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## LEGISLATIVE COUNCIL

Tuesday 15 September 2015

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**The President (The Hon. Donald Thomas Harwin)** took the chair at 2.30 p.m.

**The President** read the Prayers.

**The PRESIDENT:** I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

### INSPECTOR OF CUSTODIAL SERVICES

#### Report

**The President** tabled, pursuant to the Inspector of Custodial Services Act 2012, the report entitled "Lifers: Classification and regression", dated September 2015, received and authorised to be printed this day.

**Ordered to be printed on motion by the Hon. Duncan Gay.**

### ELECTION OF MR MARK PEARSON, MEMBER OF THE LEGISLATIVE COUNCIL

#### Court of Disputed Returns

**The PRESIDENT:** I inform the House that on 14 September 2015, the petition of Mr Peter Neil Jones, candidate for the No Land Tax Campaign, in connection with the election of Mr Mark Pearson of the Animal Justice Party, had been discontinued.

### CENTENARY OF FIRST WORLD WAR

**The PRESIDENT:** On the Western Front, September marked the start of a great Allied offensive culminating in the Battle of Loos. The largest British action of 1915, it was a serious defeat for the British forces and, tragically, the first occasion on which the British forces used chlorine gas against the enemy. In time many Australians would come to suffer the horrors of being victims of gas attacks—a new and dreadful development in the history of warfare. A remarkable and little remembered Australian association with the Battle of Loos is the 1916 silent film *Joan of Arc of Loos*. Shot by renowned cinematographer Franklyn Barrett, it recreated the battlefield of the Western Front on Tamarama Beach, with the French countryside scenes filmed along the avenue of poplars that then lined Randwick Racecourse.

The film, directed by George Willoughby, was based upon the exploits of 17-year-old Émilienne Moreau-Evrard, who was a heroine of the French Resistance during not only the Battle of Loos but also when she played a similar role in World War II. She became the most decorated French woman of the Resistance, later entering the French Parliament and living until 1971. At the time of the Great War, Australia was the world's leading producer of feature films and the role of film-making was becoming understood as a valuable tool in support of both recruiting and the war effort in general. Carefully preserved fragments of *Joan of Arc of Loos* are in the care of the National Film and Sound Archive in Canberra, which has also recently released 22 minutes of the reconstructed 1915 film *The Hero of the Dardanelles*. The preservation of our national history on film is an achievement of which we should all be both grateful and proud. Lest we forget.

**Pursuant to sessional orders Formal Business Notices of Motions proceeded with.**

## **UNCLE MAX DULUMUNMUN HARRISON**

### **Motion by the Hon. MARK PEARSON agreed to:**

- (1) That this House congratulates Uncle Max Dulumunmun Harrison, revered elder of the Yuin people on the South Coast of New South Wales, on his many years of dedicated work with the Ngaran Ngaran Cultural Awareness Training Consultancy; and on teaching his traditional culture to thousands of people, including architects, environmentalists, Government Ministers and advisers, medical practitioners, researchers and international students; as well as presenting at the 2009 Parliament of the World's Religions in Melbourne.
- (2) That this House notes that:
  - (a) Uncle Max Dulumunmun Harrison's teachings cover the Yuin people's Creation Dreaming; bush lore; relationship with animals, foods, healing, laws and punishment; spirituality; and the significance of relationship to land; and
  - (b) in passing on traditional wisdom, Uncle Max speaks with great wisdom on life, land, spirit and forgiveness.

## **BUSINESS OF THE HOUSE**

### **Formal Business Notices of Motions**

**Private Members' Business items Nos 386, 387 and 388 outside the Order of Precedence objected to as being taken as formal business.**

## **FOSTER CARE WEEK 2015**

### **Motion by Ms JAN BARHAM agreed to:**

- (1) That this House notes that:
  - (a) Foster Care Week 2015 runs from 13 to 19 September 2015, to acknowledge and celebrate the contribution made by foster carers across the State;
  - (b) Foster Care Week is coordinated by the Association of Children's Welfare Agencies and supported by Fostering NSW, foster care agencies, and other partners; and
  - (c) Foster Care Week commences with the picnic day on Sunday 13 September and involves a wide range of events and activities in locations across the State; including writing, art and colouring competitions for children living in care.
- (2) That this House acknowledges that:
  - (a) the number of children in out-of-home care has risen every year for the past decade;
  - (b) there are now around 20,000 children and young people in out-of-home care in New South Wales; and
  - (c) foster carers are essential to providing a safe and nurturing environment that is vital to the wellbeing of these children and young people.

- (3) That this House:
- (a) acknowledges relative or kinship carers who provide the opportunity for children who cannot live safely at home to live with a member of their family or kinship group, with this care often provided by a grandparent, aunt, uncle, or older sibling;
  - (b) notes that the rate of Aboriginal and Torres Strait Islander children and young people in out-of-home care is approximately 10 times higher than that of non-Indigenous children and young people, and that Aboriginal or Torres Strait Islander children and young people make up approximately one-third of the total number of children in out-of-home care; and
  - (c) acknowledges the importance of ensuring that care arrangements for Aboriginal and Torres Strait Islander children and young people are made in accordance with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles.
- (4) That this House thanks the many individuals and families across New South Wales who have chosen to become foster carers, and recognises the important contribution they make to the welfare of vulnerable children and young people.

#### **CENTRAL COAST BUSINESS EXCELLENCE AWARDS**

##### **Motion by Mr SCOT MACDONALD agreed to:**

- (1) That this House notes:
- (a) on 29 August 2015, the fifth annual Central Coast Business Excellence Awards were held at Crowne Plaza Terrigal;
  - (b) the awards recognise the achievements of the best and brightest businesses on the Central Coast;
  - (c) Koala Publishing, based in Fountaindale, was named the 2015 Business of the Year; as well as the 2015 Employer of Choice;
  - (d) Loyal IT Solutions, owned by inaugural winner of *Masterchef* 2009, Mrs Julie Goodwin, and her husband, Mr Mick Goodwin, was awarded the 2015 Business of the Year;
  - (e) Mrs Goodwin also won the Outstanding Contribution to the Central Coast award for her extensive work as an ambassador for the Central Coast; and
  - (f) Mr Scot MacDonald, MLC, represented the Premier, the Hon. Mike Baird, MP, at the event, and presented the Excellence in Small Business award on behalf of the Department of Industry, to Somersby based D'Vine Group, which provides private and corporate catering services.
- (2) That this House congratulate all nominees and winners of the Central Coast Business Excellence Awards 2015, and Mr Kerry Ruffles, Director of the Central Coast Business Excellence Awards, on his contribution to the community through the organisation of this event.

## **Report**

**The Hon. Greg Pearce** tabled the report entitled "Legislation Review Digest No. 6/56", dated 15 September 2015.

**Ordered to be printed on motion by the Hon. Greg Pearce.**

### **GREYHOUND RACING INDUSTRY**

#### **Production of Documents: Return to Order**

**The Clerk** tabled, pursuant to resolution of the House of 9 September 2015, documents relating to an order for papers received from the General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents. The documents indicate that Greyhound Racing NSW does not represent the Crown and is not subject to direction or control by or on behalf of the Government.

### **GENERAL PURPOSE STANDING COMMITTEE NO. 5**

#### **Government Response to Report**

**The Clerk** announced the receipt of correspondence from Mr David Elliott, MP, Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs, further to correspondence tabled on 28 August 2015, received on 11 September 2015, advising that the Government's response to report No. 41 entitled "Wambelong Fire", which was due on 20 August 2015, will be delayed due to the ongoing coronial inquiry into the fire and indicating that the Government will prepare a combined response to the recommendations of the committee and any recommendations of the Coroner once they are handed down.

## **PETITIONS**

**The Clerk** announced the receipt, pursuant to sessional order, of the following response to a petition signed by 500 or more persons:

Government response from the Hon. Jillian Skinner, MP, Minister for Health, and Minister for Medical Research, relating to international trafficking and harvesting of human organs, presented on 11 August 2015.

**The Clerk** announced that the response had been authorised to be printed.

### **IRREGULAR PETITION**

**Dr MEHREEN FARUQI:** I seek leave for the suspension of standing orders to allow the presentation of an irregular petition from 954 citizens of New South Wales concerning the closure of the Newcastle rail line. It is irregular as it is not addressed to the members of this House.

**Leave not granted.**

## **JOBS FOR NSW BILL 2015**

### **Second Reading**

**Debate resumed from 9 September 2015.**

**The Hon. GREG PEARCE** [2.59 p.m.]: When this debate began last week I was astonished to witness the epiphany experienced by the Labor Opposition and The Greens, both of whom now support jobs creation. In the past, everything the Government did to create jobs was opposed by Labor and The Greens. Thankfully, they have finally woken up to how important jobs are in New South Wales and they are now going to support this important legislation. Jobs for NSW will deliver on the Government's \$190 million election commitment to boost funding to attract investment in the State. Jobs for NSW is an innovative approach to jobs creation that will also help the Government deliver on its commitment to create 150,000 jobs within the next four years. Jobs for NSW will leverage private sector expertise to change the way the New South Wales Government supports jobs creation. Jobs for NSW will call for, assess and make recommendations on job creation incentives to be paid for out of the \$190 million Jobs for NSW Fund.

Jobs for NSW will introduce a more proactive approach to Government support for employment and industry growth by advising on the opportunities, not just the challenges. The Jobs for NSW Board, which will be established by this legislation, will actively identify opportunities for New South Wales to leverage its unique strengths to attract the next wave of high-value jobs and to grow the economy. Jobs for NSW will complement and support a range of other initiatives that are part of the Government's \$678 million, four-year investment in jobs growth—investment that I hope the Opposition and The Greens will support across the board. That investment includes the successful \$5,000 Jobs Action Plan payroll tax rebates, which the Opposition and The Greens would not support. It includes the \$2,000 small business employment incentive, which members opposite derided, that rewards small businesses for every additional employee they take on. The investment also includes the \$25 million Jobs of Tomorrow Scholarship Fund, which provides scholarships to students undertaking qualifications in technology and other growth areas.

According to the July 2015 jobs figures, New South Wales has the lowest unemployment rate and the strongest monthly jobs growth of any State. This Government assisted the private sector and the economy of New South Wales to create and promote 250,000 jobs in the four years of its first term. It is laudable to aim to assist in the creation of a minimum of 150,000 jobs in the next four years. These jobs will ensure the growth of our economy and the prosperity of the people of New South Wales. It was interesting to listen to the Hon. Adam Searle, the Leader of the Opposition in this House, talk about the Government's successful record in creating jobs. The Hon. Adam Searle started at year zero. As far as he was concerned, 2011—the first year of this Government—was year zero. He ignored the fact that Labor had been in power for 16 years before that and had done everything it possibly could to destroy the New South Wales economy, destroy jobs and destroy the budget. The Hon. Adam Searle made some concessions. I do not know where he gets his figures from, but instead of talking about the 250,000 jobs that have officially been created in New South Wales the Hon. Adam Searle complained that only 166,000 jobs had been created in those four years.

**The Hon. Adam Searle:** I was making the point that you were cooking the books, Greg.

**The Hon. GREG PEARCE:** How about that? Labor's epiphany, its support for jobs creation, was so difficult for it to admit to that it quibbled about whether the number of jobs created was 166,000 or the official figure of 250,000. Naturally, Labor made an assertion that it did not have the evidence to support it. I am pleased at the Government's successful jobs creation in rural and regional areas. Again, the Leader of the Opposition complained that, by his count, the Government had created 39,000 jobs in rural and regional New South Wales. I congratulate the Government and the people of New South Wales on that. Jobs for NSW is great news for the regions and demonstrates the Government's unwavering commitment to regional development and jobs growth. The Jobs for NSW Bill includes a dedicated focus on job creation opportunities for rural and regional communities.

I know how difficult it is to create jobs in rural and regional areas. When I was Minister for the Illawarra there were issues with BlueScope Steel and the then Federal Labor Government—believe it or not—worked with us to put in place the \$100 million Illawarra investment fund to assist jobs creation in

the Illawarra. Unfortunately, creating jobs is a difficult exercise. Members can talk about dollar amounts, but jobs creation requires effort by government and cooperation with local business to make the necessary changes to create the jobs. At least 30 per cent of payments for job creation incentives from the Jobs for NSW Fund will be dedicated to rural and regional areas, including areas outside Sydney, Newcastle and Wollongong.

The Opposition quibbled over this; it apparently wants a guarantee that 30 per cent or more will be applied to rural and regional areas. The Government would apply 100 per cent if it could. The reality is that there are jobs in the metropolitan areas of Sydney, Newcastle and Wollongong, and the Government will work as hard as it can to create new jobs in rural and regional areas. That is the priority. The commitment of 30 per cent of \$190 million is incredible and contrasts with the 16 years of destruction presided over by the Labor Party when it was in government.

The Jobs for NSW Board will investigate the opportunities and challenges facing rural and regional areas and advise the Government on how these areas can expand and improve their competitive advantage. The Jobs for NSW Bill 2015 will build on the commitments made in the Government's Regional Economic Development Strategy and the Jobs Action Plan. It is a matter of great concern that, just as the Government introduced this legislation, the effects of the Australian Energy Regulator's determinations for network companies began to be seen.

One of the concerns is the announcement that 700 Essential Energy jobs will be lost around the State. I hope that we can support those workers through the measures implemented by this bill. It is a fundamental requirement that network companies operate efficiently; that is what the Australian Energy Regulator has insisted upon. Under 16 years of Labor, energy companies were allowed to implement work practices that have led to the current situation and the urgent problems we now face.

In conclusion, I will address some of Dr John Kaye's very confused argument on this bill. He seemed to experience an epiphany when he said that he was pleased at the massive step the Government has taken in admitting that government intervention could help in creating jobs. He has not been listening. He has been here for 18 years. Is that correct?

**Dr John Kaye:** It feels like that; it's the same time you have been here.

**The Hon. GREG PEARCE:** The same period that I have been here, yes. In that whole time Dr John Kaye has worked on the basis that the North Korean method of jobs creation should apply in New South Wales. It is pleasing that he is now considering what we can do. Another point on which I am in agreement with Dr John Kaye is in relation to the dreadful problem of youth unemployment around New South Wales. As Minister for the Illawarra one of my greatest concerns, and one of the issues that most troubled me, was the fact that we were having so much difficulty dealing with youth unemployment. Whatever we can do to address that problem should be a priority, and I am sure it will be under the very important Jobs for NSW Bill 2015, which I commend to the House.

**The Hon. SOPHIE COTSIS** [3.11 p.m.]: I thank the House for the opportunity to speak on the Jobs for NSW Bill 2015. The Leader of the Opposition made some very important points in the debate. I support what he said and thank him not only for what he has been doing in relation to the Labor Party's industry policy but for getting out there and talking to people, particularly in rural and regional areas. Before I proceed, I formally acknowledge and thank Daniel Wallace, the head of Hunter Unions, who is in the advisors area, for his work and for his efforts on behalf of workers in the Hunter and the Upper Hunter. It is admirable that the Government is going to try to do something, or at least be seen to do something, to create jobs in New South Wales. But we know the real story. We know that in rural and regional New South Wales the unemployment rate is in double digits, and in Western Sydney youth unemployment is reaching close to 20 per cent.

