 to strengthen the commissioner's powers to investigate matters and to reduce certain reporting and other requirements on taxi licence holders and service providers. I acknowledge the Hon. Melinda Pavey, who is in the Chamber, for the work she, her staff and her department have done on this bill. I have spoken with the Minister in depth about the bill and its provisions. I know that a lot of work has gone into the bill and it will make our roads safer. These are important amendments to legislation that we often take for granted but they go a long way to making New South Wales roads as safe as possible. I commend the Minister and her team for their efforts, and I commend the bill to the House.

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (18:13): In reply: I acknowledge the contributions of the shadow Minister and member for Strathfield, and the Government Whip and member for Camden, Chris Patterson, for their kind words about the departmental officials. I also thank them for their work. This omnibus bill involves the coordination of two Ministers. A lot of good work has been done to bring this bill forward. I acknowledge the Opposition's support for the bill and its comments around the written-off heavy vehicle register. I note the presence in the Chamber of the Minister for Police and member for Dubbo, Troy Grant. The good work of Transport for NSW, the Centre for Road Safety and the Traffic and Highway Patrol Command has created good communication between the agencies. We do not operate in silos, and it is paramount to obtain feedback and information in order to improve safety issues.

As a result of concerns in relation to the infrastructure build in New South Wales, we acted in a timely manner to establish the written-off heavy vehicles register. The previous Labor Government was unable to come to a decision on this issue. I particularly acknowledge the member for Castle Hill, Ray Williams, on this side of the House, who as parliamentary secretary did very good work with the Motor Vehicle Council and other bodies to achieve the written-off heavy vehicle register. On Friday last week a ministerial council meeting of all transport and roads Ministers was held in Hobart. We brought the attendees at the meeting up to speed with our legislation. New South Wales is taking a lead on this issue. In the final development of the regulations, we want the industry at the table because of the peculiarities relating to heavy vehicles. The legislation is fit for purpose in relation to the maintenance and repair of heavy vehicles and will make our roads safer.

At the meeting in Hobart, we discussed the National Heavy Vehicle Register [NHVR], the issue of real-time surveillance, and more cameras located across Australia. As New South Wales is a through State, our high-level requirements may create problems for other States. We are working through those issues because of the importance of heavy vehicle safety. Our position is that poor operators should not be on the roads. We also respect, appreciate and acknowledge the work of the good heavy vehicle operators, companies and drivers who keep this nation moving. We are not attacking the industry; we are working with them to ensure that the best rise to the top and that those who should not be in operation are identified.

Heavy vehicle roadworthiness and integrity are critical for road safety as well as for the protection of road infrastructure. Due to a law of physics the momentum depends on mass and speed. Heavy vehicles colliding with light vehicles and other objects create a considerable crash force. As a result, such crashes are highly likely to result in driver and passenger fatalities and serious injuries. People in the heavy vehicle industry often say to

me that more needs to be done in driver training so that drivers understand the capabilities and limitations of heavy vehicles and drive accordingly. A truck may jackknife as a result of a mistake by a motorist, not by a heavy vehicle driver. Statistics from the NSW Centre for Road Safety indicate that heavy vehicles, although representing less than 3 per cent of all registered motor vehicles in New South Wales, are involved in 16 per cent of fatalities. That is because of that law of physics and also because people often do not respect the momentum, weight and particular proportions of heavy vehicles.

Heavy vehicles with defects remain all too common. In 2016, the Roads and Maritime Services inspected more than half a million heavy vehicle units in New South Wales. Of the vehicles inspected, 17 per cent identified with a defect, with 2 per cent identifying as a major, or major grounded. The incidence of heavy vehicle theft is also a basis for the development of a register. The National Motor Vehicle Theft Reduction Council reported that in the 12 months to March 2017 some 1,200 heavy vehicles were stolen across Australia, accounting for approximately 3 per cent of all vehicle thefts. The council commented that "costs to individuals and businesses impacted by this type of theft will generally be much higher than for other vehicles in terms of temporary replacement costs, lost productivity and increased insurance premiums". The customisation of prime movers and the interchangeability of components, for example, mean that stolen parts are currently hard to identify.

I am sure that members will agree that any reform which improves the safety, security and integrity of heavy vehicles on our roads should be supported. The New South Wales Government is committed to working with the National Heavy Vehicle Regulator, other jurisdictions and the heavy vehicle industry to develop a secure system to register written-off heavy vehicles and to ensure common damage assessment criteria. To that end, New South Wales, on behalf of Austroads and the National Motor Vehicle Theft Reduction Council, is leading a project to develop a national framework for the assessment and classification of written-off heavy vehicles.

An expert reference group has been established to develop this framework, harnessing the technical knowledge of the National Heavy Vehicle Repairers Association, the Insurance Council of Australia and other key stakeholders. I am pleased to be able to report that a technical guide for national crash damage assessment criteria is expected from the expert reference group in November 2017—some time in the next couple of weeks. This will inform the development of regulations in New South Wales to support the written-off heavy vehicles register in the first instance. I believe that other jurisdictions will follow our lead and provide for the inclusion of heavy vehicles in their written-off vehicle legislation, and ultimately for the formation of a national written-off heavy vehicles register. In future, written-off heavy vehicles will be reported to the National Exchange of Vehicle and Driver Information System database, which will allow the information to be shared across jurisdictions.

As the shadow Minister pointed out, there have been many media reports about heavy vehicle accidents. I acknowledge that Ray Hadley has been a very vocal critic of some of the behaviours of heavy vehicle operators who cause chaos, particularly in Galston Gorge—there was another incident there today—and on Old Bathurst Road. Ray Hadley has been a champion of this issue and the Government has responded—not just for him but for the travelling public, which is important. This has not been an easy process. The Government has been deliberating on this matter for some time, including with the previous Minister. It is a problem. I have been on the journey to Galston Gorge and I cannot understand how a heavy vehicle operator could say, "My GPS took me down there," when there are 10 or 12 signs that indicate that they should not go down that road. The mind boggles at how that could happen. The industry has a responsibility to ensure that drivers know what they are doing, and improving their ability to follow maps and signs would be a good start.

The other amendments are of importance too. The recognition of dimension measurement and camera technology for enforcement of dimension offences is significant for the protection of infrastructure and the prevention of accidents and traffic chaos. The modernisation of legislation to regulate driving instructors is intended to ensure integrity and high-performance standards in this occupation. Lastly, the fine-tuning of the new point to point transport scheme for taxis, private hire cars and ridesharing vehicles will ensure that the legislation gives adequate powers to the regulator and removes some administrative burdens on service providers. I highlight the incredible work done by transport Minister Andrew Constance in dealing with this technology disruptor, which has given consumers and the travelling public choice and better options in the city. Uber has not been rolled out to regional parts of New South Wales but I make the point that Minister Constance was able to see the challenges that lay ahead and was able to provide protection for the current industry and find a way forward. These minor amendments enable a smoother pathway. I thank all of those involved in the establishment and drafting of this bill and I commend the bill to the House.

TEMPORARY SPEAKER (Mr Adam Crouch): I thank the Minister. I also put on record my acknowledgement of the Minister's good work in this area—especially in relation to the amended Road Transport Act and section 1.3 in relation to the heavy vehicles register. I know that she and her team did a lot of work with the stakeholders. I congratulate her: It was well done.

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

Motion agreed to.

Third Reading

Mrs MELINDA PAVEY: I move:

That this bill be now read a third time.

Motion agreed to.

RURAL CRIME LEGISLATION AMENDMENT BILL 2017

Second Reading Speech

Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (18:23):

I move:

That this bill be now read a second time.

The Rural Crime Legislation Amendment Bill 2017 follows a review into stock theft and trespass undertaken last year by former NSW Police Force Assistant Commissioner Steve Bradshaw, APM. Mr Bradshaw dedicated many decades of experience in policing rural and regional communities to this body of work. The bill proposes a range of amendments to existing legislation designed to provide a more comprehensive and effective response to rural crime. It responds to calls from rural landowners for greater legislative recognition of the impact of trespass onto rural properties, which is often accompanied by other crimes such as property theft, and may trigger a biosecurity risk.

The review was commissioned by this Government in 2016 in an effort to gain a clearer picture of the issues facing regional communities across New South Wales in relation to rural crime. I place on the record my thanks for the assistance provided to me by the member for Barwon, who articulated the extent of the issue, which helped me decide to initiate this review. The review followed research published by the University of New England in 2015, which showed that, unlike other crimes, rural crime was not trending downward and was likely to be significantly under-reported. The Bradshaw report referred to advice from New South Wales Police that:

... the number of stock theft incidents has been increasing since 2013 and that New South Wales primary producers experienced a combined \$2,572,462 loss during 2015. This does not include loss of by-product (wool, skin) from the stolen livestock or loss of breeding potential.

The report also stated:

New South Wales farmers have reported over \$11 million worth of sheep and cattle stolen during the five years to 2015. This calculation is based on average market prices each year for cows and ewes and does not take into account the loss associated with stud stock, wool, breeding potential, or investment to improve bloodlines of stock. So one or two instances of stock theft may represent a farmer's profit margin for the year.

The latest data from the Bureau of Crime Statistics and Research indicates that, in the 12 months to June 2017, there were 484 reported incidents of stock theft across New South Wales. Mr Bradshaw clocked up thousands of kilometres driving across the State to hear firsthand from the victims of rural crime and from the police officers and regulatory compliance officers on the front lines who deal with this problem every day. On many occasions Mr Bradshaw was accompanied by the member for Barwon, to whom I again extend my appreciation.

A key message from rural landowners was the deep fear caused by unwelcome intruders onto their land, whether this was people hunting illegally, opportunistic property thieves or people trespassing for other reasons. The landowners' fear was often followed by frustration and anger at the penalties imposed for these crimes. The provisions outlined in this bill seek to address this imbalance. I take this opportunity to thank Mr Bradshaw for his work in this important area. I also thank those who took the time to share their experiences of rural crime. Their stories are reflected in Mr Bradshaw's recommendations to the Government and have shaped the bill before the House today.

The Government already has begun work to implement its response to some of the issues identified by Mr Bradshaw's report. One crucial development from the perspective of operational policing has been the inaugural appointment of a dedicated New South Wales Police Force Deputy Commissioner for Regional Field Operations, Mr Gary Worboys, APM. It is well recognised that policing in the bush presents different challenges to policing in the suburbs of Sydney—for example, the Barrier Local Area Command covers an area stretching from the Queensland border to the Murray River—but residents still, rightly, have high expectations of New South Wales Police. Residents want to know that the police will be there when they are needed. They want to know, and they deserve to know, that their issues will be well understood. And, most importantly, they want an effective and proportionate response when those who break the law are caught. Along with future operational developments under the leadership of Deputy Commissioner Worboys, this bill will assist the NSW Police Force to better reflect the expectations of rural and regional residents.

I now turn to the provisions in the bill. The bill amends section 10A of the Animals Act 1977 to provide for the conditions of proving ownership for feral goats. The same provision already applies to deer. As members may be aware, New South Wales has a maturing feral, or rangeland, goat industry. Australia is the world's largest exporter of goat meat, supplying more than half of the world's total export volume. In 2015-16, the trade value of New South Wales's goat exports was \$4.3 million. In 2016, the New South Wales Department of Primary Industries [DPI] annual aerial survey of western and central New South Wales estimated that there were 5.8 million goats, both managed and feral, in the monitoring zone. Clearly, this is an important industry for our State and it is important that goat harvesters are able to protect their property rights. Under existing legislation it has been very difficult for police to proceed with prosecutions for larceny where the property stolen was harvested feral goats. This is because of the difficulties in proving private ownership of the goats.

The deeming provision in this bill will support the police and the courts in their investigations and prosecutions of stock theft in this area. The bill also seeks to recognise the particular vulnerability of rural victims of crime by amending section 21A of the Crimes (Sentencing Procedure) Act 1999 to include "geographical isolation" as an aggravating factor to be taken into account on sentence. This change acknowledges the many submissions to the Bradshaw review made by families who had experienced a situation in which their remoteness made them particularly vulnerable. For example, there were stories of mothers and their children alone on rural properties having to endure nights where people come to hunt illegally on their land, cause damage and refuse to leave. The Bradshaw review received many submissions from different parts of the State on this issue. The Government has listened to those concerns and this bill gives recognition to the particular experience of victims of crime in rural and remote communities. No person should ever be a prisoner in their own home.

The bill will amend the offence of "aggravated unlawful entry on inclosed lands" in section 4B of the Inclosed Lands Protection Act 1901 to better reflect the impact of trespass and illegal hunting on rural properties. Specifically, the provision will be expanded to include the following as factors of aggravation: introducing or increasing a risk of a biosecurity impact for those inclosed lands; intending to commit an offence related to hunting or animal theft; being in possession of firearms, weapons or hunting equipment without reasonable excuse; or being accompanied by a breed of dog ordinarily used for hunting. The bill provides for the same definition of biosecurity impact as that which is in the Biosecurity Act 2015. In that Act a biosecurity impact means an adverse effect on the economy, the environment or the community that arises or has the potential to arise from biosecurity matter or a carrier or dealing with biosecurity matter or a carrier, being an adverse effect that is related to:

- (a) the introduction, presence, spread or increase of a disease or disease agent into or within the State or any part of the State;
- (b) the introduction, presence, spread or increase of a pest into or within the State or any part of the State;
- (c) stock food or fertilisers;
- (d) animals, plants or animal products becoming chemically affected;
- (e) or public nuisance caused by bees;
- (f) a risk to public safety caused by bees or non-indigenous animals; or
- (g) anything declared by the regulations to be a biosecurity impact.