There can be no question that after almost two years of failed economic leadership by the

Liberals in Canberra, more must be done to create jobs. A job is key to quality of life and is important to every single one of us from the time that we are legally able to work—and I know most of us in this Chamber have had very different jobs since we were in our teens. A job is very important not only for people's quality of life but also for people's financial independence, their freedom and their way of contributing to society, whatever the job. A job also instils values in people. As a proud member of the Labor Party, I am proud of our achievements in government at both State and Federal levels in not only creating jobs but also being innovative by investing in research and development, encouraging investment in different types of industries and working with our international partners to ensure that we improve our trade relations, thereby increasing job opportunities in rural and regional communities as well as in our cities.

I am concerned that, unfortunately, this bill relates to jobs for seven people. Yesterday the Government released its 12 priorities and one of those priorities was creating jobs. Unfortunately, the Government's five years in office have seen job cuts, increasing underemployment and a decline in the number of jobs for people with disabilities. The bill is troubling because it reveals the Liberal Party's lack of understanding about the difficulties people face in finding jobs in New South Wales. We must keep in mind that the unemployment rate does not apply uniformly; many people belong to groups that experience rates of unemployment that are much higher than the average, including people from rural and regional areas, older people and people with a disability.

People from culturally and linguistically diverse communities find it difficult to get jobs, particularly those who have overseas qualifications. Over the years in my various roles I have seen migrants with two or three degrees—engineers, scientists, information technology specialists—have difficulty finding jobs because there are employment barriers and discrimination. I want the board proposed in the bill to succeed but I am uncertain that it will when we consider areas of high unemployment.

Today I will focus on the issue of employment for people with a disability and how this bill, as it stands, does nothing to address the challenges that people with a disability face in the labour market. Over the past few months I have visited a number of disability services. I thank the House with No Steps for the opportunities that organisation provides to people with disabilities. I also visited the Cerebral Palsy Alliance and I thank it for its work. But we need to do more: the Government needs to do more, local government needs to do more, the private sector needs to do more and the retail industry needs to do more. With the rollout of the National Disability Insurance Scheme, we are providing support services to people with a disability and we are giving them choice and control over their lives. It is fundamental for people with a disability to have access to employment.

I commend those employers in the private sector who have recognised the skills and qualifications of people with a disability. A couple of months ago I spoke to a pub owner in the Hunter who told me that one of his assistant chefs is a person with disabilities and a very hard worker. Colleagues and others who come in contact with a worker with a disability learn important lessons about acceptance and social cohesion. These types of employers are good role models, and we should encourage them. That is why the Leader of the Opposition will move a number of amendments in Committee, which I hope Government and crossbench members will support. One amendment will ensure that the Government appoints to the board a person with a disability who has employment expertise.

I have spoken to many people who have challenges, particularly people with a disability, and they find it very difficult to access employment. In 2012 the Australian Bureau of Statistics [ABS] released a report on disability and labour force participation. It is a very important report and I recommend it to everyone. The statistics are staggering. Data from that report reveals the sharp disparities that people with a disability experience in the labour market. The ABS found that people with a disability were 30 per cent less likely than people without a disability to participate in the labour force; that the unemployment rate for people with a disability was almost twice as high as the overall unemployment rate; and that people with a disability who work part time were more likely to be underemployed, with almost one-third of people with a disability who were employed part time wanting to work more hours, compared with just

over one-quarter of people without a disability.

The low participation rate for people with a disability in the labour force reflects the fact that many people with a disability want to work but are unable to overcome barriers to employment. I am sure that members have come across this issue when speaking with constituents, branch members, community groups and stakeholders. Even prior to my becoming shadow Minister, people would tell me, "We just want one break, that one opportunity, someone to give us the chance to demonstrate that we can contribute to society, to private enterprise or to the local club." I thank our clubs for the work they do in employing people with disability by creating positions that match their skills. That is something all employers should do. The Bureau of Statistics found that more than 200,000 people with a disability were not participating in the labour force, even though their disability did not cause an employment restriction that would prevent them from working.

There is a wealth of human capital left untapped because not enough is being done to create jobs that accommodate people with a disability. A 2011 report by Deloitte Access Economics found that if the employment gap between people with a disability and without a disability were closed by just one-third, it would yield an increase in Australia's gross domestic product worth \$43 billion over a decade. Creating jobs for people with a disability is not just good for our economy but also the right thing to do. A person's job is not just a source of income; it is a source of pride and purpose. It is about contributing to society while doing something that one loves and enjoys. People complain about their job but at the same time they want to contribute to society and to be part of building something.

Many members have heard me speak in this place over the years about how important jobs are. Like most of us in this House, I grew up in a family that valued education and employment. We were encouraged to get into the workforce and to contribute to building society. My father, a painter by trade, was a humble man. Over the years I saw him help to build society through his trade. People with disability, like many people across different sectors of society, want to belong and to feel that they are contributing to deliver better infrastructure and to investment in our society. The rollout of the National Disability Insurance Scheme [NDIS] affords them a once-in-a-lifetime opportunity to do so. I am not trying to score political points, but I urge members opposite to support our amendment. It is important to have somebody on the Jobs for NSW Board with experience in disability employment. A person's job puts them together with others, forming bonds and social connections. Many of us still catch up with people with whom we worked many years ago. That is important for social cohesion in our nation.

Much has been made about the impending rollout of the NDIS and its capacity to improve the support that people with disability receive. Labor is proud to have developed the NDIS under the former Federal Labor Government. We look forward to this revolutionary scheme giving people with a disability greater choice and certainty over the support they receive. However, we recognise that, for all the benefits the NDIS promises to deliver, we need to make sure that there are employment opportunities. Yet this bill fails to include any provisions that address this important challenge. Members opposite talk about their Government being number one but unfortunately, among the 400,000 workers in the New South Wales public sector, the employment of people with disability has declined by 1.9 per cent in recent years. The New South Wales Government should always provide the best practice model, setting an example for the private sector and for industry.

The priorities released recently by the Premier include the goal of driving public sector diversity but this does not include increasing the proportion of people with disability employed in the public sector. This is a shocking oversight that, like this bill, shows the Government does not understand the importance of addressing the disability employment gap. To address the bill's shortcomings, Labor will move an amendment in Committee requiring that at least one member of the Jobs for NSW Board have experience in the disability employment sector. It is a straightforward and simple proposal, and I encourage Government and crossbench members to support it.

I am proud of our Labor leader the Hon. Luke Foley and former shadow Ministers Barbara Perry

and Linda Burney, who at the last election proposed creating a bipartisan panel for disability employment and providing \$10 million for disability employment initiatives. Labor is proud to have made that commitment and, while the Liberal-Nationals failed to match it during the election campaign, it is never too late to do so. I encourage the Government to adopt that policy and to do more to create jobs for people with disability. I also urge members to read the submission from the advocacy group People with Disability Australia in response to the Government's discussion paper from a couple of years ago, "Improving the employment participation of people with disability in Australia". It is very important reading. I urge members to support Labor's amendments to the Jobs for NSW Bill 2015.

**The Hon. BEN FRANKLIN** [3.26 p.m.]: I am proud to support the Jobs for NSW Bill 2015. It is yet another feather in the cap of the Government whose record on jobs is undeniable. In June of this year official jobs data confirmed New South Wales as the nation's strongest-performing economy. The Australian Bureau of Statistics [ABS] data showed that 11,300 jobs were created in New South Wales in June, which was more than double the number in the next highest State. In July the figure increased to 29,500 jobs created in New South Wales. That is more than four times that of the next best-performing State. What the ABS data also showed was that New South Wales led the country in job creation in the previous six months, adding almost 25 per cent more jobs than the rest of the nation combined. Whereas employment in New South Wales has grown by 85,600 since January, all the other States and Territories combined have added just 68,900 in the same period.

The August figures, released last week, were equally promising, with 9,200 jobs created—accounting for over half of all jobs created nationally. August also capped off three consecutive months with New South Wales having the lowest unemployment rate in the nation. The State's unemployment rate has been at or below the national average for almost two years. The ABS data shows that the policies of the Liberal-Nationals Government have helped to create more than 250,000 jobs in New South Wales since April 2011. At that time New South Wales was the worst-performing State but it is now the best. If that is not enough, the Westpac-Melbourne Institute Consumer Sentiment Index named New South Wales as the nation's most confident State. The new ANZ Stateometer shows that New South Wales has the best-performing economy by a considerable margin. The ANZ co-head of Australian Economics, Cherelle Murphy, said the bank's inaugural Stateometer revealed that New South Wales was, "pulling ahead of the pack a little more than we previously have thought". Those figures came shortly after the Government handed down a strong New South Wales Budget in June, which forecast surpluses over the next four years.

I pay tribute to the State's Treasurer, Ms Gladys Berejiklian, who has delivered this State a surplus of \$2.1 billion and matched average expenses growth and revenue growth over the forward estimates but still delivers record spending in both services and infrastructure. This Government has turned the State into the best performing State, it has balanced the budget and it has created \$250,000 jobs. But that is not enough. This Government has delivered so much but we must also modernise. We must now look to the future and stimulate innovation to keep New South Wales growing. New South Wales is the engine room of the Australian economy. But, as New South Wales Minister for Industry, Resources and Energy, the Hon. Anthony Roberts, rightly said, for the State to remain strong and prosperous it needs to prepare for the future and embrace innovation and rapid workplace change.

The Jobs for NSW Bill 2015 will establish Jobs for NSW, an organisation that will drive the advantages for New South Wales and supercharge new and existing businesses in this State. Best of all, this will be a private sector-led organisation. Jobs for NSW will comprise seven members who largely will be drawn from the private sector. The board will include eminent business leaders with substantial commercial acumen. One of Australia's most respected business leaders, Mr David Thodey, will be chairperson of Jobs for NSW. Mr Thodey brings a wealth of private sector experience to the role. He has taken a significant leadership role in the Australian business community, particularly through his involvement with the B20, the Business Advisory Forum of the G20 in 2014.

Mr Thodey is co-chair of the Infrastructure and Investment Taskforce of the Australian B20

leadership group. He was recently appointed as the new chair of the CSIRO, Australia's national science agency, and is due to commence a five-year term as chairman of Jobs for NSW from November 2015. Sometimes we forget that when we talk about jobs creation it is not government that actually creates these jobs: it is the business community. It has only ever been our task to foster the right environment in which businesses can thrive, and measures like this bill and others in the Jobs Action Plan are direct incentives for jobs creation. The aim of Jobs for NSW will be to take a strategic approach to developing the competitive advantages of the New South Wales economy and then attracting and developing new and existing businesses. That means that Jobs for NSW will support the right industries and skills needed to drive lasting employment growth right across New South Wales.

The main objective of Jobs for NSW will be to help the Government deliver 150,000 new jobs by 2019 and take a strategic and proactive approach to driving New South Wales jobs and economic growth in our State. In addition to lasting employment growth, this Government is making record levels of investment in infrastructure to ensure the long-term viability of our State. The Jobs for NSW Bill 2015 will complement other government initiatives to grow jobs. Those initiatives include the successful \$5,000 payroll tax rebates as part of the Jobs Action Plan—the rebates are extended until June 2019. The \$2,000 small business employment incentives, which reward small businesses for every additional employee they take on was implemented earlier this year. The new \$25 million Jobs of Tomorrow Scholarship Fund, which provides scholarships for students undertaking qualifications in technology and growth jobs, is another great step.

This bill too is another step in the right direction, building on a record of jobs growth for this Government. Jobs for NSW, under the Minister for Industry, Resources and Energy, will be located in the industry skills and regional development cluster. It will be responsible for advising the Government on opportunities to develop the New South Wales economy and attract new businesses to New South Wales; advising the Government on impediments to and opportunities for improving and expanding competitive advantage in New South Wales; developing a strategy to deliver cost-effective and strategically targeted support for economic development in New South Wales; and calling for proposals for jobs creation incentives and making recommendations to government about these proposals.

The bill also establishes the Jobs for NSW Fund, which will be a source of funding for targeted jobs creation initiatives and programs. This fund will deliver on the Government's commitment to increase funding for State investment attraction schemes to \$190 million, and a minimum of 30 per cent, as announced, of fund payments for jobs creation incentives will be provided for proposals in regional and rural New South Wales. I can never stress enough just how important are small business, tourism and industry jobs to regional areas. One can often tell how a region is travelling by looking at the small businesses, or lack thereof, on the main drag of the nearest town and at the jobs going at the local industry centres.

We must also spare a thought for mums and dads in regional areas who want their kids to have a future in their area. They want more jobs and they want better jobs for their kids, and most often the providers of those jobs are local small businesses, the operators of which have an enormous stake in the future of their area. They want to grow and they want to put on more staff, and this organisation will help them do just that. Jobs for NSW will deliver business assistance to regional New South Wales in a more targeted, strategic and collaborative way. This will include targeting the industry segments that have the greatest potential to drive long-term sustainable jobs growth in regional New South Wales. Importantly, the 30 per cent, at least, allocation from the Jobs for NSW Fund is a minimum.

The Jobs for NSW Board can choose to recommend a higher contribution if there are strategic advantages in the regions. Consequently, if there is a higher number of successful projects in regional New South Wales that would lead to a higher allocation. The 30 per cent minimum is consistent with the allocation of funds in funding pools such as Restart NSW and Rebuilding NSW. Additionally, the Jobs for NSW Board will include a member appointed by the Minister for Regional Development so that the views of regional New South Wales will be at the decision-making table. This is a government that believes in a

fair share for the regions, and this body, as well as the funds associated with it, is no different.

Ultimately, Jobs for NSW will strengthen the strategic allocation and oversight of funds for regional New South Wales. It will target funds where they are needed most to create sustainable regional jobs and grow local economies. In my local area, the far North Coast, there are entrepreneurs lined up to take advantage of the strategic advantages of the area in tourism, agriculture, manufacturing and technology. There are even ideas to create a miniature Silicon Valley in the Tweed. It is those ideas, those innovations that will shape the future of the regions and drive economic evolution for locals. Just as well, because this past budget invested over \$1.4 billion in infrastructure and approximately \$150 million in health on the North Coast.

We always strive to provide government services, but we must also do what we can to foster commercial innovation and entrepreneurship so that locals have more jobs, better jobs and higher paying jobs. This bill provides not only the strategic direction to create sustainable jobs growth but also the funds to incentivise the business community to innovate and grow. Best of all, a minimum of 30 per cent of these funds will be invested in regional areas and there will be a regional representative at the decision-making table. This is another step in the process for unlocking the potential of the private sector in New South Wales from a government that has a great story to tell on jobs. It is not by accident that New South Wales is the best performing economy in the country, and initiatives like these will ensure that sustainable jobs growth continues to the benefit of people right across the State. I commend the bill to the House.