Individuals charged with an aggravated offence will have the opportunity to provide evidence to support a defence of reasonable excuse. These changes will ensure the aggravated offence appropriately captures a range of scenarios that we know are happening across rural and regional New South Wales and which cause a great deal of concern and frustration to landowners. The Bradshaw review highlighted that trespassers can cause serious and ongoing consequences for primary producers by spreading disease and causing stress and other harm to valuable livestock. It is important that victims of stock theft are provided with all reasonable opportunities to locate their stolen animals and organise for their safe return. Many farms run on very slim margins and even one incident of stock theft can prove to be financially devastating. To better assist primary producers, the bill amends the Law Enforcement (Powers and Responsibilities) Act 2002 [LEPRA] to provide for the issuing of stock mustering orders by the Local Court. These will be issued on application from either the owner of stock or a police officer.

This concept has been based on existing provisions in chapter 22A of Queensland's Police Powers and Responsibilities Act 2000. The Local Court will make a stock mustering order only when satisfied that: (a) there are reasonable grounds for believing that an individual's stock is on land managed or controlled by another person; and (b) that the person managing or controlling the land has refused to allow the stock owner or police officer who applied for the order to enter the land to locate and remove the stock, or it is impracticable to seek such permission from the landowner. An application for a stock mustering order is to be made by issuing and filing an application notice in accordance with part 4 of the Local Court Act 2007. An application for a stock mustering order must specify the grounds for the application, including any belief of the applicant, in the manner prescribed by the regulations.

The application notice must be served personally on the owner of, or person managing or controlling, the land to which the application relates, or if personal service cannot be effected promptly, by causing a copy of the application notice to be affixed to or near at least one of the entrances to the land. The application notice must also be served on the police officer in charge of the police station closest to the land to which the application relates, unless the application is made by a police officer. If granted by the Local Court, a stock mustering order may authorise a person named in the order to do one or more of the following:

- (a) enter the land specified in the order, including the airspace above the land, to conduct, under the direction and supervision of a police officer, a muster of the stock identified in the order, so as to locate and remove the stock;
- (b) search for and take possession of stock found at the land that matches the description of the stock identified in the order;
- (c) draft, cut out, and take any other action necessary to identify and separate the stock from other stock, but only for the purposes of conducting the muster;
- (d) bring onto the land specified in the order any agent, assistant, horse, dog, vehicle or equipment reasonably necessary for the search, or for the taking possession of stock, that is authorised by the order.

A stock mustering order is taken to also authorise any police officer to do either or both of the following: (a) enter the land specified in the order, including the airspace above the land, to direct and supervise the muster of the stock identified in the order, so as to locate and remove the stock; and (b) bring onto the land any horse, dog, vehicle or equipment that is reasonably necessary for directing and supervising the muster. Any action authorised by a stock muster order made by the Local Court will be supervised by police. The bill also provides for an offence prohibiting a person who has knowledge of a stock mustering order from acting or making an omission with an intent to frustrate action under the order, or obstructing a person who is acting under the order. This offence has an associated maximum penalty of 50 penalty units equating to \$5,500 or imprisonment for six months. As noted in the Bradshaw report, recreational hunting is a popular pastime across many areas of New South Wales. Hunting makes an important contribution to regional economies. Recreational hunting by the 19,000 licensed game hunters in New South Wales is estimated to contribute \$119 million to the gross State product and creates 860 jobs. The contribution from non game licence holders is estimated to be four times as much; and while we know most hunters do the right thing, there are unfortunately exceptions to this. Landowners have made it very clear that they would like to see more done to ensure their property rights are respected. To deter illegal hunting and to better meet community expectations, this bill doubles the maximum financial penalty for the offence of hunting on private land without consent from \$1,100 to \$2,200, under section 28J of the Summary Offences Act 1988. It also will ensure that New South Wales Department of Primary Industries [DPI] inspectors can issue penalty notices for this offence. Currently only police officers can issue penalty notices for this offence.

The message we are sending to hunters is: Make sure you do the right thing and respect the owner or occupier of the land by seeking their consent, or there will be serious consequences. To further enhance the ability of police officers and DPI inspectors to investigate and prosecute hunting offences, the bill expands their current powers relating to the stopping, detaining and searching of vehicles and vessels connected with a game hunting offence. The bill broadens the definition of "game hunting offence" in relation to particular parts of the Game and Feral Animal Control Act 2002 to include the offence of hunting on private land without consent under section 28J of the Summary Offences Act 1988.

Section 44 of the Game and Feral Animal Control Act 2002 concerns the power of inspectors to stop, detain and search vehicles or vessels when the inspector has reason to believe that there is something connected with a game hunting offence in, or on, a vehicle or vessel. For this purpose the bill expands the definition of game hunting offence to include the aforementioned offence of hunting on private land without consent. Section 45 of the Game and Feral Animal Control Act 2002 concerns the power of inspectors to seize anything that is found by the inspector in any search under part 4, division 2 of the same Act and that the inspector has reason to believe is connected with a game hunting offence. Again, for this purpose the bill expands the definition of game hunting offence to include the offence of hunting on private land without consent.

These changes provide a useful and logical extension to the current powers and will ensure greater consistency in the investigation and prosecution of illegal hunting offences. The bill provides for the ability of an inspector to issue a notice to produce to the person in charge of the vehicle or vessel, requiring that person to take the vehicle or vessel to a specified place for the purpose of carrying out a search. The notice to produce may be issued only if it is not reasonably practicable to carry out the search where the vehicle or vessel is stopped.

The bill before the House is just one part of the Government's response to the recommendations of the Bradshaw review. The consideration and implementation of the remaining Bradshaw recommendations is ongoing and is being overseen by the Rural Crime Advisory Group, which includes representatives from the New South Wales Farmers Association, the NSW Police Force, the Department of Primary Industries, Local Land Services, and the Australian Livestock and Property Agents Association. This consultative approach will ensure that the

action taken by the Government in response to the recommendations of the review will meet the expectations of rural and regional communities.

I again thank Mr Steve Bradshaw for his long-time commitment to addressing rural crime in New South Wales and for his comprehensive and thoughtful review report. While this bill represents progress in our response to stock theft, trespass and illegal hunting, the New South Wales Liberals and Nationals Government will continue to consult with stakeholders and always will strive to further improve the response to rural and regional crime. I commend the bill to the House.

Second Reading Debate

Mr CLAYTON BARR (Cessnock) (18:42): Members will be delighted to know that this is not my speech. I will read the speech on behalf of the shadow Minister for Police and member for Fairfield, Mr Guy Zangari, who is unable to be present tonight. On behalf of the New South Wales Labor Opposition I lead in debate on the Rural Crime Legislation Amendment Bill 2017. The bill will make a number of amendments to existing legislation to address growing crime trends in rural and regional communities of New South Wales, focusing particularly on issues surrounding rural trespass, illegal hunting and stock theft. The bill before the House has been introduced as a result of recommendations set out in the New South Wales Stock Theft and Trespass Review, which was delivered in June 2016 by former New South Wales Police Force Assistant Commissioner Mr Steve Bradshaw. I will refer to that as the Bradshaw review, or the review. On my own behalf, I add that the report, at 53 pages, is quite a lovely read. I recommend it for anyone.

The Bradshaw review was handed down in June 2016 following several months of ongoing consultation and engagement with affected communities and key stakeholders. During the review, numerous submissions were received from across New South Wales and the chair of the review spoke with stakeholders in Orange, Peak Hill, Broken Hill, Cobar, Ivanhoe, Wilcannia, Nyngan, Bourke, Brewarrina, Coonamble, Pilliga, Narrabri and Oberon. Many submissions were received from families who indicated their fears and sense of vulnerability and intimidation as a result of their isolation and being powerless to control who is able to enter their lands. Families too often are left powerless to stop illegal hunting and stock theft on their lands while assistance from the police can often be many hours away due to isolation. Mothers and their young children often suffer stress, fear and uncertainty as a result of unwelcomed, intimidating and destructive individuals who are trespassing and illegally hunting on rural properties.

Everyone has the right to feel safe. Unfortunately, the existing provisions to protect such families are inadequate. Affected communities have welcomed these changes with open arms. Recent research indicates that over the years rural crime has been increasing and largely goes underreported to authorities. Residents are well aware of the problems affecting their communities. However, they understand how arduous the existing provisions are to navigate in order to resolve their problems. Primary producers lose out on millions of dollars each year as a result of the high prevalence of livestock theft, which has been increasing rapidly since 2013.

Further losses have been felt by the New South Wales goat industry whose stakeholders have both maturing feral and managed goats. Australia is the world's largest exporter of goat meat and supplies, which should help to explain why they are of such enormous value to their owners and fetch a pretty penny upon resale. That has resulted in the prevalence of goat theft increasing in rural and regional New South Wales with the affected parties left frustrated by the ineffective options available for them to retrieve their stock. As such, section 10A of the Animals Act 1977 will be amended to include protections for feral goats, which is in line with existing protections presently set out for deer. That will provide greater certainty for industry stakeholders as it makes it easier for them to prove ownership of their feral goats.

Further to that, in order to enhance protections for stolen livestock, amendments will be made to the Law Enforcement (Powers and Responsibilities) Act 2002 to allow affected parties to apply to the Local Court for a stock mustering order. The successful acquisition of a stock mustering order will authorise an individual to enter the land specified in the order, under the direction and supervision of a police officer, to conduct a muster of their stolen stock and to search for and remove the indicated stock from the premises. Should an individual attempt to intentionally prevent, hinder or obstruct the enforcement of a stock mustering order, they may be liable for a penalty of 50 penalty units or \$5,500, or six months imprisonment. It is worth noting that doubling the penalties has been based on existing provisions of the Queensland Police Powers and Responsibilities Act 2000 and follows the recommendations set out in the Bradshaw review.

Stock theft and illegal hunting contribute to enormous losses and hardship in rural and regional areas of New South Wales and their impact on the community has only intensified in recent years. The bill will make amendments to the Game and Feral Animal Control Act 2002 to provide additional powers and greater flexibility to police officers in rural and regional communities who detain and search vehicles or vessels that are believed to be connected with a game hunting offence. Police officers will have conferred on them the functions of an

inspector under the Act with additional powers being provided to both inspectors and, in turn, police officers to seize anything found in an authorised search that is believed to be connected with a game hunting offence. Furthermore, the existing powers of inspectors to detain and seize vehicles in connection with the investigation and collection of evidence related to the offence of hunting on private land are inadequate. Illegal hunting has had a tremendous impact not only on industry but also on the families and communities where hunters have trespassed.

The Inclosed Lands Protection Act 1901 will be amended to expand upon the definitions of aggravated unlawful entry on inclosed lands to further protect rural and regional communities. The amendments take into consideration a number of variables that reflect the impact of rural trespass and illegal hunting and include the increased risk of a biosecurity impact within the meaning of the Biosecurity Act 2015 for the inclosed lands; whether the individual intends to commit an offence under sections 126, 503, 505 or 506 of the Crimes Act 1900, section 16 of the Game and Feral Animal Control Act 2002 or section 28J of the Summary Offences Act 1988; without reasonable excuse, possesses, places or uses any net, trap, snare, poison, explosive, ammunition, knife, hunting device, hunting equipment, or possesses or discharges a firearm within the meaning of the Firearms Act 1996 or a prohibited weapon within the meaning of the Weapons Prohibition Act 1998; and, finally, whether the person is accompanied by a dog of a breed ordinarily used for hunting.

The Crimes (Sentencing Procedure) Act 1999 will be amended to ensure geographical isolation of the victim can be taken into consideration when it comes to the sentencing of individuals who have committed an offence in rural and regional New South Wales. This change is in line with community expectations as the existing provisions are failing to deter or justly penalise individuals for unlawful entry, trespass, theft, harassment, damage to property or illegal hunting on private property. Sections 28J, 29B and 29B (1) of the Summary Offences Act 1988 also will be amended to double the penalty for hunting on private land and to make two inconsequential amendments.

Widespread concern has been raised over the ineffective deterrents for illegal hunters and rural trespassers who are not deterred by the existing provisions as they are insignificant. The community expects the punishment to fit the crime. Feedback received throughout the Bradshaw review is consistent with the legislation before us today, as the bill makes a number of sensible amendments to address a range of problems in the affected communities. The New South Wales Labor Opposition understands the needs and concerns of people in rural and regional New South Wales and would like to see their concerns addressed and supported in this House. We believe the bill takes a number of appropriate steps to resolve longstanding issues in rural and regional New South Wales and is aligned with the expectations of the community and key stakeholders. It is not very often I get to say this on a Government bill: I commend the bill to the House.

Mr KEVIN HUMPHRIES (Barwon) (18:50): I speak in debate on the Rural Crime Legislation Amendment Bill 2017 and acknowledge the work of the Minister for Police, and Minister for Emergency Services, Troy Grant, and, in particular, retired Assistant Commissioner Steve Bradshaw, who is a constituent of my electorate of Barwon. Steve is held in high regard and is affectionately known as "the son of the west" and is referred to as "sir". This bill has been in the making for nearly two years. I raised with trepidation the issues covered in this bill in The Nationals party room when we were discussing rural crime and modernising the Rural Crime Act to reflect the reality of the demographics in some of the more remote areas of New South Wales, particularly in the west of the State. We want to ensure that the honest and hardworking people living and working in rural areas of the State had more say in who came and went on their land. We also want to ensure that people visiting parts of our State, particularly remote parts, had to take more responsibility to inform landholders while they were on their land. In some places that are off the beaten track, visitors need to have a good reason to be there.

As the Minister said, many people have been in the wrong place at the wrong time for the wrong reasons, which can lead to incidents such as stock theft. Often when people trespass, crimes other than stock theft occur as well. We travelled many kilometres with Assistant Commissioner Bradshaw in western New South Wales. I thank the Minister for coordinating those visits with the rural crime advisory committees and the Attorney General's office for its response of bringing forward this legislation. Tackling rural crime is a work in progress, and the issue of aggravated trespass, which the Minister takes seriously, is being tackled by increased fines as well as by increased powers for police and other delegated authorities to detain people and also seize proceeds of crime or equipment used in perpetrating crime, such as four-wheel-drive vehicles or trailers used in stock theft. As far as I know this is the first time geographic isolation is being used as a benchmark for amending legislation.

A couple of things came out of visits to western New South Wales in tackling the modernising of rural crime legislation. A positive outcome is there has been an increase in the rural crime squad numbers, particularly those based in remote parts of New South Wales. These positions are dedicated to preventing, combating and responding to rural crime. The Minister referred to the goat industry in New South Wales, which is potentially worth up to \$300 million a year. In Bourke a new \$50 million goat abattoir is being built, with an \$11.5 million

contribution from the State and Federal governments. This will be the largest goat abattoir in the Southern Hemisphere when it opens in the first half of next year. A driver of rural trespassing has been potentially illegally harvesting goats, particularly in Western New South Wales. About 10 years ago goats were worth up to \$3 or \$4 each; now they are worth about \$150-plus, which is driving the growth of this industry. But it also means that the industry attracts a criminal element.

As I said before, geographic isolation is an issue. In 2007, driving between Wilcannia and Broken Hill which is a distance of more than 200 kilometres, there was only one lone female living on a property. Isolation is a big issue in my part of the world and other parts of the State, and with modern vehicles enabling people to get better access to isolated properties, safety becomes of paramount concern. I have heard stories about women feeling threatened on their properties. For example, a woman in my electorate and two of her children had to lock themselves in a cupboard to get away from illegal hunters in the vicinity who were harassing the homestead. She felt she had no protection, and this threat happened on numerous occasions. We do not want to see vigilante groups formed in response to this sort of behaviour and this was at the forefront of the discussions led by Steve Bradshaw. The Government has responded to trespassing in regional and rural areas, which has meant that many perpetrators have ceased that behaviour. This is a good outcome. The most isolated police station in New South Wales is at Tibooburra. Sergeant Glenn Lackenby is on his second deployment to that police station. Those opposite might know Glenn, who came back for the right reasons.

Mr Troy Grant: Police Officer of the Year.

Mr KEVIN HUMPHRIES: The Minister has stolen my thunder. Glenn was recently awarded the Rotary and the Minister's Police Officer of the Year award. He works on his own at this rural and remote police station. It covers a very large area in the Corner Country and he is the Corner Country cop between Queensland, South Australia and New South Wales. He has an outstanding rapport with his community that works with him to police the area, for which I congratulate Glenn. I am glad the Minister brought to the attention of the House the increased fines proposed in this legislation. Penalties for aggravated trespass will double, and that is a great improvement. People in regional and remote New South Wales feel their voice has been heard on this issue. The review by Steve Bradshaw was comprehensive and, as the Minister said, is still a work in progress. The frustration in some parts of the State, particularly the more remote parts, has been responded to positively.

In new section 1.3, which the Minister referred to, the powers of inspectors to stop, search and detain vehicles mean that inspectors can pull up people and ask them the reason they are on a particular property. If they do not have good reason to be there or have not been granted permission to be there, inspectors can turn them around and/or their gear can be confiscated. That is an important initiative, as are the stock mustering orders. Not all stock theft—worth some \$10 million or \$11 million in the past five years in New South Wales—is organised crime. Often it is fences being cut in regional areas or even on neighbouring farms, or stock being allowed to wander into large-scale paddocks, which in some cases are thousands of hectares in area. Generally most people know who is involved in stock theft at the local and regional level, but the legislation gives the inspectors and the police far more power to engage and respond to the issue.

I believe the stock mustering orders are a very good initiative that localises the issue. Importantly—and the Minister highlighted this point—we are basically reinstating a sense of control for landholders. That is a big issue for The Nationals, supported by the Liberal Party. Property rights are property rights—we need to know who is on our property at any time. If people are not there for the right reasons and they do not have permission to be there, they will be pulled up. They will be fined and their gear will be seized—basically, it is like the old fishing inspectors, who confiscated fishing gear and soon put a stop to illegal fishing. I commend the bill to the House. I thank the Minister for his initiative and for his ongoing support for this issue, which is important to his electorate also. I acknowledge the work of Steve Bradshaw.

Mr PHILIP DONATO (Orange) (19:00): On behalf of the Shooters, Fishers and Farmers Party and the electorate of Orange, I make a contribution to debate on the Government's Rural Crime Legislation Amendment Bill 2017. I am pleased to see the Government taking this issue seriously. I note that the Minister for Police is in the Chamber, and I thank him for preparing the bill and for taking steps to address rural crime. For far too long rural crime was neglected by police and by legislators, the majority of whom in this place are far removed from the remote rural localities that, until now, have been susceptible and vulnerable targets of criminals and have received little to no support to prevent or respond appropriately to rural crime.

As a rural-based police officer, I was aware of the significant number of rural-related crimes reported by farmers and rural residents. As a police prosecutor, I prosecuted many rural crimes in which police were able to identify an offender and bring them before the court. Many of these rural crimes were serious and involved theft of or damage to property of significant value. Some of the crimes involved threats of and actual assault, where the victims were isolated and unable to report the incident or be rendered assistance. Often when a crime is reported, depending on the location, it may be several hours before there is a physical police response.

As a police officer, I was aware of the shortfall in resources allocated to the prevention of and responses to rural crime. Police often encouraged the reporting of rural crime via the Police Assistance Line or the telephone as resources were sparse and many expected delays in police attendance. Rural crime is often responded to by either single-unit sector-based police or a rural crime investigator. Where possible, police resources were deployed to investigate. However, resources often fell short of what was necessary for the appropriate prevention of rural crime and the proactive targeting of persons of interest or identified areas of risk. I look forward to seeing a reduction in rural crime and an increase in rural crime prosecutions as a result of the re-engineering of the Minister and the New South Wales Commissioner of Police.

I will share with the House an appropriate example of rural crime and geographical isolation. It involves a farmer I know who lives alone on a large, remote, rural property in the Bathurst district. The farmer had been the victim of a series of ongoing thefts of his valuable livestock, fuel and even his working farm dogs over several years. His fences had been cut, vehicles had entered the previously secured property, his property was accessed unlawfully, and hardwood trees were felled and removed for either firewood or fence posts. Valuable livestock was then able to escape the confines of the paddock and disperse along miles of back roads, creating a risk to the livestock from traffic and a risk to road users who were unaware of the wandering stock. In addition, it placed the unsuspecting rural victim at risk of liability should a collision occur.

Despite the crimes being detected and reported, there was a significant delay in police attending the property due to the minimal resources devoted to policing in remote rural areas. An offender was eventually identified and charged with offences for which sufficient evidence was secured to prosecute. However, the victim suffered loss and damage amounting to tens of thousands of dollars. Sometime later that same farmer was doing his rural rounds, checking his valuable flock of sheep and herd of cattle, when he sighted a vehicle making haste and carrying a load of sheep stolen from his paddock. He pursued the vehicle, but to no avail. The farmer drove many kilometres on his quad bike to access phone service in order to report the matter to police.

The farmer returned to the site where the sheep had been stolen only to find that the thief had returned with a vehicle and trailer to steal more of his sheep. He challenged the offender, whom he recognised as the same offender prosecuted previously. The offender then drove his truck into the quad bike on which the farmer was seated. The offender rammed the quad bike for some distance. Sensing the grave danger he was in, the farmer fled. He was pursued on foot by the offender, who was wielding a large knife. The farmer risked the thorny tangle of a nearby blackberry bush to escape what would certainly have been his murder. The thief lunged repeatedly at the farmer with the large knife. Without any help—from police or anyone else—the farmer sheltered from and narrowly dodged each thrust of the sharp knife. It was only inches from striking him. At that point he did not know whether he would emerge from the blackberry bush unscathed.

After circling the bush for a time and trying unsuccessfully to stab the farmer, the assailant fled, leaving the farmer scarred by the experience. This is but one of a long list of serious criminal offences that rural-based people have faced. Any attempt to bolster protections for farmers and those who reside in rural New South Wales will be supported by me and by the Shooters, Fishers and Farmers Party. While the bill demonstrates a response from the Government, it could be made more effective if the seriousness of the theft of firearms from rural properties was stipulated. The theft of a firearm should be a separate offence of "steal firearm" that attracts a significantly higher penalty. I note the Minister's presence in the Chamber and ask that he consider that addition to the bill. It will act as a deterrent to firearm theft. For far too long law-abiding firearms owners have been unfairly restricted or policed when focus should be placed instead on appropriately punishing the perpetrators of firearm theft offences. Firearms stolen from private property fall into the hands of criminals and are rarely recovered. It is an issue that needs to be addressed.

I note the significant focus of the bill upon hunting-related offences. I strenuously object to and abhor any illegal hunting or related activities. But it appears the Government failed to consider a vast number of other rural related crimes, such as offenders who enter land carrying with them, on their person or in their vehicles, stock transport or handling equipment such as cages, boxes, crates, harnesses, leads and portable yards, ear pliers, brands and other tools capable of marking or tagging animals or removing animal markings or tags. Those items should have been included in the bill in the same manner as hunting-related equipment.

Rural crime also encompasses illegal animal activism, which occurs frequently. Trespass upon rural farmland by activists is often accompanied by damage and theft of property, including livestock. Many farmers who suffer at the hands of illegal activism lose valuable property and time, of which most hardworking farmers have far too little of. Rural crime encompasses far more than is contained in the bill and is significantly broader than illegal hunting. I take into account the matters raised by the Minister that are incorporated in the bill. I applaud the inclusion of geographical isolation as a circumstance of aggravation for these crimes. I commend the bill to the House.

Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (19:09):

In reply: I thank members for their contribution to this debate, in particular the member for Cessnock, who led for the Opposition. He is a good regional member and a good bloke. I am disappointed that it was left to him to represent the Opposition and I ask: Where is the shadow Minister for Police on this important bill? I hope his absence from the despatch box is due to something more important than looking after victims of crime in regional New South Wales. I call on the shadow Minister to explain his absence from the Chamber. It is appropriate to ensure that the shadow Minister has shown no disrespect to the wonderful people of regional New South Wales.

I acknowledge the member for Barwon and his commentary, as I did in the second reading speech. He has indicated to the community and Parliament that he intends to retire at the end of this term. If he gives a valedictory address I encourage him to reflect on his contribution to the formation of this legislation, the architecture of the police re-engineering and the ongoing body of work of the NSW Police Rural Crime Advisory Group. His contribution, passion and drive for this reform has been immense and is quite rightly part of his legacy of service to New South Wales and his constituents.

I acknowledge the contribution of the member for Orange and thank him—I think for the first time, although I stand to be corrected—for acknowledging the police re-engineering process. He has been a vocal critic of the process in public, but he has recognised that it will enable the implementation of a key component of the Bradshaw review regarding the resourcing of police. His comments are appreciated, particularly the insight he gave to a constituent that paints a clear picture of why this work has been completed. I hope that the victim he referred to understands that his experience is one of many stories that led to this outcome. I thank that victim for sharing his story with the member for Orange. I reiterate that there is still much work to be done.

The member for Orange raised some matters that I will clarify. First, I reaffirm that the re-engineering of the NSW Police Force will allow for a more tailored focus in the allocation of policing resources and techniques to individual commands rather than adopting a one-size-fits-all approach. That is long overdue. With the strong voice that police now have in Deputy Commissioner for Regional Field Operations Gary Worboys, APM, that will occur. I understand that the framework for the country response is imminent. I look forward to hearing how those outcomes are achieved. The re-engineering process will enhance and protect policing resources in regional New South Wales. One of the most important tailored responses is to rural crime. The Government understands this and wants to ensure that there is a greater focus on crime that occurs in rural, regional and remote communities. That is why we stand side by side with the NSW Police Force executive in implementing the police re-engineering process.