**The Hon. COURTNEY HOUSSOS** [3.37 p.m.]: The Opposition will support the Jobs for NSW Bill 2015. However, the bill fundamentally disappoints this side of the Chamber because of the wasted opportunity it represents. I commend the work of the Hon. Adam Searle, the shadow Minister, and his contribution to the second reading debate which systematically exposed the failures of the bill to deliver on the big promises that it makes. The stated objectives of this bill are to facilitate jobs creation and economic development through jobs creation incentives and to establish Jobs for NSW to provide high-level strategic advice to government for the purpose of jobs creation and driving investment in New South Wales. Of course, we can support those aims. But, as usual, the rhetoric does not match the substance.

It is a recurring theme from this Liberal-Nationals Government. Just in the past few weeks it has offered up a paramedics bill that does not assist paramedics, an ambulance bill that does not address the serious challenges facing our State's ambulance system and now a jobs bill that effectively tinkers at the edges by establishing an advisory board to consult on the jobs crisis in New South Wales. Let me discuss this advisory board for just a moment. While not a bad idea in theory, it hardly encompasses the broad range of expertise that should be represented on such a committee. The same government that sees no need for regional Ministers, relegating them to Parliamentary Secretaries with no oversight from the Parliament, equally fails to understand why regional representation would be required on a board tasked with advising the Government on how to create jobs.

I am also concerned about the failure to include women's representation on the advisory board. At a time when more and more private companies are looking to innovate and find new ways of attracting and retaining women in the workforce, this Government has totally ignored the issue of women's representation when it comes to formulating a board to advise it on jobs policy. I welcome the proposed amendment to the bill to ensure that disabled job seekers will be adequately represented. As the shadow Minister for Disability Services the Hon. Sophie Cotsis said, when it comes to creating jobs for people with a disability this Government is missing in action.

At its core the advisory body is a weak response from a government that has shown time and again that it talks big on jobs creation but fails to deliver for New South Wales. Of course, that has not stopped the performance today by members opposite. It has been quite a show, but it takes a certain kind of person to talk up the jobs performance of a government that has overseen significant unemployment

risers during its time in office. Despite the bluster of members opposite, members on this side of the Chamber know that people who are desperately looking for work or who have recently lost their jobs care nothing for the pretence we have witnessed today. And it is pretence, because the numbers in the Australian Bureau of Statistics Labour Force Survey from July 2015 do not look good for the Liberal-Nationals Government.

In the Greater Sydney region, unemployment was 5.1 per cent when the Liberal-Nationals Government came to power in 2011. It is now 5.5 per cent. On the Central Coast unemployment was 6.3 per cent when Labor left office and it is now 7 per cent. In Blacktown unemployment has gone from 6.3 per cent in 2011 to 8.4 per cent under this Government. In the outer-west and Blue Mountains region unemployment has risen from 5.7 per cent to 6.1 per cent. In Parramatta unemployment was 5.5 per cent in 2011 and is now 8.4 per cent under the Liberals' leaderships.

**The Hon. Walt Secord:** How much is it?

**The Hon. COURTNEY HOUSSOS:** It is 8.4 per cent. In the Sutherland shire unemployment has doubled from 3.2 per cent in 2011 to 6.4 per cent now. The people of the Coffs Harbour and Grafton region have experienced their unemployment rate increasing from 4.3 per cent to 5.2 per cent. In the far west of New South Wales the unemployment rate has risen from 2.9 per cent to 4.4 per cent. The Murray region had an unemployment rate of 1.3 per cent when Labor left office. Now it is at 6.7 per cent because of the shocking inaction of The Nationals in this place and the other. The families in the Richmond-Tweed region lived in an area with an unemployment rate of 5.1 per cent in 2011. The rate has now dramatically increased to 8.8 per cent. On the mid North Coast unemployment has risen from 10.1 per cent to 11.2 per cent because of The Nationals. Finally, in the Hunter Valley unemployment has increased from 5.8 per cent when Labor left office to 11.5 per cent under this Liberal-Nationals Government.

**The Hon. Walt Secord:** Double.

**The Hon. COURTNEY HOUSSOS:** It is almost double. However inconvenient those figures may be for members opposite and however much they may try to hide them, the figures point to a serious problem with the jobs performance of this Government. It might have something to do with the fact that it has taken the Government five years to notice the jobs crisis or it might be its lacklustre response. Either way, families struggling to pay their bills as they search for a job want a little less talk and a little more action from this Government. Government members could start by reversing their job-destroying TAFE cuts which have damaged local economies and reduced the skills of our young people and our unemployed. One wonders how a young person will reskill themselves for a dynamic and evolving economy when TAFE fees in the thousands of dollars are keeping people unemployed and unengaged. The real shame is that this Government has squibbed yet another opportunity to really make this State a better place. This bill is just more rhetoric and no substantive action.

**Mr SCOT MacDONALD** (Parliamentary Secretary) [3.43 p.m.]: I support the Jobs for NSW Bill 2015. For my sins I was here last week when Dr John Kaye spoke to the bill. I will address some of the points he raised in his contribution which was riddled with hypocrisy, confusion and voodoo economics. The good Dr John Kaye continued in that vein today. As to his hypocrisy, Dr John Kaye mentioned unemployment figures in the Hunter. Those figures are not good and it is clear that the area is facing some challenges.

**The Hon. Dr Peter Phelps:** If only they had an industry like coal up there.

**Mr SCOT MacDONALD:** I acknowledge that interjection. At the March State election Dr John Kaye put up a policy to shut down the coal industry in the Hunter, which is one of the biggest employers in the area and one of the State's biggest exporters. The shutdown of the coal industry would have put thousands of workers on the scrap heap. Dr John Kaye did not want a long transition period but rather proposed to shut down the industry over two or three years, which would have been devastating for the

region. For Dr John Kaye to bemoan some of the unemployment figures in the Hunter after seeking to engineer the demise of its largest industry was beyond the pale.

As to his voodoo economics, I am reminded that Dr John Kaye fought vigorously to block the sale of the poles and wires. The sale of the poles and wires will generate \$20 billion worth of infrastructure. Infrastructure creates jobs. It is an economic principle that when an economy is going through a flatter or below trend period—as the economy is nationwide—the public sector has a role to step in and provide a stimulus, preferably through the construction of productivity-enhancing infrastructure. It gets the economy going, creates jobs and increases productivity, all of which will address employment. Dr John Kaye voted against the sale of the poles and wires, as did the Labor Party. It is wonderful to hear members opposite say that unemployment is too high, things are terrible and all the rest of it. They have voted against every single savings measure, employment generator or economic driver contained in legislation put before this House. The hypocrisy and voodoo economics demonstrated by members opposite is outstanding.

As to the confusion, I think every speech we have heard from either The Greens or Labor members has been about the make-up of the board. They say it is about jobs for the boys, jobs for the girls or jobs for a sector. When will they ever get it? This is not a Craig Thomson, Health Services Union-manufactured board so that people at the end of their trade union career who are basically unemployable can be slotted into board positions. It is disgraceful to divert the attention of this House away from the purpose of the Jobs for NSW Bill, which is jobs creation. We will appoint high-quality people to the board. It will not be a sinecure for unemployable, unqualified mates from the Right, The Greens Left or some other group over which someone has had a brain snap lately. It is a good bill and 30 per cent of its work will be focused on the regions. I support the Jobs for NSW Bill 2015.

**The Hon. ERNEST WONG** [3.48 p.m.]: As other members have stated, Labor will not oppose the Jobs for NSW Bill 2015, primarily because the bill aims to provide strategies for greater employment in New South Wales and Labor fully supports that aim. But there are intentions and there are actions. There is principle and there is delivery. If we look beyond the principles contained in the bill the reality of what it delivers is pretty thin. The bill is promisingly called the Jobs for NSW Bill, but how many jobs for New South Wales will be created and who will get them? Initially some board members will get jobs because the first deliverable of the bill is establishing the Jobs for NSW Board, which will administer the Jobs for NSW Fund.

It is at this point that I acknowledge just how many times I need to repeat the phrase "Jobs for NSW" when discussing this bill. If nothing else, the Government has got the branding sorted out. We have a Jobs for NSW bill, a Jobs for NSW Board and a Jobs for NSW fund. All we need now are Jobs for NSW jobs. At this stage, the only jobs for New South Wales that are created by the Jobs for NSW Bill are bureaucratic—jobs for the board members themselves. However, given that the members must have demonstrated commercial acumen and knowledge of and senior business experience in growing jobs and improving industry competitiveness, I am hoping that none of them is in need of a job.

As part of its functions, the Jobs for NSW Board will advise the Minister—who is surely the Jobs for NSW Minister if we follow the branding—on opportunities for developing the New South Wales economy. The board will identify opportunities to attract new businesses, provide support for economic development, assess proposals and make recommendations, provide advice about employment matters, and so on. Some community members, especially those looking for work right now, might think that the Jobs for NSW Board is just a talkfest. But that is not quite right because the bill requires the board to provide an annual report of its activities. So there will be plenty of paperwork too, because there will be recommendations and assessments of those recommendations

The bill refers to the board "assessing any proposals that are job generating according to the eligibility and assessment criteria approved from time to time for that purpose by the Minister". The bill also refers to the "preparation and recommendation to the Minister for approval for eligibility" of "incentives and assessment proposals" and "also developing a strategy to deliver cost-effective and

targeted support" and "expanding the competitive advantage". For a bill that is meant to be about growing the economy and jobs, it is all sounding very bureaucratic. Indeed, I am starting to wonder whether this bill was drafted by Parliamentary Counsel, as is the standard practice, or whether the Minister has snuck out to the scriptwriters of the ABC's comedy *Utopia*. This bill is *Utopia* worthy, especially when we note that under the legislation the Minister will have the power to appoint advisory committees to advise the Jobs for NSW Board. Now that really is starting to sound like an episode of *Utopia*.

How will we get more jobs for New South Wales? We will create the Jobs for NSW Bill. Will that create new jobs? No, but it will create a board. Will the board employ people? Not so much employ as engage. It will need lots of advisors, whole committees of them, in fact lots of committees. Will the committees create jobs? More like reports about jobs or ideas about jobs, but they will be very good reports—world's best practice in fact. Let the jobs flow throughout New South Wales, so long as they are on boards or advisory committees. For all the opportunities for satire that this bill offers, the real concern is that it does very little to create jobs for the people who really need them. It may create jobs for board members and bureaucrats, but that is of little consequence to the majority of New South Wales families and communities.

As I said, Labor will not oppose the bill because the principle of the bill has merit. But Labor is looking for the real muscle in this bill, if there is any. With Labor's focus on regional jobs creation and the representation on the board, including aspects of gender and culture, we at least have the intention of jobs creation in New South Wales. I would have thought that a Coalition Government with a full term already under its belt was past the point of setting up glorified committees and believing that that will wash with communities hit by unemployment. After a full term of government the time for talkfests and planning has passed and it is now time for results. We are certainly entitled to hold that view. I thank members for their attention.

**The Hon. PAUL GREEN** [3.53 p.m.]: I speak on behalf of the Christian Democratic Party on the Jobs for NSW Bill 2015. The object of the bill is to facilitate jobs creation and economic development through jobs creation incentives and to establish Jobs for NSW to provide high-level strategic advice to Government for the purpose of jobs creation and driving investment in New South Wales. This bill establishes a new body, known as Jobs for NSW, which will take advantage of private sector expertise to provide strategic advice to the Government on the creation of jobs and boosting investment in New South Wales.

The key functions of Jobs for NSW will include advising the New South Wales Government on opportunities to develop the New South Wales economy and attract new businesses; advising the Government on impediments to and opportunities for improving and expanding competitive advantage in New South Wales; developing a strategy to deliver cost-effective and strategically targeted support for economic development in New South Wales; calling for proposals for jobs creation incentives; and making recommendations to Government about these portfolios. Jobs for NSW will be held accountable and will be required to report on its operations, jobs creation incentives, and measures taken to demonstrate its success. The bill also establishes the Jobs for NSW Fund to allow for a ready source of funding for investment projects.

According to Human Capital Online, newly released data has shown that, over the past six months, job openings in New South Wales have jumped by 25 per cent more than in the rest of the country combined. Since January, New South Wales has seen 85,600 new jobs filled, while the remaining States and Territories together have added just 68,900 in the same period, according to information from the Australian Bureau of Statistics. In July this year, New South Wales alone added 29,500 jobs—more than four times the next highest State. Sometimes I think I am working for the Liberal-Nationals Government. But we all know these jobs have come because of the great alliance in this House between the Christian Democratic Party and the Government.

**Dr John Kaye:** When did that happen? Give us some more details on that.

**The Hon. PAUL GREEN:** Members see them coming past their offices all the time. The Australian Bureau of Statistics said that a net 17,400 more people were employed in August compared with July, leaving the official unemployment rate at 6.2 per cent, down from 6.3 per cent the previous month. According to the *Sydney Morning Herald*, the New South Wales unemployment rate of 6 per cent is the lowest in Australia, and it is the lowest that any State has been below the national average for two years. The employment participation rate is also at a "historic high". Research conducted by the ANZ Bank has shown that employment growth in New South Wales over the past five years has been driven by four powerhouse service industries: health, education, hospitality and professional services. About 75 per cent of total jobs in New South Wales have come from those four sectors.

The employment statistics for regional New South Wales are an important indicator of socio-economic status. The levels of full- or part-time employment, unemployment and labour force participation indicate the strength of the local economy and the social characteristics of the population. Some 1,071,372 people living in regional New South Wales in 2011 were employed, of which 60 per cent worked full-time and 37 per cent part-time. Between 2006 and 2011, the number of people employed in regional New South Wales increased by 65,411, and the number unemployed decreased by 6,761. In the same period, the number of people in the labour force increased by 58,649, or 5.4 per cent.

It is important to note that the Premier said a minimum of 30 per cent of the Jobs for NSW Fund would be allocated to regional areas. One of the key functions of Jobs for NSW as listed in the bill is to call for proposals for jobs creation incentives and to make recommendations to Government about these portfolios. I make a recommendation, free of charge, to the Government: get Manildra on the South Coast going. We need a full mandate for ethanol in fuel in New South Wales. We need to increase the percentage of ethanol in fuel because it will increase regional jobs and regional employment. It would be another good news story for the Government on jobs creation in regional Australia. Let us start with Manildra, renewable energy and ethanol.

**Mr JEREMY BUCKINGHAM** [3.58 p.m.]: I make a brief contribution to debate on the Jobs for NSW Bill 2015. I concur with my colleague Dr John Kaye that this is a vacuous exercise. But this wafer-thin bill ignores one region—I have not heard it mentioned by any of those opposite—the Hunter Valley. Those opposite dare not speak that name because the Hunter Valley is in total decline.

**The Hon. Matthew Mason-Cox:** Mr Scot MacDonald moves a motion on it every day. Where were you?

**Mr JEREMY BUCKINGHAM:** I must have missed it. It passed me by; it was hardly a major contribution. The Hunter Valley is in freefall. Those opposite have approved more mines than ever before.

**Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.**

**Item of business set down as an order of the day for a later hour.**

## QUESTIONS WITHOUT NOTICE

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### FEDERAL GOVERNMENT AND WESTERN SYDNEY AIRPORT RAIL LINK FUNDING

**The Hon. ADAM SEARLE:** I direct my question without notice to the Minister for Roads, Maritime and Freight, in his capacity as Leader of the Government in this place, and also representing the Minister for Transport and Infrastructure and the Premier. Given that the Minister has repeatedly described—as recently as 26 August this year—his Federal colleagues as a "grown-up government", does the Minister stand by those remarks? What steps has the Minister taken to ensure that the new Federal Government will provide funds for the vital Badgerys Creek rail link in Western Sydney?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question, which is a very good question. The first thing the member should notice is that today I am wearing a blue tie; it is very similar to that worn by Tony Abbott. It is not very often that I wear a blue tie—I mostly find them a tad too over the top—because I prefer to wear a green tie for The Nationals. I will not be wearing one again, but today it is fitting because the work Tony Abbott did as Prime Minister needs to be recognised.

*[Interruption]*

What was that? Do you want to be quoted? I thought not. Tony Abbott is a man of great integrity and he did a good job. We acknowledge that there has been a change, and we embrace that change. In part the question contains an inference that we had not been asking for or expecting a result on Badgerys Creek rail link. That inference is wrong. We have been pushing, as I am sure the honourable member is aware, to make sure that there are proper road and rail connections to Badgerys Creek. Frankly, it is essential. The Minister for Transport and Infrastructure and I have been working with our Federal colleagues. We do not know who the next transport Minister will be—I assume there almost certainly will not be a change but we will not know that until the new ministry is announced. We have been putting a lot of effort into getting Warren Truss and his department across the line on this issue. We have also been working with Tony Abbott. We will be continuing that work with Malcolm Turnbull—

**The Hon. Mick Veitch:** Is Trussy safe? You guys are not going to roll Trussy, are you?

**The Hon. DUNCAN GAY:** They are Nationals; it operates a bit differently. Today I should be congratulated for resisting all the temptations that are being thrown across the table to lead me astray. We will continue to work with the Federal Government to make sure that the roads funding is there—that has been terrific and we are thankful for it. We cannot forget the role of Tony Abbott and Warren Truss in securing the 80/20 funding for the Pacific Highway—each year 27 people die on the Pacific Highway and that duplication has been saving lives—but we will certainly be beating a path to the door of the new Prime Minister. *[Time expired.]*

## NORTHCONNEX

**The Hon. SHAYNE MALLARD:** I address my question to the Minister for Roads, Maritime and Freight. Can the Minister update the House on how the Government is fixing Australia's most congested road?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question.

**The Hon. Adam Searle:** He forgot to name the road.

**The Hon. DUNCAN GAY:** It is alright; I knew what he meant.

**The Hon. Scott Farlow:** Is it Parramatta Road?

**The Hon. DUNCAN GAY:** No, it is not Parramatta Road.

**The Hon. Scott Farlow:** Victoria Road?

**The Hon. DUNCAN GAY:** No.

*[Interruption]*

It could be King Street, Newtown. No, it is Pennant Hills Road. As I have told the House on numerous occasions, currently I have 4,600 projects on the go in New South Wales and—although I

probably should not have one—NorthConnex is certainly one of my favourites. For years, from the North Shore to the Central Coast, communities, freight companies and local businesses have been screaming out, "Fix Pennant Hills Road". I thank the Labor Party because the former Minister for Roads ticked off with us to supply money and when Tony Abbott was in opposition he did the same. That meant we were able to do something about it. What did those opposite do? All they did was to produce a few glossy brochures, and then they produced even more glossy brochures. Ultimately they did what they normally do: failed those who use that road, including the commuters who use it on a daily basis, those trying to bypass Sydney, and those locals trying to go about their daily business. But this Government took a solution to the people and we are delivering.

Our solution is a \$3 billion project—\$405 million each from the New South Wales and Federal governments—to build a nine-kilometre continuous free-flowing underground motorway known as NorthConnex. NorthConnex will link the M1 to the M2 via twin tunnels, with a capacity for three lanes in each direction. These tunnels will bypass 21 sets of traffic lights and save motorists 15 minutes in travel time compared with current travel times on Pennant Hills Road. The tunnels will reduce wear and tear for truckies, reduce fuel costs and, most importantly, reduce travel times. The tunnels will support 8,700 jobs and, importantly, will eventually improve air quality in the local area.

**The Hon. Trevor Khan:** There is no doubt about that.

**The Hon. DUNCAN GAY:** There is no doubt about that. Last Friday we reached a major milestone for NorthConnex: we marked the start of excavation work to create the first tunnel shaft. The tunnel shafts will be excavated to a depth of up to 93 metres, or 305 feet, at certain locations—a distance equivalent to the length of a rugby field. I am not sure that even in my time as a fit, stylish and modest Crookwell rugby prop that I could have run that far.

**The Hon. Walt Secord:** That was before electricity.

**The Hon. DUNCAN GAY:** It was before electricity. A city-centric person like the Hon. Walt Secord would not realise that many of us in regional New South Wales did not have electricity until the 1970s. [*Time expired.*]

**The Hon. SHAYNE MALLARD:** I ask a supplementary question. Would the Minister elucidate his answer?

**The Hon. DUNCAN GAY:** I certainly will. The tunnel shafts will act as the launch point for road headers, which will tunnel to the north and south. Major tunnelling will start later this year and the tunnels will be open to motorists in 2019.

**The Hon. Dr Peter Phelps:** Do we have names for the tunnel borers?

**The Hon. DUNCAN GAY:** No, we do not have names. My office held a competition to name the large tunnel-boring machines. There was a favourite name. It started with W. But I am not talking about tunnel-boring machines; I am talking about road headers. We will need a new naming competition for the road headers. One name will probably start with J. I thank Federal colleagues who joined me on the site: Assistant Minister for Infrastructure and Regional Development Jamie Briggs, member for Bradfield Paul Fletcher and member for Berowra Philip Ruddock.

## **ELECTIVE SURGERY WAITING LISTS**

**The Hon. WALT SECORD:** My question without notice is directed to the Minister for Ageing, representing the Minister for Health. Given that 73,000 people were on New South Wales elective surgery waiting lists in the period April to June 2015 and that last financial year 120,000 patients waited up to 12 hours in emergency departments, what steps is the State Government taking to ensure the new Federal

Government restores the \$16 billion cut from the New South Wales health and hospital system?

**The Hon. JOHN AJAKA:** Let us talk about the first step that this Government is taking. This Government has the best Minister for Health that this State has ever seen. This Government ensured that Minister for Health Jillian Skinner repaired the 16 years of damage caused by members opposite. What a short memory members opposite have. Only last week, I started—

**The Hon. Adam Searle:** Point of order: The Minister is debating the question. He is not being generally relevant. I ask that he be returned to the question.

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

**The Hon. JOHN AJAKA:** In question time only last week, I read out the statistics on elective surgery. I compared the statistics from when those opposite were in government with the current statistics, which are as a result of the great work of Jillian Skinner. Every time I tried to compare the statistics, members of the Opposition jumped up with points of order. The Opposition did not want to hear about the great work that Jillian Skinner has undertaken for the people of New South Wales. I assure members opposite that Jillian Skinner is on the job. She will continue to be on the job. She is the best Minister for Health this State has ever seen.

#### **BIOBANKING TRUST FUND**

**The Hon. ROBERT BORSAK:** My question without notice is directed to the Minister for Ageing, representing the Minister for the Environment. Is the Minister aware that after seven years the BioBanking Trust Fund is still not generating enough money to cover its own costs and participation rates remain extremely low? Given the fact that no collateral is held by the trust and the trust has not granted any financial guarantees, why does the Government believe that increasing participation in the BioBank will in turn increase returns on the fund?

**The Hon. JOHN AJAKA:** I will refer the member's question to the Minister for the Environment and come back with an answer.

#### **GRANDPARENTS DAY**

**The Hon. GREG PEARCE:** My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Would the Minister update the House on what the Government is doing to recognise the contribution of grandparents across New South Wales?

**The Hon. Niall Blair:** Are you a grandparent?

**The Hon. JOHN AJAKA:** I note the interjection. Yes, I am the proud grandfather of a beautiful grandson.

**Mr Jeremy Buckingham:** What is his name?

**The Hon. JOHN AJAKA:** John. We know the great contribution that grandparents make to their families and to society. It is estimated that across New South Wales more than 200,000 grandparents provide almost 13 hours of unpaid, informal care for children each week and more than 17,000 grandparents care for their grandchildren full time. I am proud that this Government was the first to formally recognise the contributions of grandparents with the first ever Grandparents Day in 2011. For years, many in the community lobbied for official recognition of the special contribution made by grandparents. I am pleased to say that this Government listened and put Grandparents Day on the calendar. Grandparents Day is held on the last Sunday of October. This year it falls on 25 October.

**The PRESIDENT:** Order! I call the Hon. Walt Secord to order for the first time. I call the Hon. Shaoquett Moselmane to order for the first time.

**The Hon. JOHN AJAKA:** The celebration culminates in the announcement of the Grandparent of the Year awards at the Norton Street Fiesta. Nominations opened in July and close this Sunday 20 September. There are three categories of award: Grandparent Carer of the Year, for an outstanding grandparent who is also the full-time carer of their grandchild or grandchildren; Community Grandparent of the Year, for a grandparent who is actively engaged in volunteer work in their community; and Grand Friend of the Year, for an individual aged 50 years or over who has made a positive contribution to children's lives in a professional capacity. Nominees for this category do not need to be grandparents to be eligible for the award.

Last year the awards were presented to three truly remarkable grandparents. Denise Duroux is the full-time carer for four of her nine grandchildren and a proud Bundjalung woman from the North Coast. Gary Payne is a grandfather who volunteers in the canteen at his grandchildren's school, staffing the canteen by day and baking by night. Raelene Bernhardt has worked at the Children's Hospital, looking after sick children, for more than 45 years. These awards recognise exceptional members of the community who have gone above and beyond their traditional role as a grandparent. I was pleased to have the opportunity to formally recognise their important contributions last year. I encourage everyone here to nominate people in the community who have gone above and beyond in their role as a grandparent and grand friend.

I have been pleased to watch the progress of Grandparents Day over the past three years. Each year the number of events has grown. I know that many special events and activities are planned for the celebration this year. Last year more than 100 events were registered across the State. The events included a tour of various performances by public schools around local nursing homes. In the far west an Aboriginal corporation held a family day where grandparents gathered to record messages to their grandchildren. The messages were published in a book, leaving a legacy for future generations. Randwick Library hosted a story time and craft activities for grandparents and grandchildren to read and play together, along with a special green screen photography shoot to create a memento of the day. This year we have received more than 120 applications for grants worth up to \$750 to support local community, sporting and social groups to hold events. Successful applicants will be notified by Monday 21 September.

## **RURAL TRAIN SERVICES**

**The Hon. ROBERT BROWN:** My question without notice is directed to the Minister for Roads, Maritime and Freight, representing the Minister for Transport and Infrastructure. How many individual trips on the NSW TrainLink and CountryLink train services have required bus replacements in the past five years due to train breakdowns? Given the diesel Xplorer rolling stock was ordered by the Greiner Government and came into service in 1993, when will the Government purchase new trains for these rural services rather than just concentrating on CityRail?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question and I concur with other members in the House who said it is a very good question. I do not know the details to give him an answer, but I can say that the Government has made a commitment to regional rolling stock as well as to the urban and interurban rolling stock that was beyond its use-by date.

*[Interruption]*

The former shadow Minister for Transport is trying to interrupt my answer—someone who contributed nothing to this State and who was part of a government when this State was totally denuded. There they are whingeing and whining about what we may or may not have done. It is an excellent question and I will refer it to my colleague the Minister for Transport for a detailed and proper answer.

## NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. SOPHIE COTSIS:** My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. When will the signing of the National Disability Insurance Scheme [NDIS] bilateral agreement occur and will the Minister guarantee that the change in Federal Government leadership will not affect its rollout?

**The Hon. JOHN AJAKA:** I have said on a number of occasions that New South Wales has an iron-clad agreement with the Commonwealth Government to deliver the NDIS. The New South Wales Government is fully committed to the NDIS rolling out across the State by July 2018. The rollout will commence on 1 July 2016, which is what I have said on each and every occasion, and will be completed by 30 June 2018.

**The PRESIDENT:** Order! I call Hon. Sophie Cotsis to order for the first time. I call the Hon. Mick Veitch to order for the first time.

**The Hon. JOHN AJAKA:** When I spoke on this issue the other day—

**The PRESIDENT:** Order! I call the Hon. Penny Sharpe to order for the first time.

**The Hon. JOHN AJAKA:** —after I was asked a question by the Hon. Greg Donnelly, I said:

From the outset I make it clear that there has been no delay. I object to members opposite repeatedly asserting that the launch of the National Disability Insurance Scheme [NDIS] has been delayed.

**The PRESIDENT:** Order! I call the Hon. Penny Sharpe to order for the second time. I call the Hon. Mick Veitch to order for the second time.

**The Hon. JOHN AJAKA:** I also stated again later in that answer:

There is no delay.

So what does the Hon. Sophie Cotsis do? She issues a press release saying that I said there was a delay. Why is it that on three occasions I have said there is no delay but the Hon. Sophie Cotsis suddenly creates an answer that she purports I gave?

**The PRESIDENT:** Order! I call the Hon. Sophie Cotsis to order for the second time. I call the Hon. Walt Secord to order for the second time. I note that four members of the Opposition front bench are now on two calls to order.

**The Hon. JOHN AJAKA:** On not one occasion in my answers did I say there was a delay, yet the Hon. Sophie Cotsis creates an answer that she purports I gave that is completely incorrect.

**The PRESIDENT:** Order! I call the Hon. Shaoquett Moselmane to order for the second time.

**The Hon. JOHN AJAKA:** It would be nice if the Hon. Sophie Cotsis would get her facts straight.

**The PRESIDENT:** Order! If members of the Government front bench interject at this stage they will be doing themselves no favours.

**The Hon. JOHN AJAKA:** I also indicated that if those opposite truly wanted to see the NDIS go ahead according to the plans, they would encourage the Public Service Association [PSA] to finally

remove their work bans. But the Opposition has done absolutely nothing. Not once have we heard those opposite ask the PSA to remove its work bans; not once have they come out and said that, because they are too scared of the PSA. What did they do when we tried to launch the NDIS 12 months early for the Nepean Blue Mountains as an election commitment? Those opposite opposed it. They deny that, yet in a press release on Sunday 22 March the Hon. Linda Burney states [*Time expired.*]

**The Hon. SOPHIE COTSIS:** I ask a supplementary question. Will the Minister elucidate his answer in regard to why he has changed the start date for signing the bilateral agreement?

**The Hon. JOHN AJAKA:** Let me read the Council of Australian Governments [COAG] communiqué in relation to the bilateral agreement. Maybe if the Hon. Sophie Cotsis looked at the wording she might get her question correct for a change. I quote the COAG communiqué released on 17 April:

Jurisdictions—

meaning every State and Territory jurisdiction and the Commonwealth—

are endeavouring to finalise transition agreements by end August 2015 to support national rollout.