Three weeks ago Deputy Commissioner Worboys announced the creation of rural crime prevention teams as part of the re-engineering process. They will come online before the end of the year. A detective inspector of police will run the rural crime response for New South Wales. He or she will be supported by a detective sergeant in each of the three country regions. The rural crime prevention teams will have the support of officers dedicated to community and police education about rural crime as well as the important role of analytics. This will provide a coordinated, additional effort to resource and support the 34 rural crime investigators located throughout New South Wales. That has already been announced and those teams are actively being recruited.

I address the additional description of property, which was a concern of the member for Orange. Equipment used to facilitate stock theft is not contained specifically in the bill. I mentioned cattle yards, crates and the marking of gear and equipment. Whilst such items are not identified individually, they are covered in the Game and Feral Animal Control Act under section 45 of part 4, division 2, which relates to inspectors having the power to seize anything found in a search that the inspector has reason to believe is connected with a game hunting offence. That stop, search and detain power and the seizure of anything related to the search is referred to in the second reading speech, which should adequately address the concerns of member for Orange. If it fails to do so, it will be reviewed, but I have confidence that the member will not be concerned about that issue.

I acknowledge the member for Tamworth, who was the chair of the rural crime working group during the time that Steve Bradshaw conducted his review. His leadership of that group played a vital role in supporting the work of Steve Bradshaw and his colleague Kevin Humphries. I note the member for Tamworth is in the House and I appreciate his being here. I thank him for his contribution in helping us to arrive at this place and for his excellent work as chair of that important group.

The Rural Crime Legislation Amendment Bill 2017 will help to provide a more comprehensive and effective response to rural crime for residents in rural and remote New South Wales. It responds to calls from rural landowners for greater legislative recognition of the impact of trespass onto rural properties, which is often accompanied by other crimes such as property theft and may also trigger a biosecurity risk. It recognises that rural crime has distinct features which sometimes require different solutions to other types of crime and that victims of crime living in isolated communities deserve particular recognition. The bill clearly demonstrates that this Government is listening to communities in rural and regional New South Wales. Once again I record my

appreciation of Steve Bradshaw for his work in bringing together the many voices of our community members in towns, villages and farms across the State who are deeply interested and impacted by the issues before us. I thank all members who have spoken on these important issues. I commend the bill to the House.

TEMPORARY SPEAKER (Ms Anna Watson): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mr TROY GRANT: I move:

That this bill be now read a third time.

Motion agreed to.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2017

First Reading

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

Second Reading Speech

Mr KEVIN ANDERSON (Tamworth) (19:19): On behalf of Mr Mark Speakman: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No 2) 2017 continues the statute law revision program, which has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984 and are an effective method of making minor policy changes and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. It contains amendments to Acts and related amendments to one instrument. I outline some of the amendments included in this schedule.

Schedule 1 makes various amendments to the Ombudsman Act 1974. One of those amendments will facilitate the role of the Ombudsman in dealing with complaints received through the Government's centralised online complaints management system. The amendment will enable the Ombudsman to refer an online complaint made by a member of the public to the public authority responsible for dealing with the complaint. This referral support will assist agencies when they receive misdirected complaints relating to other agencies and it is not clear which agency has responsibility for dealing with the complaint.

Another amendment made to that Act provides that a deputy ombudsman or an assistant ombudsman may resign by instrument in writing to the Ombudsman. This will remove an inconsistency between provisions of the Act that require the instrument of resignation to be given to either the Governor or the Minister. The amendments also enable the Ombudsman to inform a complainant orally of a decision to refuse to conciliate or investigate a complaint, or to discontinue an investigation. Currently, written notification of the decision is required. The new arrangements will apply if the complaint is made in writing and the complainant consents to being informed orally.

Finally, the amendments to that Act will enable the head of a government or non-government agency to delegate to an employee of the agency the function of notifying the Ombudsman of child abuse allegations or convictions against employees of the agency. Schedule 1 also includes amendments to the Combat Sports Act 2013 to extend the term of registration of a combatant, industry participant or promoter who applies again for registration under that Act in the same class as the existing registration. The extension will apply only until the new application for registration is determined. At present, the term of registration of a combatant, industry participant or promoter expires three years after registration is granted.

The last schedule 1 matter I will mention is the amendment to the University of Technology Sydney Act 1989. The amendment will enable the vice-chancellor of the University of Technology Sydney to sub-delegate to certain persons and bodies functions delegated to the vice-chancellor by the council of the university. Sub-delegation will be enabled only if the delegation from the council includes a power to sub-delegate. The sub-delegation is also subject to any condition to which the delegation is subject. Schedule 2 makes amendments to various Acts to enable the online publication of government notices. Currently, these notices are required to be published in newspapers or other print media.

Schedule 3 makes amendments to the provisions of various Acts providing for the issue of penalty notices consequent on the enactment of the Fines Amendment (Electronic Penalty Notices) Act 2016. That legislation

amended the Fines Act 1996 to consolidate and standardise provisions relating to penalty notices. In particular, the legislation transferred to the Fines Act 1996 the substance of provisions found in specific sections of other Acts providing for the issue of penalty notices. The amendments made by schedule 3 will remove provisions that are now duplicated in the Fines Act 1996. Schedule 4 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 4 are corrections of cross-references, typographical errors and terminology, and amendments arising out of the enactment of other legislation. Schedule 5 continues the program of repealing Acts and instruments that are redundant or of no practical utility.

Schedule 6 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, and savings clauses for the substituted provisions. The various amendments are explained in detail in explanatory notes set out at the beginning of the bill, beneath the amendments to each of the Acts and statutory instruments concerned, or at the beginning of the schedule concerned. I am sure that members will appreciate the straightforward and non-controversial nature of the provisions contained in the bill. I note the amendments to the bill that were passed in the Legislative Council. However, if any other amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for Government staff to provide additional information on the matters raised. If any particular matter of concern cannot be resolved, and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill. Withdrawn proposals can be dealt with in a second bill, using the procedure for splitting bills in the Legislative Council, which can be dealt with in each of the Houses in the same way as an ordinary bill. I commend the bill to the House.

Second Reading Debate

Mr PAUL LYNCH (Liverpool) (19:25): I lead for the Opposition on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2017. The Opposition does not oppose the bill. The bill is of a type used by all governments over several decades to make amendments of a minor and non-controversial nature. I note the removal of provisions relating to the National Parks and Wildlife Act and the Residential Tenancy Act from the bill as presented to the upper House. Schedule 1 amends a number of Acts and regulations in a minor way. The proposals are all subject to explanatory memoranda. Schedule 2 makes various amendments aiming to enable the online publication of Government notices that are currently required to be published in print media. This seems reminiscent of parts of the Electronic Transaction Legislation Amendment (Government Transactions) Bill. Schedule 3 proposes various amendments that flow from the Fines Amendment (Electronic Penalty Notices) Act. Schedule 4 has provisions sometimes referred to as pure statute law revision. Schedule 5 has repeals and schedule 6 has general savings, transitional and other provisions.

There are amendments to the Ombudsman Act, the Biodiversity Conservation Act, and the Crown Land Legislation Amendment Act among others. I note schedule 4.20 makes amendments to provisions in part 4A of the Graffiti Control Act. In light of the recent passage of the Road Transport Amendment (Driver Licence Disqualification) Bill, that is both odd and ironic. One of the amendments is said to facilitate the role of the Ombudsman in dealing with complaints that the office receives through the centralised online complaints management system. The amendment is said to allow the Ombudsman to refer an online complaint from the public to the public authority responsible for dealing with the complaint. This poses some interesting issues.

The Ombudsman is, as I understand it, exempt from privacy legislation. What happens if the Ombudsman breaches a citizen's privacy? What will happen, for example, if the Ombudsman sends it to the wrong agency? What recourse will the citizen have? Will the citizen even know? In its rush to embrace big data and new technology the Government has paid almost no regard to privacy. The Complaint Handling Improvement Program has not been well designed, which gives rise to the need for this amendment. I understand a number of bodies are concerned at the inadequacy of the information provided to complainants by the Ombudsman of the statutory privacy rights they can access. I wonder whether, in fact, the Ombudsman consulted with the Privacy Commissioner in the design of the program. The Opposition does not oppose the bill.

Mr KEVIN ANDERSON (Tamworth) (19:27): On behalf of Mr Mark Speakman: In reply: I thank the member for Liverpool for his contribution to this debate.

The DEPUTY SPEAKER (Ms Anna Watson): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mr KEVIN ANDERSON: On behalf of Mr Mark Speakman: I move:

That this bill be now read a third time.

Motion agreed to.*Private Members' Statements***BEXLEY NORTH TRAIN STATION LIFTS**

Mr CHRIS MINNS (Kogarah) (19:28): I draw to the attention of the House the need for the installation of lifts at Bexley North Train station that currently does not have easy access, but very steep stairs leading down to the station. This makes it incredibly difficult for parents with prams, people with disabilities and the elderly to navigate their community. Since becoming the member for Kogarah, I have watched residents struggle with the stairs and I believe it is unfair that these people have this burden thrust upon them every day with little or no other choice.

This is not a new issue. Many before me have stood in this place and demanded stations throughout the State be given basic infrastructure and have lifts built. It is time the Government made the decision to make it easier for commuters who are struggling to access their local train station. Many Bexley North residents have no choice but to use Kingsgrove station. All this does is cause traffic congestion, which is already a major problem for my area, and overcrowded platforms during peak hours. The lack of accessibility at Bexley North is a major risk to the safety of commuters who struggle to climb up and down the stairs. It also limits some people from going about their daily lives. Public transport was designed to help people navigate our cities easily. Not having easy access to stations is causing further unfair disadvantage to some.

Many people in my electorate have approached me with concerns about the lack of easy access at Bexley North station, including one father who takes his two young children to day care in the city. Without lifts at the station, he is forced to carry his pram up and down the stairs every day, risking his own safety and that of his children. It is time for the Government to provide funding for the installation of lifts at Bexley North station. The Government is failing to meet the needs of our rapidly growing area. The St George region is growing fast, but this Government refuses to provide public transport infrastructure to cope with the growing population. The Government is planning on spending billions of dollars on extending part of the F6 when it should also invest in upgrading the railway line that thousands of commuters already use every day. The people of my electorate are quite clear about what they want: they want lifts at Bexley North station sooner rather than later. This Government talks about being the Government for infrastructure, but when it comes to delivering for the most vulnerable in our society, it will not give them basic access to public transport.

Perhaps some of the funds could have been diverted from Oatley station, which has the Taj Mahal of train lifts. This monolith can be seen from space. If part of the funds for the construction of the lifts at Oatley station were diverted to a space program then I am confident Transport for NSW could have started its very own space program in lieu of spending an inordinate amount of money on Oatley railway station lifts. The elderly, people with disability, parents with prams and anyone else who needs it deserves easy access to Bexley North station. I strongly encourage the Government to provide the funding to make the upgrade happen. I will continue to pursue this matter with the Government until construction commences and lifts are installed in this critical piece of local infrastructure.

KIAMA ELECTORATE COMMUNITY GRANTS

Mr GARETH WARD (Kiama) (19:32): As should be the case, the time of this House is spent debating matters relating to major infrastructure projects and legislative change. However, I spend much of my time working on grants for community groups that benefit from small grants that make a real difference. Tonight I will use the time of the House to outline some of the grants I am currently seeking. I have raised each of these grants with a range of Ministers and I hope raising these grants in the House will demonstrate how serious I am about delivering each and every one of these for our community.

The Heads Seniors Computer Club is seeking financial assistance to enable the purchase of replacement computers and to assist with covering some other minor costs. The Heads Seniors Computer Club provides a wonderful service to the seniors in and around Shoalhaven Heads. This is a worthwhile request for funding. I commend my friend Peter Moate, who has requested this grant. I advise the House that in the early hours of Saturday 16 September 2017 the Bomaderry Football Club's clubhouse at Thurgate Oval, Bomaderry, was set on fire, which destroyed all of the club's belongings. This was a terrible thing to have happen to such an amazing club that gives so much back to the community. Bomaderry Football Club has contacted me seeking funds to enable the purchase of junior soccer goals, and I support this request.

The Shoalhaven Jets are seeking funding to install an electronic scoreboard and timer for home games. Having been a former patron of the Jets, I am proud of this team, which has a very bright future. I seek funding on behalf of this particular group. The Kangaroo Valley Show Society does an outstanding job coordinating its annual show. However, new seating is required at the ground and the show society is seeking Government support

towards the costs of installing metal seating at the showground that could be used for events all year round. The Catholic Parish at St Paul's in Albion Park has applied for funding to support the installation of wheelchair access to the Mackillop Centre, which serves as a parish meeting space. Our churches give so much to our local community, and this grant will assist a very worthy cause.