At no time did the communiqué say, and at no time did the State say, that the bilateral agreement must be signed by the end of August. The States are endeavouring to do so. I have mentioned on numerous occasions that the bilateral agreement will be signed soon. But, again, instead of those opposite supporting the early rollout of the NDIS, they opposed it. In a press release Linda Burney made it clear that the Labor Government opposed it. These hypocrites are standing up and saying, "We are all for rolling it out. You should have rolled it out." If they really want it rolled out why do they not talk to their PSA friends and tell them to stop the work bans? Why do they not openly state that they oppose the PSA's work bans in relation to the NDIS? They should be ashamed of themselves. This Government is delivering the NDIS. We are going to deliver it on time, in accordance with the agreement that we entered into with the Commonwealth, and we will continue to deliver it. The new Prime Minister has publicly stated his understanding for the need of the NDIS, acknowledging that "the current system of support is utterly inadequate and clearly broken for those in need". [*Time expired.*]

## SHARKSMART

**The Hon. TREVOR KHAN:** My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on what the New South Wales Government is doing to raise awareness of how to be shark smart this summer?

**The Hon. NIALL BLAIR:** This week a series of educational radio advertisements will hit the airwaves along the New South Wales North Coast as part of an important partnership between the New South Wales Government and Surf Life Saving NSW to help keep our beaches safe.

**Mr Jeremy Buckingham:** Point of order: I am having difficulty hearing the Minister. It is a very important answer and I am having difficulty hearing it.

**The PRESIDENT:** Order! I was also having difficulty hearing the Minister. Government backbench members will contain themselves so that members can hear the answer to the question.

**The Hon. NIALL BLAIR:** Local radio stations between Port Macquarie and Ballina will broadcast public service announcements to raise awareness of ways in which people can reduce their risk of a shark encounter. Our healthy oceans host a variety of marine life, including sharks. When we enter the water we are entering the shark's domain. However, this Government is always looking for new and improved ways to make our oceans safer. If people know the risks, they can reduce their chance of a close encounter with a shark. The broadcast messages include simple tips for swimmers and surfers to

enjoy their favourite beaches safely, such as swimming in groups and between the flags at patrolled beaches. People are also reminded to avoid swimming at dusk and dawn, as many shark species typically hunt during twilight hours and are naturally more active and aggressive at these times of day.

Simple things such as people telling a lifesaver or lifeguard if they see a shark and exiting the water if they hear a shark alarm will help to reduce the risk to themselves and others. Surfers are reminded to look out and avoid schools of baitfish, to watch for diving seabirds and feeding dolphins, and to surf with mates. The radio ads are being run in conjunction with a targeted North Coast SharkSmart campaign, which has been delivered ahead of schedule. Through a partnership between the New South Wales Government and local surf clubs, every Surf Life Saving NSW club along the North Coast will be supplied with SharkSmart campaign materials and information.

The Government wants people to enjoy our pristine ocean waters. Being shark smart will help them consider the risks before entering the water. I encourage anyone who plans to visit the beach to download the SharkSmart app. This mobile app allows users to conduct an on-the-spot risk assessment before entering the water. The app has a number of features, including general information about common shark species; maps showing where the Shark Meshing (Bather Protection) program operates; maps showing locations of numerous local council-operated saltwater baths and swimming enclosures; and links to other respected safety programs, including SafeFishing, BeachSafe and SunSmart. Further, the Government is considering ways to expand the app in the future to include a range of information as new technology and information emerges. People can download the SharkSmart app from the iTunes store or Google Play stores on a mobile device to ensure they have all the tips handy. If everyone takes a few minutes to listen to or read our SharkSmart messages, we can share the water safely.

I am pleased to advise that the annual applications for funding under the New South Wales Government's Observation Towers program are now open. Grants of \$30,000 are available for groups such as surf lifesaving clubs or local councils interested in installing observation towers or observation equipment in coastal areas of New South Wales. We have brought forward the applications this year, in response to an increased number of shark sightings and encounters on the State's coast. I would encourage groups to consider applying for these important grants. Joint applications are welcome.

#### **MR LARRY ANTHONY AND MINISTERIAL MEETINGS**

**Mr JEREMY BUCKINGHAM:** My question without notice is directed to the Minister for Roads, Maritime and Freight, representing the Premier. How many times did Ministers meet with Mr Larry Anthony of SAS Consulting, whose clients include Shenhua, to discuss the Watermark coalmine in the heart of the Liverpool Plains in the three years before July 2014, when the Government started publishing ministerial diaries each quarter?

**The Hon. DUNCAN GAY:** At least the member opposite listens to my answers; the answer to a similar question last week was to read the diaries. I ask the member: Has he read the diaries?

**Mr Jeremy Buckingham:** Yes, I have.

**The Hon. DUNCAN GAY:** And how many times did they meet?

**Mr Jeremy Buckingham:** I am not answering questions.

**The Hon. DUNCAN GAY:** He has been hoisted on his own petard. Mr Jeremy Buckingham either cannot read or has not read it and does not know, otherwise he would have been able to answer that.

**Mr Jeremy Buckingham:** Point of order: The Minister is casting aspersions upon my good character. I can read. I am a very good reader. I ask him to withdraw his heinous slur.

**The PRESIDENT:** Order! The Minister probably made a mild reflection. Nevertheless, the Minister has the call.

**The Hon. DUNCAN GAY:** The part with our diaries, where it has to be kept, is there. I would imagine it would be very hard to find out whether they have or have not. I will take the question on notice and make the suitable inquiries to see what happened in the past.

#### **WILLIAMTOWN LAND CONTAMINATION**

**The Hon. MICK VEITCH:** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. I refer to the Minister's 8 September parliamentary statement that the Department of Primary Industries had "a detailed sampling plan" and testing results would be produced on 21 September. On 11 September NSW Health issued a warning that "groundwater and fish from the local creeks were tested for perfluorooctane sulfonate [PFOS] and were found to contain high levels". When was the Minister and his department advised by NSW Health about its results at Williamtown?

**The Hon. NIALL BLAIR:** I thank the member for his question. It will be no surprise to him that I will repeat what I have said previously. The Environment Protection Authority [EPA] is the lead agency in relation to this incident and it is coordinating the response to what is happening in Williamtown. As I indicated last week in question time, the Chief Scientist has now been tasked with looking into the matter. I read out the terms of reference given to the Chief Scientist last week. As I have done already in response to this incident, I will take the question on notice to make sure that, when we are talking about timelines and specific information, I can come back with the correct detail—I do not want to speculate or risk not providing information that is the most up to date to the House. As I have previously said, this incident is continuing to progress and unfold. I will take the question on notice and come back to the House with the details once the information is gathered.

#### **MINISTER FOR ROADS, MARITIME AND FREIGHT HUNTER REGION VISIT**

**Mr SCOT MacDONALD:** My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on his trip yesterday to the Hunter region and Newcastle?

**The Hon. DUNCAN GAY:** Yesterday I was joined by Mr Scot MacDonald, the Parliamentary Secretary for the Hunter and Central Coast, on a visit to Newcastle, the second biggest city in New South Wales, located at the edge of the Hunter region. The Hunter region is most importantly recognised as being one of the world's largest coal exporters. Sadly this area is also remembered as one of the hardest hit areas during April's wild weather in New South Wales. The Torryburn Bridge, near Dungog, was just one of the many pieces of infrastructure affected by these weather events. Yesterday, together with the member for Upper Hunter, Mr Michael Johnsen, the mayor of Dungog and many of the residents of Torryburn, I went to see what would be happening and to listen to an announcement about that bridge.

I was able to indicate that the New South Wales Government is providing almost \$2.6 million in natural disaster assistance funding to provide access to Torryburn for the residents who were cut off after the bridge was washed away in April. A total of \$1.1 million—\$1 million of government money and \$100,000 of council money—has already been spent on a side track, which has provided emergency access to and from town for Torryburn residents. The remaining \$1.5 million will fund the new bridge. The bridge builders, Civil Bridge and Wharf, are currently carrying out the design and construction of the new bridge, which is expected to be opened in the first quarter of next year. To start work in November is a pretty good effort. The community felt it could be up to 12 months; it is looking like six months or less.

In the afternoon I had an inspection tour of the Port of Newcastle from the waterside. The port has more than 2,100 ship movements each year, is driven by domestic and international demand, and movements are estimated to double by 2031. In other words, the port is diversifying with the help of new

investments. Last financial year the Port of Newcastle exported 160 million tonnes of coal, which represented 92 per cent of all New South Wales coal exports for that period. In the City Hall, Newcastle, last night, in my address to a Hunter Regional Economic Development Conference, I spoke about this Government's significant generational commitment to upgrading Hunter roads through Rebuilding NSW and its record roads budget.

The Golden Highway will receive an \$85 million grade-separated interchange at its junction with the New England Highway. Coming on the back of the completion of the Hunter Expressway, this Government committed to building the Newcastle Inner City Bypass from Rankin Park to Jesmond, a \$280 billion project that will reduce congestion and improve connectivity. The Government's commitment to invest in Newcastle and the Hunter region will be delivered in full, not just because it promised, but because these investments are critical to driving growth and productivity in this important city that has been overlooked for 16 years. [*Time expired.*]

### **NEWCASTLE RAIL LINE**

**Dr MEHREEN FARUQI:** My question is directed to the Minister for Roads, Maritime and Freight, representing the Minister for Transport and Infrastructure. Given the Federal Government, including Liberal and Nationals senators, just passed a motion unanimously that called on the New South Wales Government to reverse its decision to truncate the heavy rail line into Newcastle, will the New South Wales Government finally abandon this disastrous plan and invest in improving, not cutting, the Newcastle rail line?

**The Hon. DUNCAN GAY:** As I have no information about the first part of the question relating to a motion passed by the Federal Government. I have to take it in good faith. Unfortunately, members of The Greens do not have a good track record of being right. As I indicated to the people of Newcastle last night, this Government is determined to continue to remove heavy rail and build a light rail into Newcastle and improve the city. Frankly, the community is sick of the Labor Party and The Greens trying to interfere and stop things from happening in its city and this State. The urban decay in Newcastle is testimony to long times with The Greens and the Labor Party. A council with the biggest coal export port in the country that says it does not want to have investment in coal is very much akin to the Eurobodalla shire saying it does not want anyone in Bega to eat cheese. That is The Greens fanaticism that is happening in Newcastle. It is lunacy.

This Government said it would truncate the line at Wickham, which it has done. The people I spoke to in the community last night said that the crossings that are already there are just fabulous. They can see the connectivity coming back into the city. The Government wants to fix the city for the people of Newcastle. We do not want to play petty politics like the Labor Party and The Greens.

### **WILLIAMTOWN LAND CONTAMINATION**

**The Hon. PETER PRIMROSE:** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given the Department of Health confirmed in its bulletin on 11 September that groundwater and fish from local creeks around the Williamtown contamination site contain high levels of perfluorooctane sulfonate, will the Government now consider a closure of local industries beyond the original one month period? Will the Government provide compensation to local primary producers?

**The Hon. NIALL BLAIR:** The Government is taking a cautionary approach to the situation at Williamtown. The Government is information gathering. Earlier in question time I said that the lead agency is the Environment Protection Authority. A public meeting will be held in the area tomorrow night when I am sure further information will be provided to the community from the agencies. As information comes to hand it will be passed on to the community through the necessary channels with the Environment Protection Authority. Where that leads us is something that will be determined once we know the extent of

what has happened on the ground.

As I said previously, the response from the Department of Primary Industries includes precautionary closures of commercial fisheries, recreational fisheries and oyster harvest areas for up to one month in both Fullerton Cove and the upper Tilligerry Creek pending the results of testing that is underway on seafood sampled from these areas. The Department of Primary Industries, Fisheries and the New South Wales Food Authority have commenced the sampling of prawns, fish and oysters for testing. The initial test results are expected to be available in late September 2015. In line with the Government's precautionary response to this issue, it is anticipated the test results will need to be considered by NSW Health and, if necessary, the interagency expert panel that has been established to provide technical oversight. The Department of Primary Industries has a role to play in carrying out some of those tests. I know the department has engaged a local commercial fisherman to assist it in gathering some of the fish for testing.

I know also that it is looking at the response in relation to oysters in the area because we know that oysters have an amazing ability to purge and filter themselves. If the Department of Primary Industries thinks it should pass that advice on to oyster growers in the area that may provide them with the opportunity to relocate their oysters into an area where they can recover themselves in the normal time periods. The Department of Primary Industries is working through that information provided by the lead agencies and will provide it through the interagency response and the Environment Protection Authority. The updated information will be provided at the community meeting tomorrow night.

**The Hon. PETER PRIMROSE:** I ask a supplementary question. Will the Minister elucidate on the following: If as part of the review and consideration more extensive closures are required, will compensation be considered?

**The Hon. NIALL BLAIR:** As I said, let us address the facts and issues at hand. Let us make sure the agencies are responding as quickly as possible, which I am sure they are. Let us make sure the information that is gathered is confirmed and is communicated to the community and then we will talk about what will happen once we know what we are dealing with. We will make a considered, rational but appropriate response. Very little can be gained by speculating what may happen in the future. Let us get the issue at hand addressed in a calm, rational and appropriate way. Let us make sure the community is up to date and that all government agencies with responsibility are working together for the people in that area.

### **PLUMTREE FAMILY STORYSHARING PROJECT**

**The Hon. CATHERINE CUSACK:** My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister provide information on his recent visit to Plumtree to launch the Family StorySharing Project?

**The Hon. JOHN AJAKA:** Earlier this month I visited Plumtree to launch its Family StorySharing Project. Plumtree, formerly known as Pathways Early Childhood Intervention, was established in 1998 in Marrickville in the inner west. Plumtree provides supports to young children and their families through the provision of therapy, learning and play-based activities and opportunities to interact with their peers. Plumtree has a family-centred approach that recognises that each family is unique and supports young children to be part of the community. The approach attracts families from culturally and linguistically diverse and Aboriginal and Torres Strait Islander backgrounds, with 62 per cent of its service users identifying as being from a culturally diverse background and 10 per cent identifying as being from an Aboriginal background. Plumtree recognises that families find support in sharing their stories with each other but face barriers in finding the time to do that when they are focused on providing the best they can for their child.

Plumtree's Family StorySharing Project is an online capacity-building initiative in which families of

young children with disabilities share their stories of using individual funding so that other families can learn from their experiences. The key message of the project is that every family can develop their capacity to manage individual funding. The 13 stories from participants focus on the process the participants went through to receive and utilise their individual funding. I was honoured to meet such committed individuals, families and carers and hear their stories of how individualised funding has made a positive impact on the lives of their children and families. The project reinforces the belief that every family can develop their capacity to manage individual funding and that families learn best from sharing their experiences.

With the impending rollout of the National Disability Insurance Scheme [NDIS] across New South Wales the launch of the project is both timely and important. It is timely because now is the time to help people with disabilities and their families to understand how individualised funding might work for them. It is important because hearing other people's stories is key to helping families realise the potential that the NDIS and individualised funding can unlock for them.