This year Lions Clubs Australia is celebrating 100 years of service in Australia and our newest Lions club in the region is seeking funding to provide facilities at Lions Park in Shoalhaven Heads, including garden beds, a sheltered gazebo and barbecue facilities. Lions gives so much to our community, and this grant will provide support to dedicated volunteers to provide wonderful improvements to the local park used by the entire community. It would be remiss of me if I did not congratulate my father. Some way away from Shoalhaven Heads, in Cairns, he has recently secured the erecting of a statue to commemorate the 100 years of Lions. I congratulate him on navigating that project through Cairns council, which has taken him quite some time.

The Gerringong Lions Club has applied for funding to provide a gymnasium and visitors' change room at Mick Cronin Oval. I am sure everyone in this place is aware of the legend that was Mick Cronin. This new facility will provide showers and toilet facilities, and this grant would support stage two of an ongoing project, which, as a local member, I have been pleased to support. I previously had been successful in securing major sporting grants for the Gerringong Lions Club and I hope that we are able to secure these funds from the Government to complete the upgrade, as previous investments have made a significant difference to the ground and its facilities. I acknowledge Kiama council for its assistance.

The St Stephens Anglican Church has applied for funds to upgrade its kitchen to a commercial standard to allow for greater community outreach and support. Many churches across Kiama region do a wonderful job, and I believe that they deserve the support of Government to continue that outreach. The Gerringong Men's Shed is seeking a grant to expand its existing facilities. The Gerringong Men's Shed has made an enormous contribution to a number of community projects in the very short time that it has been operating. This grant will help provide the expanded facilities required to help grow the Gerringong Men's Shed. I commend it for its work, particularly on such projects as the Gerringong Tennis Club.

Kiama Meals on Wheels and its army of volunteers does an outstanding job supporting so many across the community. Kiama Meals on Wheels applied for a grant to install a three-door freezer to store diet-specific meals for residents across the Kiama municipality. Kiama Meals on Wheels does all it can to keep costs low. This grant will support a great organisation providing an excellent service to our community. Kiama Bowling Club is seeking funding for a replacement water pump and control system to enable the club to use stored rainwater in lieu of the current need to use valuable town water supplies. Jamberoo Public School is seeking funding to develop a currently unused outdoor area into a place where teachers, students and community members can develop awareness of the environment, engage with students in their learning, and foster community participation and lifelong healthy habits.

I call on the Government to support a funding request for the outdoor sensory learning area at the Tallimba Public School for special needs students. I have been approached by representatives of the Bomaderry High School, who are seeking funding to enable the purchase of new sports singlets for students competing at a representative level. The current singlets are more than 20 years old and, I am sure, are worn, torn and worse for wear. As the local member of Parliament—and, even more so, as a former student of the Bomaderry High School—I am passionate about supporting local schools. I therefore support this funding request. I commend all of these funding requests to the House and to the Government.

BATHURST ELECTORATE INVESTMENT

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (19:37):

I do not know where to start because not a week goes by without an incredible investment being made in the Bathurst electorate. Some days the Government makes multiple announcements about funding for the electorate. I think it is part of an investment bonanza that is happening in regional New South Wales. It is happening in Bathurst, Lithgow, Blayney and Oberon, or even the small towns and villages in my electorate. It is really important because the investment—whether it is for health, education infrastructure or to support for vulnerable people in my electorate—provides a high quality of life for people in the electorate.

Over the past couple of weeks the Government announced \$250,000 for the Bathurst RSL Club. Significant changes have been taking place at the club behind the scenes for the past couple of months. The finishing touches have been made to the club's kitchen expansion—a project that was made possible through the Government's ClubGRANTS Program. The kitchen will have the capacity to cater for volunteers, emergency service personnel and residents in times of crisis. The club is ideally located in the city of Bathurst, opposite the police station. It will be seen as an evacuation and community support location. It has access to car parking at the

rear of the premises. Thanks to this initiative the club will have the capacity to provide meals for up to 900 people if a disaster strikes.

We do not expect disasters to occur, but there are times when floods, bushfires and thunderstorms have a profound impact on the local community. It is important that members of the community now know they have a facility they can go to, to feel safe and be fed in times of disaster. This facility not only is for families that have had to evacuate their homes, but also will be for our emergency services personnel to be fed, to recharge their batteries and then go back out onto the front line, protecting people's property and lives in disastrous situations. The kitchen has multiple purposes and also will see day-to-day use.

In Lithgow on Monday I was pleased to announce that the New South Wales Government is investing \$1.6 million in the Lithgow Technical and Further Education [TAFE] campus. When I attended the sod-turning ceremony, I was pleased to see representatives from TAFE and representatives from the local council, and many students came from the Lithgow campus on that day to be a part of that historic announcement. A one-stop shop service will be available for students. It will be a student hub, which means that when students consider which courses will be provided by the local TAFE campus, they will be able to go to the administration building, talk to staff, find out about all of the courses that are happening, utilise some of the study rooms that are available, use the new library that is being refurbished, and utilise the interactive, state-of-the-art technology which will be important for TAFE in the future.

The great advantage for these students is that they will not have to travel outside their local area. The students in the Lithgow area will be able to stay within that region. They do not have to go down the road to Bathurst or to the Blue Mountains to be able to work or access particular courses. These people are the future, so it is important that through TAFE, with our vocational and educational training, they attain the necessary skills and hopefully will seek employment in the very near future. TAFE also announced that more courses will be available next year through the Lithgow campus. The construction will take until about the end of June next year, but at the end of the day we will have a beautiful administration building and a beautiful student hub. Everybody is looking forward to it, and it will maximise the opportunity and potential for the students in that area.

BELLEVUE PUBLIC SCHOOL UPGRADE

Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (19:42): On Monday 23 October I visited Bellevue Hill Public School with the Minister for Education, Rob Stokes, to officially open the \$19.3 million upgrade of the new four-storey building fronting Birriga Road, which includes a brand new library, a canteen, 25 new classrooms with flexible learning spaces and a new outdoor learning teaching area. Bellevue Hill Public School is adjacent to Bellevue Park, which overlooks Sydney Harbour to the north and Bondi Beach and the ocean to the east—hence the name Bellevue, which derives from French and means "beautiful view". The school was first established in 1925 and the existing building was then extended in 1929. Many of the buildings were old and unsuited to the large and growing school community. These buildings have been supplemented with demountables, which left only a small open space where students could play. The investment in these new facilities is therefore a welcome and important step for my electorate and for the school.

On the morning I visited I was warmly greeted at the school gate by school captains, Erin Gordon and Luka Ruvinsky, and by the wonderful principal, Suzanne Bennett, whom I have worked with over many years; assistant principal Bruce Aylmer; relieving deputy principal Jillian Mudford; president of the school's P and C Shelley Borer; past president Daniela Freed, and teachers. I spoke to the school community at their assembly and then took the time with the Minister to see the new classrooms in action. I was impressed with the classrooms. I thank kindergarten teachers Hannah Brydie-Watson and Tera Thomas as well as year one teacher Alice O'Connor for welcoming us and introducing us to the students during a busy Monday morning lesson.

Among other important things, Bellevue Hill Public School is a unique school in that it has a dedicated Russian class as well as Hebrew classes for students to fine-tune their language skills early in life. Classrooms have definitely changed a lot since I went to school. Each classroom now has flexible learning spaces and attractive seating arrangements to help students learn every day in a comfortable and attractive way. The new classrooms are bright and full of natural light to ensure the students learn in the best possible environment. The new building adds 25 flexible classrooms, a new outdoor teaching area, a lift, toilets and more play space. The new classrooms have moveable walls to provide even greater flexibility for learning, along with wi-fi to enable future technologies to be used. This means teachers can use a variety of teaching methods and technologies in catering for whole classes, groups and individual students at various times.

At the end of our tour we enjoyed a morning tea that the school prepared for us as we took in the spectacular view of Bondi and beyond. The students are able to enjoy this space too and have a special telescope installed to look out at the beautiful view of Bondi Beach and the harbour, which are reflected in the name

"Bellevue". Bellevue Hill Public School has a strong focus on information communication technology [ICT] in teaching and learning and on student access to ICT through programs and using technology to improve learning. The school makes use of iPads, student laptops, tablets, interactive whiteboards, light-emitting diode [LED] interactive screens, blogs and online resources, which we saw on the day. The school is equipping these young people for the twenty-first century workplace and for further learning. I have enjoyed a long and enduring relationship with Bellevue Hill Public School which started before I was elected to Parliament as the member for Vaucluse in 2011.

The school called on me to assist with resolving the issue of a lack of security fencing around the school's perimeter, given that it is on a busy intersection. I delivered on that election commitment with the support of the New South Wales Government. A new security fence was installed around the school, and it is still there. I have worked with the school on many issues since that time. The school leadership worked hard and I commend them on their tireless efforts and their outreach to me to help them to educate the young people living in the eastern suburbs of Sydney, the area I represent. The day was such a pleasant experience and it was an exciting time to be there with my colleague the Minister for Education to celebrate the opening of a state-of-the-art learning facility for students in the eastern suburbs with the whole school community around us. I commend my private member's statement to the House.

FREE GONG SHUTTLE

Mr PAUL SCULLY (Wollongong) (19:47): It takes a special sort of Government decision to unite people of all ages, to unite all political persuasions and to unite all parts of a community in opposition to it; generate thousands of signatures on a petition within days; and get hundreds of people to give up their Sunday afternoon to attend a rally. It takes a special sort of Premier to then tell an angry community that they have never had it so good. But there is one decision that meets this description: scrapping the free Gong Shuttle. This was a decision that the Parliamentary Secretary for the Illawarra and South Coast has run from, claiming that he was not involved while simultaneously describing Gong Shuttle users as "entitled". The free Gong Shuttle was introduced by a former Minister for Transport, David Campbell, to address problems with traffic congestion and parking shortages. It is a very popular and effective solution.

The Shuttle's route links key precincts in the third largest city in the State. It links our commercial central business district [CBD], home to upwards of 30,000 workers; our health precinct around Wollongong public and private hospitals; our education precincts around TAFE, the university and the innovation campus; our tourist and entertainment precincts around our fantastic beaches, WIN Stadium and WIN Entertainment Centre; and other modes of public transport with stops near the Wollongong, North Wollongong and Fairy Meadow train stations. It has helped alleviate parking pressures, provides transport that caters for more than three million passenger journeys a year, and creates communities, with professors, professionals, students, seniors and those unable to afford other transport services travelling together. It is also consistent with moves by other major cities to have free transport services to better connect communities and help deal with congestion. Sadly though, it is a service that this Government hates.

The Government has tried to get rid of it before but backed down in the face of community resistance. But it should be ready for more resistance this time, if this newspaper front page is any example. Transport planning documents for the Illawarra consistently have supported the role of the free Gong Shuttle. In fact, more recent transport plans have proposed that the concept should be extended to other parts of the Illawarra in the future, such is its popularity among passengers, planners and the public. Even the Premier, when she was the transport Minister, said the service would go on "forever more." But given this was a Labor initiative, and it is popular, under this Government it has to go. Such is the logic of the Berejiklian Government. Once again I ask: Why does this Government hate the Illawarra so much?

What is more insulting are the pathetic arguments and excuses used to support the decision that even the Minister and the region's Parliamentary Secretary did not have the guts to announce. Those excuses include: complaints have been received about overcrowding, yet no statistics have been produced; it is too popular so the burden has to be spread—again, no statistics have been produced; and a survey was conducted, which found that the service was well used during peak travel periods—no doubt a shocking conclusion—so fares were needed to reduce congestion on the shuttle. The survey details and results remain secret. An argument has been bowled up that other suburbs in the Illawarra do not have a free shuttle so why should Wollongong? That shows the spitefulness underpinning this decision. It also shows a lack of understanding of what the service is, what it does and who uses it. Other parts of the Illawarra that do not have a free service do not face the same density and congestion issues faced by the five precincts connected by the Gong Shuttle.

The absolute clanger of an excuse that has been trotted out is that only people in Wollongong or students use the Gong Shuttle. Students of yesteryear had to pay for the bus, so why should not current students? What breathtaking arrogance and ignorance. I have used the shuttle—something I suspect those involved in the decision

to introduce charges have never done—and so do people from all parts of the Illawarra. They catch a train or drive from other parts of the Illawarra and further afield. They find it easier to use the Gong Shuttle than to deal with parking and congestion. They use it to reduce the hassle of getting in and out of Wollongong and to and from the hospital, the university or major events. Guess what? They are among the thousands who have signed the petition to keep the Gong Shuttle free.

The Member for Keira and I have asked that the Premier and Minister for Transport and Infrastructure meet with a delegation, including representatives from the Transport Workers Union, the University of Wollongong, the Wollongong City Council, Destination Wollongong, the South Coast Labour Council and the Illawarra Business Chamber. Every one of those organisations has joined the fight to keep the Gong Shuttle free because of their local understanding that the Gong Shuttle is much more than a public transport service. Sadly, I suspect we will be told that we do not deserve a meeting. None of us was consulted before the decision, so I bet we are not entitled to consultation now. The Government would like nothing more than for the Illawarra to suck it up because in the out-of-touch-words of an out-of-touch Premier "the Illawarra's never had it so good". I extend an invitation to the Premier to come to the Illawarra and repeat that statement. But she will not do that because she knows it is not true.