Plumtree has successfully trialled a small, self-managed funding allocation under its EarlyStart Program—a hybrid funding model using block funding to provide individual funding to families. That initiative has given families of young children with disabilities voice, choice and control. In 2012 the EarlyStart hybrid model won the inaugural National Disability Services Industry Innovation Award in the category of excellence in promoting inclusion of children and young people with disabilities and their families. The Family Story Sharing Project builds on the success of the hybrid funding model, which has given families the experience of trying, testing and managing their individualised funding.

The NDIS marks a huge shift in a move to individualised funding and this project highlights Plumtree's innovative approach in that space. I have visited Plumtree a number of times and have always been struck by its innovation and ability to put families and people with disabilities at the centre of what it does. I commend Plumtree for its wonderful initiative. It has shown its leadership in building the capacity for families and children with disabilities to successfully transition to the NDIS. I congratulate the staff of Plumtree and all families who work with Plumtree towards the betterment of their children.

## YOUTH MENTAL HEALTH

**The Hon. PAUL GREEN:** I seek the indulgence of the House to wish my colleague Reverend the Hon. Fred Nile a happy birthday. He is 81 years old today. My question without notice is directed to the Minister for Primary Industries, representing the Minister for Mental Health, and comes from very concerned students at Ambarvale High School. Given that around 75 per cent of all severe mental illnesses start before the age of 24 and that by the age of 21 just over half of all young people will have experienced a diagnosable psychiatric disorder, would the Minister update the House on youth mental health initiatives and their successes, particularly for issues such as bullying, depression and anxiety?

**The Hon. NIALL BLAIR:** I also take this opportunity to wish Reverend the Hon. Fred Nile a happy birthday.

**The Hon. Duncan Gay:** Can you sing?

**The Hon. NIALL BLAIR:** I cannot sing so that is something we will not be hearing. I thank the member for his question to the Minister for Mental Health. He told me earlier today that the girls at Ambarvale High School have a particular interest in mental health. It is encouraging that school groups are considering the impacts of things such as bullying, depression and anxiety on not only themselves and their friends but also their peers. Questions about the specifics of the programs that are available are best answered by the relevant Minister. I will take the question on notice and come back to the member with a detailed answer. I am sure he will relay the answer to Ambarvale High School, which is near Campbelltown. I thank the member and the students for their interest in this important issue affecting many young people in New South Wales.

## WILLIAMTOWN LAND CONTAMINATION

**The Hon. PENNY SHARPE:** My question is directed to the Minister for Ageing, representing the Minister for Health. Is the Minister aware that on 11 September NSW Health reissued a warning about chemicals leaking from Williamstown RAAF base, which said, "Ground water and fish from the local creeks were tested for PFOS and were found to contain high levels"? Has NSW Health been too slow to inform the community about the health risks of consuming local water and fish from in and around the Williamstown RAAF base?

**The Hon. JOHN AJAKA:** Clearly, members opposite have not listened to the Hon. Niall Blair in every answer he has given in relation to this matter. They are not listening. What are they going to do? Simply change the question each and every time? I will refer the question to the Minister for Health, but it is time that members opposite start listening to the answers being given and stop making up their own answers.

## MURRAY-DARLING BASIN PLAN

**The Hon. SARAH MITCHELL:** My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on the New South Wales Government's approach to the Murray-Darling Basin Plan?

**The Hon. NIALL BLAIR:** During my time as Minister for Primary Industries, and Minister for Lands and Water I have met with many individuals, community groups and business owners about access to water under the Murray-Darling Basin Plan. Above all else, water users in New South Wales require a greater degree of certainty about future availability so that they can effectively plan for their business and contribute to the growth of regional economies. The issue of Commonwealth water buybacks throughout the Murray-Darling Basin has been and continues to be a concern for the New South Wales Government.

The New South Wales Liberal-Nationals Government has maintained a strong opposition to any further primitive, blunt and non-strategic buybacks in the Murray-Darling Basin—particularly in areas where we are getting close to achieving our sustainable diversion limits [SDL] reduction targets. We see buybacks as a crude instrument for water recovery, which have had significant social and economic impacts on many regional New South Wales communities. Most significantly, buybacks have created a lot of ongoing uncertainty across the State and we have continued to push the Commonwealth Government to stop this blunt-axe approach. Instead we have demanded that the Commonwealth focus on programs and projects that support our irrigation communities and increase agricultural productivity.

The legislation introduced into the Commonwealth Parliament on 28 May 2015 is in line with the Commonwealth's previously stated intention to limit buybacks at 1,500 gigalitres. I am happy to say that the legislation passed through the Federal Senate yesterday and it gives Murray-Darling Basin communities some certainty. However, in the opinion of the New South Wales Government 1,500 gigalitres is still too high. We do not want to see it used as an excuse to undertake further open buybacks, albeit within the cap. On behalf of our rural and regional communities I have remained steadfast that we require the Commonwealth to give priority to infrastructure over licence buybacks to achieve the lower extraction limits allowed under the basin plan. Importantly, we want the Commonwealth to make better use of available water to ensure that we are achieving the most we can from our available resources.

I have always maintained that infrastructure investment and environmental works and measures are the most sensible way of achieving the social, economic and environmental outcomes of a basin plan; not primitive, non-strategic and blunt water buybacks. The position of the New South Wales Government is that water savings through infrastructure and options for sustainable diversion limit adjustments should and must be fully explored. This position remains unchanged from the very start of the basin plan

process.

The Commonwealth must work with the States to achieve the maximum possible from the SDL adjustment mechanism projects to reduce the amount of water recovery required to achieve the environmental outcomes of the basin plan. At the recent Murray-Darling Basin Ministerial Council meeting, Ministers received a report from the independent stocktake of the SDL adjustment mechanism, which stated that outcomes of at least 500 gigalitres were feasible and that Ministers should continue to develop further projects to deliver on the 650 gigalitres of supply offsets identified in 2012.

A number of water savings infrastructure projects are underway in New South Wales to assist in bridging the gap to the basin plan's SDLs under the Commonwealth's \$1.5 billion commitment to New South Wales projects. In conclusion, I emphasise that we want to see not only a productive and efficient irrigation industry in New South Wales but also efficient, outcome-driven environmental water delivery. I cannot overstate how important it is that we achieve a triple bottom line approach when it comes to the Murray-Darling Basin. New South Wales has been consistently in this space and I will continue to advocate for that approach.

**The Hon. DUNCAN GAY:** If members have further questions, I suggest they place them on notice.

### **EMISSIONS REDUCTION TARGETS**

**The Hon. DUNCAN GAY:** On 11 August 2015 Ms Jan Barham asked me a question about emissions reduction targets. The Premier has provided the following response:

In 2014, the NSW Government made a submission to the Commonwealth's review that recommended retaining the Renewable Energy Target.

NSW is pursuing a broad strategy on climate change, including supporting the development of renewable energy to attract jobs and investment to NSW.

### **LEVER-ACTION SHOTGUNS**

**The Hon. DUNCAN GAY:** On 11 August 2015 the Hon. Robert Borsak asked me a question about lever-action shotguns. The Minister for Justice and Police has provided the following response:

The NSW Police Force has advised me that there is no specific weapon category of lever-action shotgun in the COPS system. A manual examination of event narratives of all offences between 1 July 2010 and 30 June 2015 where a shotgun was recorded as the weapon used did not reveal any events where the weapon was recorded as a lever action shotgun.

### **COLYTON TRAFFIC MANAGEMENT**

**The Hon. DUNCAN GAY:** On 11 August 2015 the Hon. Daniel Mookhey asked me a question about Colyton traffic management. I provide the following response:

I am advised:

Please refer to *Hansard* 12 August 2015.

### **DRUG REHABILITATION SERVICES**

**The Hon. JOHN AJAKA:** On 11 August 2015 Reverend the Hon. Fred Nile asked me a question about drug rehabilitation services. The Minister for Health has provided the following response:

I am advised:

The New South Wales Government will consider the individual merits of bills put before the Parliament.

### **INDIGENOUS VOCATIONAL EDUCATION AND TRAINING**

**The Hon. NIALL BLAIR:** On 11 August 2015 Dr John Kaye asked me a question about Indigenous vocational education and training. The Minister for Skills has provided the following response:

An Aboriginal person who already holds a Certificate IV or higher level qualification can still access Smart and Skilled training up to a Certificate III level as an apprentice or trainee, or can access higher level qualifications at Certificate IV and above. Such students will not have to pay a fee.

**Questions without notice concluded.**

**Pursuant to sessional orders debate on committee reports proceeded with.**

### **SELECT COMMITTEE ON MINISTERIAL PROPRIETY IN NEW SOUTH WALES**

#### **Report: Ministerial Propriety in New South Wales**

**Debate resumed from 25 August 2015.**

**The Hon. TREVOR KHAN** [5.03 p.m.]: I make a brief contribution to debate on the report of the Select Committee on Ministerial Propriety in New South Wales. I make the observation that the committee was established with great fanfare by the then Leader of the Opposition in this place, the Hon. Luke Foley, who worked with crossbench members to see this committee established. As has been observed previously, one could view this committee as some sort of ongoing roving royal commission into various matters that one anticipated would be pursued with some alacrity. But after its first attempt at holding an inquiry, which can realistically be said to have bombed, very sadly—

**The Hon. Dr Peter Phelps:** The *Hindenburg* crashing into the *Titanic* would have been less of a disaster.

**The Hon. TREVOR KHAN:** I acknowledge that interjection. It plainly demonstrated that if a committee is established without clearly defined purposes and without a membership that shows a diligent desire to reach an outcome, it results in a meandering mess. Sadly, I have to say this committee was perhaps the most disappointing one that I have been involved in for some time. I have heard the suggestion that there was some need for Ministers from the other place to subject themselves to inquiry, and that was the excuse for why it went no further. But in reality if one looks at the minutes one can see that that was not what brought the committee to a grinding halt; it was either a lack of interest or members of the committee—particularly the Opposition members—being distracted by other things.

So I make the observation that if members opposite wish to engage in stunts such as this in the future I will continue to make myself available to participate enthusiastically. But I hope they show an equal willingness to be enthusiastic about the role that committees play, the capacity of committees to advance democracy in New South Wales and the capacity of our committee structure to inform the general public. If what they seek to do is to use committees for stunts, then failures such as this will simply be repeated over and over again. I thank the House.

**The Hon. ADAM SEARLE** (Leader of the Opposition) [5.06 p.m.]: The Select Committee on

Ministerial Propriety in New South Wales did some important work—in fact, one of the things it did was to examine and to recommend that the New South Wales Government bring forward legislation to implement a commissioner for standards model, as recommended in the Legislative Council Privileges Committee report entitled "Recommendations of the ICAC regarding aspects of the Code of Conduct for Members, the interest disclosure regime and a parliamentary investigator". It was an important recommendation that has still not been acted upon by the Government. The fact is that the commissioner for standards model has been implemented and has worked well in other jurisdictions such as Canada and the United Kingdom, and there is no good reason that it should not be utilised here. Far from being a stunt, as the previous speaker indicated, the committee did important and valuable work and has made a number of sensible recommendations that should be embraced by those opposite.

**The Hon. ROBERT BORSAK** [5.08 p.m.], in reply: I thank the Hon. Trevor Khan for his contribution. He is a great participant in committees, especially when he believes the committee is not worth much. Although his contributions are most conscientious, he often leads the committees of which he is a member down some interesting paths. One reason the Select Committee on Ministerial Propriety in New South Wales did not get very far was that we did not get the cooperation we sought and were hoping for from Ministers in the other place. Also, I guess crossbench members found a better tool to deal with the Premier at the time—that is, production of documents orders under Standing Order 52. This is the third or fourth time we have tried to wrap up this inquiry. I again thank all members for their contributions—such as they were.

**The Hon. Dr Peter Phelps:** Mine was good.

**The Hon. ROBERT BORSAK:** I note that interjection. The contribution of the Government Whip was even better than that of the Hon. Trevor Khan. Indeed, I am sure if he had an opportunity to have another say he would take it. I thank Hansard and all staff who worked on this momentous, groundbreaking committee. I commend the report to the House.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Motion agreed to.**

#### **SELECT COMMITTEE ON THE CONDUCT AND PROGRESS OF THE OMBUDSMAN'S INQUIRY "OPERATION PROSPECT"**

**Report: The Conduct and Progress of the Ombudsman's Inquiry "Operation Prospect"**

**Debate resumed from 6 May 2015.**

**The Hon. ROBERT BORSAK** [5.10 p.m.]: I am pleased to speak to the report of the Select Committee on the Conduct and Progress of the Ombudsman's Inquiry "Operation Prospect". From the outset, I acknowledge that this was a highly contentious and publicised inquiry. The number of people who attended the hearings and the media coverage this inquiry received were quite extraordinary. On behalf of all committee members, I thank in particular the committee secretariat and the Clerk's office for the tremendous work and painstaking efforts they put into this very difficult inquiry. We all had to grapple with a range of conflicting material and procedural obstacles. When people's wellbeing and reputations are in question, it makes it all the more difficult to find the right balance.

The inquiry's terms of reference were established by resolution of this House on 21 November 2014. The terms of reference, which are listed in full in the prelude to the report, required the committee to inquire into and report on an extensive range of matters. The committee received 28 submissions and five supplementary submissions, all of which dealt with very sensitive and contentious material. Because of those sensitivities, some were made in confidence and the names of those individuals cannot be published in the report. The committee held five public hearings in Parliament House. Some 20 witnesses

appeared before the committee, and I thank them for the information they provided. I thank also everyone who made a submission to the inquiry.

For some of those witnesses it would have been very difficult to recount events that had caused such trauma in their lives. Indeed, many of them have been trying to resolve this issue for more than a decade. The inquiry provided a platform for them to voice their concerns, not have them fall on deaf ears. I thank the committee members, deputy chair Mr David Shoebridge, the Hon. Niall Blair, the Hon. Trevor Khan, the Hon. Natasha Maclaren-Jones, the Hon. Lynda Voltz and the Hon. Adam Searle, for their cooperation and thorough approach to the conduct of this inquiry, particularly as it involved such sensitive and delicate material. I thank Hansard, the Clerk's office and the committee secretariat for their professional support and valued assistance in preparing this report in a very tight time frame. I know for a fact that the committee secretariat went far and beyond what would normally be expected of them during any other inquiry.

Whilst the committee faced challenges procedurally and in gaining access to critical documents from the New South Wales Government, the inquiry was instrumental in airing publicly matters that had been kept in the dark for far too long. The report, which comprises seven chapters, is detailed and concise; it is an accurate reflection of the lively issues that faced the committee. I will now endeavour to encapsulate the essential material published in the report, in conjunction with the findings of the committee. Chapter two consists of a time line of key issues and events to provide context to both this inquiry and the inquiry currently being undertaken by the Ombudsman. It begins with a discussion of the Wood Royal Commission into the New South Wales Police Service, and concludes with an outline of the ongoing NSW Ombudsman's inquiry into Operation Prospect. In evidence to the committee, the Ombudsman indicated that he would endeavour to produce his final report in June 2015. We now know that to be untrue.

Chapter three explores the integrity of a number of listening device warrants obtained during Operation Mascot—an issue at the heart of this inquiry. This chapter focuses specifically on a listening device warrant issued by Justice Bell in September 2000 and its supporting affidavit. Evidence produced by Deputy Commissioner Nick Kaldas highlighted the serious questions hanging over the integrity of and necessity for the listening device warrants issued at the time. On 14 September 2000 listening device warrant number 266 was issued by Justice Bell under section 16 of the Listening Devices Act 1984. That warrant authorised the monitoring of private conversations of 114 people to be listened to or recorded, including a number of serving and former police officers, reporters and civilians.

One of the most controversial aspects of the Justice Bell warrant is the unusually large number of names on it. This raised serious concerns as the committee sought to understand the circumstances in which 114 people came to be listed on a single warrant. As we were told by others, this has never happened before and nor has it happened since. The committee considered an explanation provided by Mr Peter Ryan, the former Commissioner of Police, on *60 Minutes* in 2002, and that provided by Deputy Commissioner Catherine Burn about a memorandum she drafted in 2002. The committee was troubled by Mr Ryan's interview on *60 Minutes* in 2002 and the incorrect explanation he provided publicly as to the circumstances of the Justice Bell warrant. The committee ultimately found that in April 2002 the then Commissioner of Police, Mr Peter Ryan, had provided an erroneous explanation to the public through the media as to why such a large number of names was included on listening device warrant 266-2000. Furthermore, the NSW Police Force never corrected the record by acknowledging publicly the erroneous explanation provided.

Another major area of consideration in this inquiry was how the Justice Bell warrant could have been granted. Indeed, the committee was alarmed that a listening device warrant could be granted when its supporting affidavit did not provide justification for the inclusion of 46 of the 114 people named. Such a deficiency is a troubling matter given the vast amount of oversight by solicitors, police and judges during the process. Ultimately, the application and supporting affidavit for listening device warrant 266-2000 did not provide the necessary facts and grounds to justify 46 out of the 114 people having their private

conversations listened to or recorded. The committee considered the claim that the warrants were "payback" and considered directly the question as to whether Deputy Commissioner Kaldas was inappropriately targeted during Operation Mascot. Inquiry participants were asked pressing questions and their submissions were vigorously tested by my fellow committee members.

The committee was concerned about the propriety of the Justice Bell warrant, among other listening device and telephone intercept warrants obtained during Operation Mascot. The committee found on the evidence before it that there was a compelling case to make a specific apology to Mr Kaldas and Mr Barrett, which we now do. The committee calls on the New South Wales Government to do the same. Chapter 4 discusses the genesis of Strike Force Emblems and its report. To this day, the investigation remains incomplete and its recommendations unimplemented. The lack of access to crucial material held by the New South Wales Crime Commission was a major impediment to the investigation. That has had a devastating impact on the credibility of the strike force's findings and recommendations.

I will not speak in depth about Strike Force Emblems suffice to reiterate some of the findings of the committee in respect of that investigation. The failure of the then New South Wales Crime Commissioner to cooperate with Strike Force Emblems prevented the effective completion of that investigation. This was compounded by the failure of successive police commissioners to demonstrate leadership by overcoming the barriers confronted by Strike Force Emblems. Nevertheless, the committee commends the members of Strike Force Emblems for conducting a thorough and professional investigation into serious allegations regarding police misconduct, including its pursuit of material necessary to complete this investigation.

Chapter 5 discusses the personal and professional impact of the events associated with Operation Mascot on those individuals named inappropriately on warrants, as well as those who have been accused of improper or illegal actions in relation to the warrants. Without a doubt, the events associated with Operation Mascot and the obtaining of controversial listening device warrants and telephone intercepts have had a profound impact on all involved. Deputy Commissioner Nick Kaldas spoke to the committee about the consequences of his privacy being intruded upon. He said:

... I felt every aspect of my life was invaded: my phone calls, my work, my private life despite no real accusation being levelled at me. I have not done anything that would justify this level of intense intrusive targeting.

The Police Association also noted the mental health impact these ongoing issues have had on officers, particularly as the complaints have been left unresolved for years. Mr Steven Barrett, a former journalist whose reputation has since been destroyed, was also listed on the warrant granted by Justice Bell. He described the devastating impact that the invasion of his privacy has had on his private and professional lives. Similarly, Deputy Commissioner Burn is concerned about lingering and unresolved allegations against her as a result of her role as team leader on Operation Mascot. The effect on individuals associated with the operation has been extraordinary and shocking, to say the least. The Premier of New South Wales and the Commissioner of the NSW Police Force should immediately apologise to any person who has been named inappropriately on listening device and/or telephone intercept warrants obtained by Special Crimes and Internal Affairs. That would ensure confidence in the investigative process and uphold the rule of law.

Chapter 6 of the report examines the current inquiry by the Ombudsman, Operation Prospect, and details the various complaints that have been made regarding its conduct and progress. The length of time that Operation Prospect has taken, the conduct of its hearings in secret, as well as a perceived focus on the leaking of information instead of the allegations of illegally obtained warrants, were of great concern to the committee. The issues are now the subject of a subsequent inquiry. I will await the findings of that inquiry before I make detailed comments on it. The conduct of Operation Prospect is a cautionary tale. Important lessons need to be learned from this process, not only by the Ombudsman but also by any oversight agency that may undertake such an enormous and important investigation in the future. These

investigations impact substantially upon the livelihoods of everyone involved. The stress and anxiety placed on individuals during such times, particularly those who are the subject of investigations, must be mitigated in the future. We also need to ensure the timely and impartial resolution of these matters.

The final chapter of the report considers two critical themes of the inquiry relevant to a post Operation Prospect future. The first concerns the leadership of the NSW Police Force. The second deals with the efficacy of existing police oversight arrangements. With respect to the first issue, the committee identified the lack of leadership shown by successive commissioners of police in addressing the legality of warrants during Operation Mascot and Operation Florida. This inaction has created a toxic atmosphere in the NSW Police Force executive, with two of its deputy commissioners at odds over the controversy. During the inquiry the President of the Police Association of NSW, Mr Scott Weber, noted the huge impact that the lack of resolution of these complaints has had on the morale and health of the NSW Police Force and the functioning of the organisation at all levels.

Recommendation 6 of the report offers a viable solution to the broad issue of police accountability and oversight. The committee recommends that the New South Wales Government establish a well-resourced police oversight body to deal with complaints quickly, fairly and independently. Such a body would be underpinned by a Legislative Council inquiry into the most appropriate structure to achieve this. This should have been done years ago. This inquiry highlighted deep flaws in the system for investigating police complaints in New South Wales, where multiple agencies with insufficient independence from the NSW Police Force are responsible for police oversight.

There is no doubt that this inquiry has proven to be one of the most explosive that the Parliament has seen in recent times. The content and issues that the inquiry addressed helped shine the spotlight on areas that would otherwise have remained in the dark. Given that the Ombudsman has not completed his inquiry into Operation Prospect, the issues I have mentioned are still up in the air and a lot of questions remain unanswered. I urge all members of Parliament to read and consider the report. It is an intriguing and intimate analysis of what has gripped the NSW Police Force for more than a decade. I am sure that this issue is not finished and will be canvassed further by this Parliament in the near future. I commend the report to the House.

**The Hon. TREVOR KHAN** [5.24 p.m.]: I speak in debate on the important report entitled "The conduct and progress of the Ombudsman's inquiry 'Operation Prospect'". Unlike the negativity I expressed when discussing the previous report of the committee, I commence by saying that this report is a demonstration of committee work at its highest level. I will talk later about the complications that the committee experienced, but if Legislative Council committees are established to deal with difficult issues and for members to work towards a common end—if not entirely cooperatively—then this is a perfect example. I congratulate the chair of the committee, the Hon. Robert Borsak, on his capacity not only to bring together a substantial report but also to keep a degree of calm under fairly tense circumstances at times. I observe that the amount of work that went into this report was demonstrated by the penultimate deliberative that occurred.

**The Hon. Dr Peter Phelps:** The infamous deliberative.

**The Hon. TREVOR KHAN:** Yes. It started at noon and went through to 8.30 p.m.

**Mr David Shoebridge:** With 40 minutes for dinner.

**The Hon. TREVOR KHAN:** Yes, with about 40 minutes for a tea break. It recommenced the following day and lasted for another couple of hours. That was draining for the committee members, but the committee secretariat willingly put in a monumental effort to see the matter concluded. They should be not only congratulated and thanked but also honoured for their persistence in watching the at times interesting spectacle of members in a degree of disagreement. This committee report builds upon the reports of other committees that recently have developed a new area of law. That relates to the

relationship of the Parliament, and particularly its committees, with the statutory secrecy provisions that exist under a raft of legislation. It points to the importance of the committee system and the dangers that can arise if we are not alive to potential problems.

Clearly, there is a benefit in committees getting to the bottom of problems. In this case the committee received extremely sensitive documents. Assumptions were made about the supporting affidavits at the commencement of the inquiry. There was much discussion about whether a particular supporting affidavit should be made public. It was a matter of contention. The problem became clearer with time. I make particular note of the constructive contributions made by the Hon. Lynda Voltz in this regard. The problem was that the affidavit contained the names of police officers, former police officers and other people. There was a danger that the committee, by the publication of that material, had the capacity to expose people to embarrassment or worse, in that it may have disclosed the names of people who were involved in criminal conduct or alleged criminal conduct.

The committee had other documents that disclosed the name of someone who could loosely be described as a police informer. The danger was that that material could have been disclosed if the committee had, under its powers, applied the rule of "if in doubt, publish". That led all committee members to take a breath and consider how to deal with matters like this in the future. More by good grace than good judgement, apart from one occasion when a name was disclosed that should not have been—and, because the committee hearing was webcast, that name was published to all the world—the committee got through it. I do not think we could necessarily guarantee that all of the decisions we made were as well thought through as they could have been. Indeed, in some cases, I think we would have done it differently.

This was a very difficult committee. At times there was considerable passion on both sides as to how we should proceed. There is no doubt that the matters at the heart of our inquiry and at the heart of Operation Prospect are highly important to the people involved, but they are also highly important to everyone in New South Wales. How these interception warrants are granted is, in my view, a matter of considerable concern, and I endorse entirely the comments made by the Hon. Robert Borsak in that regard. To this day, I do not have—nor, I believe, do any of the committee members—a clear explanation as to how the Bell warrant was ever granted. I think it will remain one of life's great mysteries.

The great concern, of course, is that multiple interception warrants were granted. The danger is that the level of scrutiny of the supporting affidavit material may well have been as poor in those other warrants as it was in the Bell warrant itself. Putting aside this operation, we do not know how many more interception warrants have been issued in similar circumstances over the years, and that is a matter of legitimate concern. I conclude by making the following observation: When we went into this inquiry there were preconceived ideas as to the role of Deputy Commissioner Catherine Burn. Those preconceptions were wrong. The newspaper reporting of her role was wrong. Criticisms may be made of her involvement in the original investigations—and that is for another place—but it is simply wrong to suggest that she was in some way a grand conspirator. In my view, it is not a matter for an apology but it is clearly a matter for acknowledgement that her role was relatively minor in the original operation.

**Mr David Shoebridge:** Relatively junior.

**The Hon. TREVOR KHAN:** Relatively junior, that is an appropriate description. With regard to Deputy Commissioner Kaldas, our report made recommendations. But I was concerned throughout the inquiry that Deputy Commissioner Kaldas was one of many who were the target of this operation. In many ways, Deputy Commissioner Kaldas has been front and centre in people's minds, but I do not believe he is any different to others who were the subject of these warrants, if it was inappropriate that they be identified. It is possible that each and every one of them was the subject of what was, in effect, illegally obtained or improperly granted interception warrants. Each and every one of those people has equal justification to see this matter cleared up.

During this inquiry and the subsequent inquiry, very considerable criticism of the Ombudsman, Bruce Barbour, was made by some people. I do not share all of that criticism. Mr Barbour took on an enormously difficult task, which has resulted in the accumulation of about one million pages of material. The exercise that he became involved in was capable of crushing any person and I believe he is entitled to be congratulated on his efforts and that he should not be criticised.

**The Hon. ADAM SEARLE** (Leader of the Opposition) [5.34 p.m.]: I concur with the observations made by the chair of the committee, the Hon. Robert Borsak. I will not elaborate on the findings and recommendations but I believe it can truthfully be said that this was a committee that tried to come to grips with very substantial public policy issues as well as a live controversy that had been left unresolved by the institutions of the State for more than a decade. It was a complete disgrace that this matter was not able to be adequately or properly resolved. The inquiry showed that the overlapping responsibilities for police oversight by a number of bodies contributed to the problem, particularly the non-cooperation—which was elaborated on in the report of the Crime Commission—with Strike Force Emblems, which completely stymied the police investigation.

That a properly constituted investigation by the NSW Police Force could be brought to a complete halt by the non-cooperation of an agency of the State, much less one of the importance and significance of the New South Wales Crime Commission, was unfortunate and such a situation must never happen again. I acknowledge the contribution to the debate by the Hon. Trevor Khan. I agree with a lot of what he has said, particularly about the conduct of the committee and the committee members and the way in which we worked diligently and mostly cooperatively—

**Mr David Shoebridge:** Respectfully.

**The Hon. ADAM SEARLE:** —or at least respectfully, to come to terms with the information before us and to make sense of it, and to make sensible findings and recommendations. The process and outcome of this committee in its report are a high watermark of the operation of the committees of this Parliament. However, I believe legitimate criticisms can be made of the conduct of the former Ombudsman and his office in undertaking the two inquiries that were given to that office. I will not elaborate upon those criticisms because they are dealt with in detail in another committee, that is, the Progress of the Ombudsman's Investigation "Operation Prospect", undertaken by General Purpose Standing Committee No. 4, which included five of the same committee members who were on this committee. Nevertheless—and this came through in the submissions made by the former Ombudsman as well as in his evidence given to the committees—it was clear that, to put it mildly, the former Ombudsman did not welcome scrutiny of his office or of himself or his officers as to the way in which they have undertaken the charge given to them by the Parliament.

The Office of the Ombudsman plays a very important role in this State; it is to inquire into and to shine a light on aspects of government administration that governments of the day do not readily welcome. That is appropriate and that is the role of the Ombudsman. The committee was dealing with a situation of enormous controversy and a matter that was of huge significance to the persons who were the subject of the warrants, which, on the material before the committee, seemed to be at least improperly issued and, in my view, likely to be unlawfully issued. Not only was that of significance to the people involved but also a lot of currency was given to the fact that a person engaged in at least part of the operation that led to the issuing of those warrants is now a deputy commissioner of police and one of the people who was the subject of at least one of the warrants is also a current deputy commissioner of police.