TRIBUTE TO BILL DOUGHERTY

Mr CHRISTOPHER GULAPTIS (Clarence) (19:52): Tonight I pay tribute to Bill Dougherty. The Dougherty name is synonymous with Grafton and the Clarence Valley. Bill Dougherty is the well-respected, admired and loved patriarch of the family. The Doughertys have been involved in every facet of life in the Clarence Valley—from finance, real estate, land development, hotels and bookmaking to the provision of aged care facilities and involvement in many other community causes. At the recent annual general meeting of the Clarence Village, an aged care and residential facility in Grafton, Bill stepped down as a director after 48 years. He was a foundation member of Clarence Village and the inaugural chairman. Bill had the foresight, drive and compassion and his determination resulted in the establishment of the Clarence Village facility.

Since 1968 Bill has been a leading influence behind the establishment of charitable and aged care organisations in the Clarence Valley, and he received an Order of Australia medal for his service in delivering quality aged care facilities to Grafton. His wife, Dot, has been a wonderful partner. She has supported him throughout all his endeavours. Where you see Bill you will find Dot. They have been an absolute godsend to the Clarence Valley community, giving back as much as they have received in their lifetime at Grafton. Bill is a young 88-year-old. He still participates in the annual swim to Susan Island in the Clarence River, which he loves so much. His mind is as active and as sharp as it was 60 years ago. He has always had a strong moral compass and a strong sense of community. He is fiercely proud of the Clarence Valley and is always quick to offer advice if he feels decisions by council, government, government agencies or radical community organisations will be detrimental to his beloved Clarence Valley.

I recall getting an email from him when the Government banned greyhound racing, telling me that it was a bad decision that would have a serious impact on the Clarence Valley. You got that right, Bill. This is just some of the advice that he has given me. He is a wonderful sounding board and has the ear of the community. He is passionate about improving health services in the Clarence Valley and has given me a caning about increasing funding and services for our local hospitals. He wants country people to have a fair share and has fought for this his whole life. He would have made a great local member, except he could not put up with the crap that goes on in politics. He would not like me using that word, but I think it is quite appropriate in this context.

Bill still visits the sick in the Grafton Base Hospital every Sunday, making sure they are comfortable and have everything they need. He cares about people first and foremost. This is a remarkable trait in any person, but Bill is a remarkable man. As much as he is critical of me, he is also very compassionate. I, like most people in the Clarence Valley, respect him, admire him and think of him as a true friend. Whilst he has stepped back from Clarence Village, I know that Bill will still be very active in the community. I continue to look forward to his counsel, even if he gives me some stick. He is a true legend.

MOUNT COLAH FOOTBALL CLUB

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (19:55): Sixty years ago a group of kids from Mount Colah Public School formed a soccer team. They were called the Mount Colah Football Club, and over the last 60 years they have grown from that single team to a club with more than 555 players and a strong sense of community. The club, which was the first organised sports club in Mount Colah, was founded by Jack Berry, who would train the team behind the back of the primary school and take them to games on the back of his open truck. In the early years, if they saw a brown horse on the way to the games they would always win. This led to the brown horse being used as the club's mascot and to the club's nickname, the Colts. Green fabric was sewn onto grey shirts by mothers of team members to make the first team strip. They

matched the colours of the Mount Colah Public School. It was also important to always ensure your boots were shined ready to play: Mount Colah players always wanted to look good.

The first season was not very successful, with the team losing every single game. In the second season things turned around and they won undefeated the B grade competition. The team was then elevated to A grade and this encouraged more players to join the club. By 1961 they fielded their first men's all age team and by 1965 they gained permission to build a park, their new home ground. The club was able to find old Army land and arrangements were made to lease the land for \$1 a year. The Army helped by clearing the land and then the volunteers of the club worked hard to make it ready as a soccer-only training ground. Named Berry Park after their founder, this is still their home ground to this day. As the club grew, they added Foxglove Oval and Parklands Oval as additional home grounds.

There are some wonderful people involved in the Mount Colah Soccer Club. Ten years ago the great Paul McSweeney, who is the principal at Cowan Public School, took the reins and did wonderful things for the club. He is still involved as an age convener and I know is always popular with the kids. One of the longest serving committee members was Christine Freia, who was always the first to put up her hand and has held just about every position in the club, long after her kids have grown up and moved on from soccer. Adele Pugh, George Macri, Steve Lumley, Paul O'Donnell and John Haiduk have all been awarded life memberships for their dedication to the club and our community.

The club is committed to supporting volunteers who put up their hand to help out. For those who offer to coach a team, the club will pay to ensure they are certified by Football NSW. The wonderful Barry Thompson is one of the Mount Colah coaches and he currently is serving as president. He too has held many positions in the club and has been involved since his son Cooper joined an under 6 team 14 years ago. Cooper is now on the Men's All Age Premier League Squad. I was proud to award Barry with a life membership at the recent sixtieth anniversary celebrations. Michelle Boocalatte has just stepped down as secretary after many years on the committee. Whenever anything needed to be done she would just get in there and do it. She is a wonderful asset who will be missed. Paul Ferry is the current registrar, who has also coached for 14 years. His wife, Kate, who is also heavily involved in the Mount Colah Parents and Citizens, was organiser of the sixtieth anniversary celebrations—an absolutely sensational night I was pleased to attend. As with many community organisations there are some quiet achievers: Russell Ansems and Peter Verdivin are always in the background, getting jobs done and turning up whenever help is needed, while convenors Mellissa Turnell and new member Tennielle Kolarik work tirelessly throughout the season.

There are many families who have been players, coaches and managers. The Paul family has every family member playing this year, and Rob is coordinator of the senior teams. A number of families are remembered every year with perpetual awards given out on presentation night. The Edmunds family, the Gibson family and the Mansell family will be remembered as some of Mount Colah's finest. John Barnes, Dave Kirly and Steve Lumley have been coming back to the club year after year for almost 20 years. They are always happy to take on a position that needs filling. Some previous presidents and committee members who have left their mark include Cheryl Gurney, Barry Eglington, Geoff Shields, the great Ian Giblett and Jenny Mathes. With such a community spirit, I am sure there are many volunteers I have missed. I take this opportunity to thank everyone who has made this club the brilliant community organisation it is today.

It would be remiss of me not to mention the success that club members have achieved on the field this year. The women's over-30s team won the Puma Champion of Champions after defeating Wakehurst 2-0, breaking a 24-year drought in this prestigious event. This is the first women's title for the Northern Suburbs Football Association in the Champion of Champions competition; in fact, the only other grand final win was by the under-17 boys 24 years ago. I extend my congratulations to everyone involved, including striker Nat Parker, goalkeeper extraordinaire Theresa Welschinger, Sally Loccisano, Tiffany Vibert, Kate Bright, Amy Hofmann and of course super coach Vin Turner. The Men's All Age team were promoted to Premier League as well. I congratulate the Mount Colah Football Club on its sixtieth anniversary and I look forward to following its success in the 2018 season.

SHELLHARBOUR PUBLIC HOSPITAL

Ms ANNA WATSON (Shellharbour) (20:00): Once again I bring to the attention of the House my community's response to the future of the Shellharbour public hospital. I have good news, and I have bad news. The good news is that this Government has finally bowed to public pressure and people power has claimed another win. Common sense has prevailed and after a long and tireless campaign, which has spanned the past 13 months, a public-private partnership finally has been taken off the table. I cannot thank enough the community of Shellharbour for its unwavering support and tireless efforts throughout this campaign. This backflip marks the final nail in the coffin for the Government's attack on our State's public hospitals—and to say that I am incredibly proud of my community is an understatement.

Unsurprisingly, those opposite are now all too willing to seek glory for backflipping on a decision that should never have been made in the first place. I say to those opposite: No matter how they try to sell this decision, my community is not buying it. Community members will remember the past 13 months and the limbo in which their hospital, their nurses and doctors, their family members, friends and neighbours were left. They will not forget and they will not forgive. I now turn sadly to the bad news. Last week 82 senior doctors from across the Illawarra Shoalhaven Local Health District spoke out against the proposed budget for this redevelopment. The doctors rightly believe that the current figure of \$251 million, which was based on a now five-year-old service plan, has simply been undercooked. The doctors predict that the budget will be inadequate and will result in a funding shortfall or will compromise services and resources. In their letter the doctors stated:

At the start of this process the Government identified the urgent need for redevelopment of Shellharbour Hospital and that the 2015 commitment by the government of \$251 million was inadequate.

In order for the NSW Government to now regain credibility and public trust, it must meet community expectations by fully funding this public hospital's redevelopment.

We now call upon the NSW Government to provide the necessary funding for Shellharbour Hospital's redevelopment as a matter of great urgency. I remind the House that one year ago a similar letter was sent and signed by a group of Illawarra-based doctors opposing the Government's initial decision to pursue a public-private partnership for Shellharbour Hospital. I hope the Government will not make the same mistake again but this time will heed the warning. It is now time for the Government to update the service plan and ensure that appropriate funding is allocated to the project. Considering the estimated future population growth for the Shellharbour area and the fact that our growth rate soon will overtake that of Wollongong, the Shellharbour Hospital redevelopment must plan for the future of our region. If the Government undercooks the budget for this project, we will continue to see the same additional pressure placed on Wollongong Hospital through patients being forced to transfer from Shellharbour Hospital to its neighbouring hospital in the north. To quote Dr Geoffrey Murray, the director of Illawarra's Rehabilitation Network and a signatory to this letter, in his interview with the *Illawarra Mercury* five days ago:

One medical administrator commented that he thought the patient transport corridor between Shellharbour and Wollongong was the busiest in the country.

It has been estimated that approximately 70 patients a week are transferred from Shellharbour Hospital to Wollongong due to inadequate resources, beds or services. Service directors already are concerned that with this budget they will not be able to deliver the outcomes the community will expect and undoubtedly deserve. If Shellharbour Hospital is not given an appropriately funded and properly planned redevelopment, the facility will continue not to be self-sufficient and will remain reliant on Wollongong Hospital. Shellharbour Hospital's struggles with capacity, skills and services will be the same in its future as they are today.

I call on the Government to release a construction time line with the real, up-to-date costs and plans for the project. I also call on the Government to be transparent, to be up-front and to not make my community wait 13 months more to find out what the Government is planning for our hospital. Finally, I call on the Government to seek the involvement of our region's doctors and medical staff. I say to the Government: Do not make the same mistake again: Listen to the concerns of my community from the start and heed their warnings.

REMEMBRANCE DAY

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (20:05): I begin my private member's statement by acknowledging the past and present Aboriginal and Torres Strait Islander men and women who enlisted and served in the auxiliary services for the Australian Defence Force, and all Australians who have fearlessly dedicated their lives to us in war and in peace. I am always honoured to be presented with the opportunity to address the House on an event that appeals to our common history; a history where all Australians come together in remembrance of the armed conflicts in which our great nation was engaged, and the heroic men and women who honoured our freedom to the ultimate deprivation of their longevity.

In remembrance of this ultimate sacrifice, on Saturday morning I stood with my Federal colleague Scott Morrison and the people of Sydney at the Martin Place Cenotaph. As we remembered the silence that followed the halt of bellowing guns on the eleventh hour of the eleventh day of the eleventh month after more than four years of unprecedented carnage and warfare, we paused, we reflected and, with untold thankfulness, we remembered the 62,000 Australians who lost their lives in the "war to end all wars". Indeed, it is different now; however, the "war to end all wars" was not as its appellation promised.

Since the Great War, many men and women of the Australian Defence Force have persisted to persevere and protect our beloved country at a moment's notice, unswervingly and unfalteringly. Greater than 1.5 million

Australians have served to shield our nation and preserve our values in armed conflicts and peacekeeping where, sadly, more than 102,000 have made the ultimate sacrifice. For this reason, I extend my deepest gratitude for the sacrifice of all current servicemen and servicewomen posted abroad. We hope they find fortitude and resilience amid the patronage we impart from afar. We pray for their protection as they protect us and, more pertinently, we pray for their immediate and unscathed return.

These men and women, these strangers from the past and present, have bestowed upon us a legacy to look beyond our history of disagreements and embrace a future predicated upon the prosperity of our children in the hope that they will never witness the atrocities of conflict and ultimate sacrifice in any lifetime—in perpetuity. Therefore, their legacy has been extended to every one of us. While no numbers can account for their sacrifice, it is the natural right of every child born in Australia and the souvenir of every migrant whom our country welcomes to see this legacy through. Today, acknowledging what has been lost to us allows us to recognise what has been gained from the loyal, committed and zealous efforts of our fallen and standing protectors. By commemorating our vow to remember, we reaffirm that their ultimate sacrifice will never be forgotten, that they are forever with us. Lest we forget.

NEWCASTLE KNIGHTS

Mr TIM CRAKANTHORP (Newcastle) (20:07): Tonight I speak of something very dear to every Novocastrian's heart: the mighty Newcastle Knights and the proposed Rugby League Centre of Excellence. The Knights are dual premiership winners, and while recently having had a bad run of seasons, they will be ready to take on the best in the league very soon. When the Knights are winning, Newcastle is very happy. While we are happy at the moment and the city is booming, only the Knights can launch us into the happiness zone we experienced following the premiership wins of 1997 and 2001. To get us there, following three wooden spoons in a row, we need more. We have a great new owner in the form of the Wests Group under the astute leadership of Phil Gardner, but we need more. We need a new rugby league centre of excellence. The Wests Group recently took ownership of the Knights and it was agreed as part of that deal that it would invest \$10 million into a rugby league centre of excellence to be built at Broadmeadow. True to its word the \$10 million is still sitting on the table even though it has taken ownership of the Knights.

It was hoped that Wests' contribution would be matched dollar for dollar by the New South Wales Government to create a state-of-the-art \$20 million facility. This would be great for the second largest city in the State for two reasons: first, as outlined, this would help us return to the great level of skill our team experienced in 1997 and 2001; and, secondly, the draft of the Broadmeadow sporting precinct master plan is out for consultation, and the final version will soon be ready to go. If we could secure \$10 million for the National Rugby League Centre of Excellence program, this project could proceed and be a key part of the precinct.

Recent media reports suggest that this grant may now be in doubt and the plan remains in a state of flux. Applications opened on 14 April 2016 and the full application phase closed on 31 March this year. It has been 7½ long months since applications closed and we still do not have a result. I have raised this in the form of a notice of motion calling on the Minister to fully commit to providing the funds that will make the Rugby League Centre of Excellence in Newcastle a reality. I again call on the Minister to commit these funds. I note that the Minister for Sport appears more interested in demolishing, renovating and rebuilding existing stadia in Sydney at the cost of \$1.8 billion rather than delivering on smaller promises for rugby league centres of excellence.

This scenario is all too familiar to the people of Newcastle, who were done over for funding of the \$600 million culture and arts fund that was to be established from the proceeds of the Government's pole and wires privatisation. Newcastle received nothing. It received not a cent towards the Newcastle Art Gallery redevelopment for which we have sought funding for the past decade. We were not eligible for the \$100 million Regional Arts Fund because we were not considered regional. That beggars belief. This happened despite the anecdotal evidence that we have more artists per capita than any city in Australia. We may have more rugby league fans per capita than any city in the country as well.

It says a lot about the fans and the spirit of the people of Newcastle that 20,535 people attended the last game of the season against the Sharks when we were headed for the wooden spoon. Newcastle is home to two out of the eight rugby league immortals: Clive Churchill and Andrew Johns. Do not get between a Knights fan and a home game at the McDonald Jones Stadium. To be perfectly blunt, the Wests Group upheld its side of the deal and stumped up the \$10 million. It is now time for the Government to do the same. I have raised this issue with the Minister and in Parliament and will continue to campaign for a Rugby League Centre of Excellence in Newcastle.

WARNERVALE INFRASTRUCTURE

Mr DAVID HARRIS (Wyang) (20:13): Tonight I alert the Parliament that my community in the Warnervale district is not happy. On Thursday 9 November I held a public meeting to discuss the growing community of the Warnervale district and to give updates on some major projects promised to this community. Through a community survey I identified that the Warnervale town centre, North Warnervale railway station, the potential Warnervale high school and roads are the main issues. The 150 people who gathered were angry that so much residential development was happening with seemingly no thought given to the impact on local roads, general infrastructure and social infrastructure by all levels of government, but the Central Coast council in particular.

I was pleased that newly elected Labor councillors—Councillor McGregor, Councillor Vincent and Councillor Hogan—were able to hear the community's concerns, along with the Independent, Councillor Louise Greenaway. Our new mayor, Jane Smith, was unable to attend and sent her apologies. I had the opportunity to brief her prior to the meeting.

The first main issue is the continued non-delivery of the Warnervale Town Centre. That is not due to governments at any level but because Woolworths owns the land in the designated area at the top of the hill and has made a decision not to build the town centre at this time, despite a \$23 million intersection and a \$3 million road having been built. I urge Woolworths to do the right thing and speed up this development, which can unlock the potential of the area. Almost 4,000 new houses will be built, but there are no retail facilities. That puts pressure on local roads because everyone needs to drive to buy a loaf of bread or a bottle of milk. They also have to visit surrounding centres, which causes congestion.

The second major issue was North Warnervale railway station. Unfortunately, the Minister's treatment of my question earlier today showed his disdain for this matter. Transport for NSW says that it is not building the station because of a lack of demand. There is not the demand because when services to the station are stopped or limited, people travel to other stations to avoid being inconvenienced. With 4,000 new houses being built, potentially bringing 10,000 to 15,000 people to the area, the argument that one station can serve the community from Warnervale to the electorates of Swansea and Lake Macquarie just beggars belief. That is what members of the community thought. They said that Transport for NSW needs to look at the number of houses being built. The community is still concerned that even though the Government has promised the new primary school there is no clear message about a new high school. Parliamentary Secretary Scot MacDonald has promised a public meeting to discuss the issue. I appreciate that.

Another main issue is local roads. When thousands of houses are built on a local road that has a railway crossing and is already over capacity, that creates big problems. One development alone, which is known as Precinct 7A, consists of 1,200 blocks. Households often have two cars. The Precinct 7A development will put an extra 2,400 cars on a normal two-lane road with a railway crossing. The fact that the council has no plans to upgrade that road is beyond belief. In addition, the Government has announced a new ambulance station to be built on Louisiana Road, which is great—except vehicles cannot turn right at one end of the road and the other end of the road floods all the time. I wonder how the ambulance will manage to get in and out of that area. That road needs upgrading. It is a council road and the council needs to tell us when it will do that work. The council also needs to consider upgrading small roads such as Nikko Road because the council is approving the construction of hundreds of houses on roads that clearly are substandard. The council cannot put so many extra cars and people on its roads without telling the community what it is going to do to fix that infrastructure and when.

Visitors

VISITORS

TEMPORARY SPEAKER (Mr Geoff Provest): I acknowledge Peter Braham, SC, in our public gallery, guest of the member for The Entrance.

Private Members' Statements

REDEEMER BAPTIST SCHOOL

Dr GEOFF LEE (Parramatta) (20:18): I recognise the excellent work of Redeemer Baptist School. As in past years, Redeemer Baptist School staff and students continue to apply their learnings to benefit the broader community. On the northern border of the Redeemer campus is the riparian corridor of the Redeemer Creek, which runs into Lake Parramatta. A couple of years ago, the Redeemer junior secondary technology class realised that the trees growing along the creek were not old enough to contain hollows that could house native fauna. As a technology project, they built boxes with narrow openings simulating tree hollows and attached them to the tall tree trunks. This year they discovered a family of sugar gliders in one of their boxes, a brush-tailed

possum in another, lorikeets in another, an echidna on the footpath close to their heritage classroom, and a bush turkey wandering down near the creek. Only three sightings of individual sugar gliders have been recorded in the Atlas of Living Australia in the Parramatta area in the past 20 years so the Redeemer colony, which is close to our growing city metropolis, is unique.

Evette Khaziran, a year 10 Redeemer student, observed the behaviour of the sugar gliders over a period of five months using video cameras equipped with night sensors. She then used her observations to improve the design of the simulated tree hollows. Her investigative science was rewarded when she won the South Turrumurra Environment Protection [STEP] Environmental Award in the Science Teachers' Association of New South Wales [STANSW] Young Scientist Awards. This is a fantastic example of how Evette and her younger colleagues at Redeemer have benefited from their local environment throughout the course of their education. In 2017, year 11 student Mary-Anne Poyitt extended her research to studying the various species of flora along the Redeemer riparian corridor. For her excellent work, Mary-Anne received third place in the Grand Awards at the Intel International Science and Engineering Fair in Los Angeles in May. Mary-Anne's study may help ecologists revive plants near creeks and in other natural environments in Australia.

This year Redeemer's senior construction students sacrificed their holidays to join a team of volunteer licensed builders and tradesmen to work alongside Boggabilla locals to build the Oasis Ministries Centre, which serves as a church and a meeting place for Indigenous communities around Boggabilla. This year, the Redeemer project, which was spearheaded by year 10 students, became a catalyst for connecting a relatively privileged church across the border in Goondiwindi with the needs of their Aboriginal neighbours in Boggabilla. These contributions to community are recognised in their 2017 continuing excellence curriculum.

I acknowledge year 10 student Miriam Poyitt, who won the Australian Geography first prize medal; year 4 student Krisha Batra, who won the University of New South Wales Institute of Chartered Accountants of Scotland [ICAS] science first prize medal; year 9 student Ruth Burns came second in the national Dorothea Mackellar Poetry Awards; year 8 student Gokulray Kuppasamy was runner-up in the Lions Voice of Youth award; year 6 student Gregory Burns won the BHP Billiton Science and Engineering Primary Winner award; year 6 student Shabdha Kukunooru received the bronze award in the NSW Education Standards Authority WriteOn competition. First prizes in the STANSW Young Scientist competition were awarded to year 10 students Gilana Behan, Bilge Zohre and Junior Savaiko. Gold, silver and bronze medals in the Combined Independent Schools athletics were awarded to year 6 student Isabella Burns, and year 12 students Gabrielle Jones, Callum Bailey and Chris Lamboa. They are a remarkable spread of achievements.

Redeemer believes that having a heart to respond to the needs of our neighbours and our environment with the love of God and with gifts cultivated through schooling is of primary importance in education. This is a foundation for a future generation of young Australians equipped to contribute excellence with compassion in their vocations and our communities. I commend the great work done at the school under the excellent leadership of headmaster Russell Bailey and principal Jonathan Cannon. I offer my congratulations to all staff and students and wish them all the best for another successful year in 2018.

Matter of Public Importance

BATTLE OF BEERSHEBA 100TH ANNIVERSARY

Ms FELICITY WILSON (North Shore) (20:23): I raise a matter of public importance in recognition of the 100th anniversary of the Battle of Beersheba, which took place on 31 October 1917, as part of the wider British offensive collectively known as the Third Battle of Gaza. The Ottoman city of Beersheba was the easternmost fortification in a defensive line stretching 43 kilometres to the Turkish bastion of Gaza on the Mediterranean coast. An attack was launched to outflank the Turkish bastion of Gaza, against which two previous attacks had failed, by capturing the strategic town of Beersheba. Over the course of the day, British infantry divisions, in cooperation with the mounted Anzac forces, seized the outermost defensive positions of Beersheba, but they were unsuccessful in fully overcoming the Ottoman defences.

As the evening approached, water supplies for the Allied troops and horses became critically low. At dusk on 31 October the Australian Mounted Division's 4th and 12th Light Horse Regiments under the leadership of Brigadier General William Grant charged the Ottoman defences. The horses were carrying heavy packs of, on average, 120 kilograms and their riders knew there was no water available until Beersheba fell into their hands. This action went down in history as the Charge of Beersheba. Australia's success at Beersheba enabled British Empire forces to break the Ottoman line and to advance into Palestine. However, during the offensive, 31 light horsemen were killed, a further 36 were wounded, and at least 70 horses perished.

Those killed included the great grandfather of Oliver Litchfield, a young man from Cootamundra, who recently had the opportunity to commemorate the 100th anniversary of the Battle in Beersheba along with five

other high school students and New South Wales Parliamentarians as part of the annual Premier's Anzac Ambassadors Tour, sponsored by ClubsNSW and facilitated by the New South Wales Government. They commemorated the battle in Israel with my colleagues Madam Speaker, the Hon. Shelley Hancock, MP—who also acknowledged this anniversary in Parliament this week—the Minister for Veterans Affairs, Mr David Elliott; the member for Miranda, Ms Eleni Petinos; the member for Kiana, Mr Gareth Ward; and the member for Rockdale, Mr Stephen Kamper.

My parliamentary colleagues were moved to tears as they watched as Oliver found the grave of his ancestor, Walter Litchfield. Other ambassadors were: Brindavani Sritharan from Macarthur Girls High School; Eloise Cooper from St George Girls High School; Eeva Lehtonen from Camden Girls High School; Oliver Litchfield from Cootamundra High School; Billy Foster from Hawkesbury High School; and Hunter Leech from Great Lakes College Forster Campus. I congratulate those students on their selection to participate in this program. I also thank ClubsNSW very much for supporting the Premier's Anzac Ambassadors Tour program.

The New South Wales Government has a proud history of supporting military service, and this State has a proud history of service commemoration, including the Government's Centenary of Anzac Soil Collection Project. The project involves collecting soil samples from more than 1,600 locations to be displayed as part of an artwork in Sydney's Anzac Memorial in Hyde Park. I recently held a soil collection ceremony in my community at Brennan Park in Wollstonecraft. I was joined by two World War II veterans and members of the North Sydney RSL sub-branch, Douglas Sandow and Richard Stein, who both served in the Royal Australian Air Force. We were also joined by local school students and teachers from Bradfield College and Loreto Kirribilli and the Mayor of North Sydney, Jilly Gibson. The soil sample we collected will be displayed with 15 others from locations across the lower North Shore in the Hall of Service at the Sydney Anzac Memorial along with information about its origin.

The sculpture, which has been designed by artist Fiona Hall, will convey the enormity of the sacrifice made by people across New South Wales and will ensure that future generations remember their service. These four years of the Centenary of Anzac offer us many opportunities to reflect on the service, sacrifice and bravery of those who fought, suffered, and too often died so that we may enjoy the safety and freedom we experience today. In raising this matter of public importance, I acknowledge the anniversary of the charge of the Light Horse Brigade at the Battle of Beersheba and recognise their service, sacrifice and bravery. Lest we forget.

Mr DAVID MEHAN (The Entrance) (20:28): I support the matter of public importance presented by the member for North Shore. I note that the status and power of a warrior mounted on horseback has been a dominant force in politics and warfare for much of the history of mankind. However, by the end of the nineteenth century, mass-produced, rapid-fire rifles and machineguns had diminished the role of the cavalry soldier on the battlefield and made the cavalry charge a little-used tactic. Cavalry charges were rare, and success was rarer still. It is in this context that we remember the charge by Australian light horsemen on 31 October 1917 at Beersheba, which was then a small town in what is now the State of Israel. It may not have been the last charge by cavalry or mounted troops, but it was one of the last successful charges—if not the only one. It was definitely a feat of arms in its own right.

The town of Beersheba formed one end of a defensive line held by Turkish Forces that ran from Gaza on the Mediterranean Coast to Beersheba 43 kilometres inland. Twice before, Commonwealth Forces had attempted to overrun the Gaza line without success. In October 1917 a third attempt was planned. The Desert Mounted Corp, under the command of General Sir Harry Chauvel, was given the task of securing the inland flank of Beersheba. Beersheba itself was to be taken by infantry of the British 20 Corp. On 31 October the infantry duly attacked Beersheba from the south and west, but by the afternoon the town remained in Turkish hands and the Commonwealth troops, who had only minimal water supplies, faced the prospect of withdrawal in the face of the enemy without water unless they could take Beersheba and the valuable water supplies located there.

At 4.30 that afternoon the 4th Australian Light Horse Brigade was ordered to press the attack from the east. Noting the absence of barbed wire defences in that location, their commander, Brigadier General William Grant, ordered the 4th Light Horse, who were Victorians, and the 12th Light Horse, who were from New South Wales, mainly from and around Liverpool, to charge, saying, "Men, you're fighting for water. There's no water between here and Esani. Use your bayonets as swords. I wish you luck!" The Light Horse were mounted infantry, not cavalry. They were equipped with rifles, not cavalry swords. They usually dismounted close to the enemy and fought on foot, but they would not do that this time.

Trooper Edward Dengate recorded what happened: "We got mounted, cantered about a quarter of a mile up a bit of a rise, lined up along the brow of a hill, paused a moment, and then went at 'em." The charge reached the Turkish line, some dismounted there to fight on foot, others continued all the way into Beersheba. The shock, speed and surprise of the charge carried them through. Losses were surprisingly light for a World War I battlefield—31 men were killed, including Albert "Tibby" Cotter, the famous cricketer who has a bridge named

after him in the eastern suburbs, 36 were wounded and 70 horses were left dead on the battlefield. The Turkish defence collapsed. Beersheba fell. With the fall of Beersheba the Gaza line began to fail so that by 6 November Turkish Forces began to withdraw from the line into Palestine. This year, 2017, marks the 100th anniversary of the charge by Australian Light Horsemen at Beersheba. Lest we forget.

Ms MELANIE GIBBONS (Holsworthy) (20:32): I make a contribution to the discussion on the public importance commemorating the centenary of the battle of Beersheba. I thank Ellen Russell and the Liverpool RSL Sub-Branch for putting together a commemoration of this event at Lighthouse Park in Liverpool just a few weeks ago. This event has a special place in the history of Liverpool, with the 12th Light Horse Regiment, which was stationed at Liverpool, part of history's last great cavalry charge upon Beersheba. It was also a pleasure to attend the Remembrance Ceremony last week where we remembered those who fell at Beersheba and on other battlefields. It also was organised by the RSL, and I thank all of those involved with the organisation of the event.

I am proud that the New South Wales Government is recognising historical events such as this, especially through its programs such as the Anzac Memorial Centenary Project. Recently the Minister for Veteran's Affairs, the Hon. David Elliot, MP, was in Casula to collect soil for its installation at the new Hyde Park Anzac Memorial. It was an honour to have him in Casula to recognise the local contribution to Australia's proud Anzac legacy. Additionally, to commemorate the 100th anniversary in Beersheba, six high school students and New South Wales parliamentarians, including the member for Miranda who is in the Chamber, took part in the annual Premier's Anzac Ambassadors Tour, sponsored by ClubsNSW and facilitated by the New South Wales Government. I went on one of those tours last year to the battlefields of France and Belgium, and also to Greece. The students I went with were upstanding young citizens. They were all very respectful and eager to learn more about our Anzac history. I know that the students who attended this year would have been much the same.

The Battle of Beersheba was a turning point in the Middle East campaign in the course of World War I and, indeed, in the course of world history. Late in the afternoon, with the need to capture the town in one day to maintain the element of surprise and also to take possession of the vital water sources, General Chauvel had to make a quick decision. Contrary to military reason, he decided to release the 4th Australian Light Horse Brigade directly at Beersheba. The light horse had never trained for a mounted assault, as its role was mounted infantry and not cavalry. Nevertheless, 500 Australian mounted infantry came onto the plain some six kilometres east of Beersheba and, despite being under Turkish artillery fire, made their way across the plain.

They rode so fast that they galloped under the artillery guns whose marksmen could not adjust their range quickly enough. They then cleared the first Turkish trenches, dismounted and encountered stiff hand-to-hand combat. Thirty-one light horsemen were unfortunately killed in the charge. By approximately 18:00 hours Beersheba was safely in the hands of the Egyptian Expeditionary Force and Chauvel had obtained the victory that the Commander, General Edmund Allenby, had requested. It is hard to imagine the scene of the charge, the sound of 500 horses at the gallop, the roar of the soldiers with reins in one hand and a bayonet in the other, the smell of the horses as they snorted and sweated on their gallop to the Turkish trenches, followed by the intensity of hand-to-hand fighting. This is a story that makes the hairs on the back of one's neck stand up. God bless them all. Lest we forget.

Mr ADAM CROUCH (Terrigal) (20:35): By leave: I acknowledge the member for North Shore for bringing this matter of public importance to the Chamber. The charge of the 4th Australian Light Horse at Beersheba late in the afternoon of 31 October 1917, 100 years ago, is remembered as the last great cavalry charge. The assault on Beersheba began at dawn with the infantry divisions of the British XX Corps attacking from the south and south-west. Despite artillery and air support, neither the infantry attacks from the south nor our own Anzac Mounted Division's attack from the east had succeeded in capturing Beersheba by mid-afternoon.

With time running out for the Australians to capture Beersheba and its wells before dark, Lieutenant General Harry Chauvel, the Australian commander of the Desert Mounted Corps, ordered Brigadier General William Grant, commanding the 4th Light Horse Brigade, to make a mounted attack directly towards the town. Chauvel knew from aerial photographs that the Turkish trenches in front of the town were not protected by barbed wire. However, German bombing had forced the 4th brigade into a scattered formation and it was not until 4.50 p.m. that they were in position. The brigade assembled behind rising ground six kilometres south-east of Beersheba with the 4th Light Horse Regiment on the right, the 12th Light Horse Regiment on the left and the 11th Light Horse Regiment in reserve.

The Australian Light Horse was to be used purely as cavalry for the first time. Although they were not equipped with cavalry sabres, the Turks who faced the long bayonets held by the Australians did not consider there was much difference between a charge by cavalry and a charge by mounted infantry. The light horse moved off at the trot and almost at once quickened to a gallop. As they came over the top of the ridge and looked down the gentle slope to Beersheba, they were seen by the Turkish gunners, who opened fire with shrapnel. But the pace was too fast for the gunners. After three kilometres, Turkish machine guns opened fire from the flank, but they

too were detected and silenced by British artillery. The rifle fire from the Turkish trenches was wild and high as the light horse approached. The front trench and the main trench were jumped and some men dismounted, then attacked the Turks with rifles and bayonets from the rear. Some galloped ahead to seize the rear trenches while other squadrons galloped straight into Beersheba.

Nearly all the wells of Beersheba were intact and further water was available from a storm that had filled the ponds. The 4th and 12th Light Horse casualties were 31 killed and 36 wounded, and they captured more than 700 troops. The capture of Beersheba meant that the Gaza-Beersheba line was turned. Gaza fell a week later and on 9 December 1917 the British troops entered Jerusalem. This matter of public importance also gives us time to reflect, as Saturday was Remembrance Day and the Battle of Beersheba was at the front of our minds. I take this opportunity to congratulate the Empire Bay Progress Association on an outstanding Remembrance Day service last Saturday. I also congratulate the students from the Coast Christian School who took part, reading the *Ode to the Fallen Soldier*. Lest we forget.

Ms ELENi PETINOS (Miranda) (20:39): By leave: Today I speak about the Centenary of the Battle of Beersheba. On 31 October I had the honour of attending the 100th anniversary commemorations of this battle, alongside six high school students—Hunter Leech, Oliver Litchfield, Billy Foster, Eeva Lehtonen, Eloise Cooper and Brindvani Sritharan, who were engaged in a program sponsored by ClubsNSW. The purpose of the program is to highlight the Anzac trail and commemorate our fallen soldiers whilst creating ambassadors from the next generation to ensure that the Anzac legacy endures.

I will expand on the often forgotten Battle of Beersheba. The Australian Light Horse attacked enemy lines defending the town of Beersheba. After two failed attempts to attack Gaza frontally, the plan shifted and instead the Australian Light Horse Regiment decided to outflank the enemy by turning the Turkish line around at Beersheba. The final phase of this all-day battle was the famous mounted charge of the Australian Light Horse Brigade. It stands as one of the greatest cavalry charges and in fact remains the last successful cavalry charge in history. About 800 Australians from the 4th and 12th Light Horse Regiments were involved in the charge. Thirty-one Australian light horsemen lost their lives and 36 were wounded; 70 horses died. However, the Turks suffered the most casualties and had up to 1,000 troops captured.

To see the students laying a wreath in the commemoration service and being so captivated by the re-enactment of the charge was rewarding. However, whilst it was incredibly special to be part of centenary commemorations, the reality of the Australians' heroic sacrifice was compounded when one of the students, Oliver Litchfield, found the grave of his great-grandfather at the Commonwealth War Cemetery. One hundred years on, the sacrifice of our soldiers is not only remembered but still felt. We also followed the trail to the little-known Greek island of Lemnos, which happens to be where my family is from. Importantly, this island is forever entwined with our Anzac story. Lemnos is where Australia's Gallipoli campaign began and where 120 Australian nurses treated 4,000 Australian soldiers. It is the resting place of 148 of our fallen servicemen.

The scale of the loss of Australian life at Gallipoli is difficult to comprehend, but, to put it into perspective, the most successful operation of the campaign was the evacuation of the troops, which resulted in the Turkish forces being able to inflict fewer casualties on our retreating forces. Nonetheless, the whole Gallipoli operation still cost 8,141 Australian lives. One hundred years on, we give thanks to the bravery and determination of our Australian and Allied troops. We owe so much to the many who have granted us our freedom. That has never been as clear to me as it is now, having recently visited so many of their graves. May we continue to honour their memory and remain eternally vigilant in supporting the needs of our veterans. Lest we forget.

Ms FELICITY WILSON (North Shore) (20:41): In reply: I thank all members who joined with me to mark the Centenary of the Charge of the Light Horse Brigade at Beersheba. I thank the member for The Entrance, who spoke about the historical significance of this event and its strategic impact on the war. He observed that it was not the last light horse charge, but it will go down in history as one of the most successful.

The member for Holsworthy spoke about her participation in the Premier's Anzac Ambassadors Tour program last year and also reflected on her recent soil collection ceremony at Casula with the Minister for Veterans' Affairs. I thank the member for Terrigal, who spoke about the legacy of the light horsemen and reflected on the recent recognition of the anniversary at local Remembrance Day ceremonies in Terrigal. I thank the member for Miranda, who spoke about her participation in the recent Premier's Anzac Ambassadors Tour program. Her observations were about the ambassadors and their participation in this tour, and she reflected on her family's background on the island of Lemnos, which she visited.

We all know the legend of the Light Horse Brigade in Beersheba. It was a day of outstanding courage and bravery that is the stuff of legend. The Australians rose victorious in what would form part of the Anzac story, which has helped shape us as a nation. As we all stop to remember our history and the service and sacrifice of the Anzacs we also thank all those who have protected our freedom and liberty throughout our history, including

those in our defence forces serving at home or overseas, in peace-keeping and peace-making missions. I thank my local servicemen. I was able to join with both the Kirribilli and North Sydney RSL sub-branches last weekend at Remembrance Day services. I acknowledge the service of all of those members in the past and the work that they do to continue to ensure that our communities remember the service and sacrifice, including that of the Anzacs who are no longer here to speak of their experiences. Again, I thank all members for their support and for recognising the importance of the Centenary of the Battle of Beersheba. Lest we forget.

**The House adjourned, pursuant to standing and sessional orders, at 20:44 until
Thursday 16 November 2017 at 10:00.**