What made the issue so pressing was not that it was an old wound that had not healed but that it was a live controversy which, it was apparent on the information, was impeding at least the smooth if not effective operation of the top echelon of the NSW Police Force. That two of the three most senior police officers in New South Wales were clearly in a state of non-cooperation—and probably much worse—meant that this matter was well and truly overdue to be addressed. We did our best to address it,

as well as the Ombudsman's conduct. Finding 10 is enormously important because it was clear that the NSW Ombudsman should not have incorporated both the legality of the warrants and the leaking of confidential information into a single inquiry. Doing so resulted in participants, whether they were complainants or alleged perpetrators, suffering a delay in the completion of the inquiry. The inquiry has now cost some \$6 million and has taken three years. That is longer than the original operations that were at the heart of the inquiry.

In the time left to me I will dwell on what I regard as the most important aspect that the committee deliberated upon—that is, that the application and the supporting affidavit for listening device warrant 266 of 2000, the Bell warrant, did not appear to provide the necessary facts and grounds to justify 46 of 114 people having their private conversations listened to and/or recorded. As the previous speaker identified, we had only a couple of these documents before us, but it was clear that they were cut-and-paste jobs that were rolled over every few months. It may be that many of the flaws that we saw were as a result of that cutting and pasting and an accumulation of names in these rolling warrants. Recommendation 1 of the committee—and it is important that it was recommendation one—states:

That the NSW Government establish an open and independent inquiry to review the current system for granting surveillance device warrants, to:

- ensure legislative compliance
- promote the integrity of the system

It continues with other matters that I will not presently go into. It is clear that this needs to be done to enhance the integrity of the process and to restore public confidence. It is unfortunate that the Government has not responded. I know that the Government has not responded to this inquiry because the Executive takes the view that the inquiry is now defunct, either when the committee delivered its report or because of the prorogation of Parliament, and it will respond to the second inquiry conducted by General Purpose Standing Committee No. 4. However, this matter is pressing and needs urgent action.

I note from a news article of 13 May 2015 in the *Sydney Morning Herald* that justices of the New South Wales Supreme Court are now required to give written reasons for issuing warrants authorising covert surveillance, such as listening devices, and that these written reasons are to be placed in a sealed envelope alongside the court documents. As I understand from the article, this was as a result of the action of the Chief Justice of the New South Wales Supreme Court, the Hon. Tom Bathurst. It is a good initiative that reasons be formulated and attached to the court documents but what we do not know is how or in what circumstances they can be accessed or whether they can be legally accessed in circumstances where there is a subsequent challenge to the warrant.

It is implicit for judges doing this work now to be required to give reasons, although those reasons are not public. An inquiry into the system of surveillance device warrants and intercept warrants generally needs to be undertaken. One of the committee's recommendations was for a unified police oversight body. The Government, rather than leaving that to the Standing Committee on Law and Justice, commissioned a former shadow Attorney General and shadow Minister for Police, Mr Andrew Tink, to look into it. I believe Mr Tink has delivered his report to the Government. I look forward to seeing that report. That work is very important but there is a pressing need to overhaul and review the system of the granting of surveillance device warrants in this State.

**Mr DAVID SHOEBRIDGE** [5.44 p.m.]: As a member of the Select Committee on the Conduct and Progress of the Ombudsman's Inquiry "Operation Prospect", it was an extremely humbling process to be part of a committee dealing with one of the most difficult political and legal issues facing the administration of the NSW Police Force and our legal system in the last decade and a half. I give credit to the chair of the committee, the Hon. Robert Borsak. Before the establishment of the committee, we discussed the terms of reference and their scope but I do not think either of us realised the amount of

work we were creating for ourselves and the other committee members. I echo the words of the Hon. Trevor Khan that the work of this committee was respectful and largely collegiate. We did have some significant differences of principle and practice but those differences were worked out in a respectful fashion.

I agree with the Hon. Trevor Khan's conclusion as to the outcome of committee deliberations in terms of protecting the identity of individuals who, if their identity had been disclosed, potentially faced harm either in their police career or in their standing in the broader community. I agree that in the protection of police informants and the integrity of our criminal justice system that we made the right calls, some of which were hotly contested. There has been a lot of discussion about personalities in this report—in particular the two deputy commissioners—but two substantive recommendations in the report go beyond any individual named and look at the way in which the criminal justice system and the oversight of the NSW Police Force is woefully inadequate. The first of those two recommendations is recommendation 6, which states:

That the NSW Government establish a single, well-resourced police oversight body that deals with complaints quickly, fairly and independently.

That the Legislative Council Standing Committee on Law and Justice inquire into and report on the most appropriate structure to achieve this.

That recommendation has been implemented in part by the Government with the Tink report. The Tink report has been handed to the Government. There is no doubt that the way in which oversight of police is conducted in New South Wales is a comprehensive mess, with overlapping jurisdictions sometimes competing for work and for status. There is a very opaque oversight through the current Ombudsman; a tiny caseload being adopted by the Police Integrity Commission; and antipathy between the Police Integrity Commission, the Police Association and police, some of it well-founded and some of it not.

At the core of 99 per cent of investigations of police conduct in this State is the fundamental conflict of police investigating police. That needs to be fixed. I hope the Tink report has found a comprehensive way through that mess and we will have a single, well-resourced police oversight body that deals with complaints quickly, fairly and independently. Recommendation 6 has worked. However, recommendation 1 of the committee has not been implemented, even in part, yet it goes to the whole reason we have had this dysfunction in the police for the better part of 15 years and is the very cause for the establishment of this inquiry. Recommendation 1 states:

That the NSW Government establish an open and independent inquiry to review the current system for granting surveillance device warrants, to:

- ensure legislative compliance
- promote the integrity of the system
- consider the establishment of an Office of Independent Counsel to provide independent legal representatives to test the veracity of surveillance device warrant applications by law enforcement agencies.

Why is that recommendation so important? I said earlier that these two recommendations go beyond any individual's experience. But when one looks at the experience of one named individual, Deputy Commissioner Kaldas, we can see why the absence of adequate oversight of this listening device warrant system, now the surveillance device warrant system, can create such pain and such unnecessary damage. He stated in his evidence in part to the committee:

There is no doubt in my mind that I was singled out during and after Operation Mascot a decade

ago and I felt every aspect of my life was invaded. My phone calls, my work, my private life, despite no real accusation being levelled at me. I have not done anything that would justify this level of intense intrusive targeting.

It became apparent that he was subject to scores of listening device warrants. In evidence in a public hearing, former Ombudsman Mr Barbour disclosed the extraordinary number of warrants against not only Deputy Commissioner Kaldas but also other named individuals—that is, Mr Harding and a journalist in this State. Why Mr Barbour did not inform them before he gave that evidence to our committee remains a mystery to me. Why Mr Barbour did not extend the courtesy of explaining it, given the obvious impact it would cause them, before he blurted it out in public remains a mystery to me. He sought to explain it in his later evidence, none of which I found compelling.

Two warrants caused this recommendation to be made by the committee. One was listening device warrant number 266, which was issued by Justice Bell under then section 16 of the Listening Devices Act—and which is largely replicated in section 20 of the Surveillance Devices Act—and was granted on 14 September 2000. That warrant authorised the private conversations of 114 people to be listened to and/or recorded, including at that time a number of serving and former police and civilians. In support of that warrant an affidavit was provided to Justice Bell which was sworn on about 14 September by a named individual, Mr Trehearne, who was then a detective sergeant with the NSW Police Force. That affidavit purported to set out the facts and grounds upon which the application for the listening device warrant was made. It was a lengthy affidavit which, from the evidence before us, was largely a cut and paste from earlier affidavits. However, it was clear that the affidavit and the application for the listening device warrant failed to establish even the most slender of cases.

There was not a skerrick of evidence for 46 of those 114 people who were listed on the warrant application upon which the court could have reasonably concluded that there was any case at all to allow for their privacy to be impugned and for a listening device warrant to be issued so that their private conversations could be intrusively listened into over a number of weeks by security agents in New South Wales. There was no reason at all. When committee members sought to understand the rationale for why that listening device warrant was granted, we were directed to a clearly false explanation—probably not knowingly false at the time—given by the then Commissioner of Police, Mr Ryan, in a *60 Minutes* program broadcast on 14 April 2002. Another explanation was provided by Ms Burn, now Deputy Commissioner Burn, which related in part to the infamous King send-off list. As well, a case was made that there were a series of other allegations against each of the named individuals in the warrant—even if they were not contained in the affidavit before Justice Bell they had been contained in earlier churned-over affidavits effectively.

At the core of it, a Supreme Court judge issued a listening device warrant against 114 named individuals when there was no case to answer on the material before her against 46 of them. How did that happen? We still do not know. What are the checks and balances? We now understand from Chief Justice Bathurst that judges now give a summary reason, maybe one or two sentences, that is contained in a sealed envelope on the file. That is not scrutiny. We have a system of justice that relies on checks and balances, people testing cases that are brought before them. That does not happen in relation to listening device warrants. That needs to be fixed. Recommendation 1 of the committee should be implemented as a matter of urgency by this Government. I commend the report and the work of my colleagues.

**The Hon. ROBERT BORSAK** [5.54 p.m.], in reply: I thank Mr David Shoebridge, the Hon. Trevor Khan and the Hon. Adam Searle for their kind words. I was put under a fair bit of personal pressure before this inquiry commenced. It was especially personal when the then Attorney General Mr Brad Hazzard visited my office. I might add I took no notice of him because that is my nature. If I am confronted in that fashion people will end up with a result they do not like, not what they think they will get. I will not be forced to kowtow. Before, during and after this inquiry I have been approached in the precincts of this House and on the street by lawyers, police and others, all of whom have commended me for having the

courage to conduct this inquiry in order to bring clarity and finality.

They refer not only to scrutiny of the Ombudsman's report but also to shining light on this dark area, which to my mind will not be resolved until the final report of the Ombudsman's current inquiry is handed down. The General Purpose Standing Committee No. 4 inquiry was important in order to finalise that process. The inquiry achieved what it set out to do. I do not think much more could have been done with the resources we were given and the time constraints we had.

**Mr David Shoebridge:** We did more in three months than the Ombudsman did in three years.

**The Hon. ROBERT BORSAK:** I acknowledge that interjection as it is exactly right. We were warned and I was threatened that our inquiry would derail the Ombudsman's inquiry. If there was any derailment of the Ombudsman's inquiry it would have been of his own creation and not because of something done by this committee. The Hon. Adam Searle and Mr David Shoebridge referred to the intermingling of who was causing or being blamed for the leaks and the victims of those listening device warrants. Mr Kaldas and others gave evidence that they did not know when they were being interviewed whether it was as a victim or a witness and that that made it very difficult in their mental attitude to the evidence they gave.

The former Ombudsman retired on 30 June and the new very competent Ombudsman is in place. I hope that he can pick up the cudgel and bring down a final report quickly. Given the depth of that inquiry, it will be difficult to get a clear set of results. The terms of reference of our inquiry helped us to get to the nub of our considerations, what we could find out and what was important. It became evident as we went through the process that the Strike Force Emblems report was far from secret and was floating around this city. It had been, in very large part, comprehensively leaked. It was strange for people to say that it was not available as it was a secret document when not only the media held it but one was slapped on my desk within two or three days of the commencement of the inquiry. I again thank very much the committee, the secretariat and all those who worked with us. Our deliberative took 10½ hours over two days and everyone had to delicately work their way through deciding who to quote and not to quote, what names to use and not to use. I am sure our score was 99 out of 100.

**Mr David Shoebridge:** And five different levels of secrecy at one point.

**The Hon. ROBERT BORSAK:** That is right. I have to say that without the legal skills of Mr David Shoebridge, the Hon. Adam Searle and the Hon. Trevor Khan—in no particular order—I could not have coped as chair of the committee. Their advocacy and understanding of the intricacies and processes of law as well as what courts do and do not do helped me an awful lot. I commend the report to the House.

**Question—That the House take note of the report—put and resolved in the affirmative.**

**Motion agreed to.**

## **SELECT COMMITTEE ON THE SUPPLY AND COST OF GAS AND LIQUID FUELS IN NEW SOUTH WALES**

### **Report: Supply and Cost of Gas and Liquid Fuels in New South Wales**

**Debate resumed from 6 May 2015.**

**The Hon. ROBERT BORSAK** [6.00 p.m.]: I am pleased to speak to the select committee report entitled "Supply and cost of gas and liquid fuels in New South Wales". The inquiry's terms of reference were established by resolution of this House on 6 November 2014. The terms of reference asked the committee to inquire into and report on gas and liquid fuels supply, cost and availability in New South Wales by considering factors affecting the supply, demand and cost of natural gas and liquid fuels in New

South Wales; and the impact of tight supply and increasing cost of natural gas and liquid fuels on New South Wales consumers. The terms of reference also asked the committee to inquire into the commercial conduct of gas producers and the operation of the international and domestic gas markets; the adequacy of Commonwealth and State cooperation in gas market regulation; possible regulatory responses to protect New South Wales gas consumers from adverse market fluctuations and failures; and the impact of closures of liquid fuel refineries and storages in New South Wales.

The committee received 36 submissions from various individuals and organisations representing government agencies, industry and community organisations, and subject experts. The committee held two public hearings at Parliament House on 28 January and 2 February of this year and conducted a site visit to AGL's Camden Gas Project in Menangle. The committee inspected the site with the assistance of officers from AGL and also visited gas wells on surrounding properties.

I thank everyone who put in a submission to the inquiry and the 20 individuals who took the time to appear before the committee and provide information. I thank committee members deputy chair the Hon Jeremy Buckingham, the Hon. Niall Blair, Mr Scot MacDonald, the Hon. Dr Peter Phelps, the Hon. Adam Searle and the Hon Mick Veitch. I thank all committee members for their cooperation and thorough approach to the conduct of the inquiry. I thank Hansard and the committee secretariat staff for their professional work in supporting the committee. I thank the secretariat also for their valued assistance in preparing the report.

The report comprised four chapters. Chapter 2 provides background information on the New South Wales gas market. It notes that 95 per cent of the State's gas supply comes from interstate and it documents recent developments in the eastern Australian gas market, including the creation of a Queensland gas export industry. That means that the State will face greater international competition for gas produced elsewhere in Australia. In addition, the actions taken by a number of public authorities in response to the changing eastern Australian gas market are identified.

The report reaffirms that gas is a vital energy resource. More importantly, more than one million New South Wales households require some form of gas supply for cooking and/or heating, with gas also being used by more than 33,000 New South Wales businesses employing more than 300,000 people. The dependency on gas by consumers and businesses in New South Wales is massive. The report went on to highlight recent developments in the eastern Australian gas market. Indeed, the market is currently undergoing significant change that is primarily driven by the development of liquefied natural gas [LNG] export facilities in Queensland, which connect gas suppliers to global markets for the first time.

In light of those market changes, in November 2014 the Government released the NSW Gas Plan in which the Government's key object regarding gas supply is "to secure, reliable, affordable and sustainable gas supplies for NSW households and businesses". The inquiry recognised that the Government must take whatever reasonable actions it can that are consistent with a market economy in order to protect households and businesses from potential shortages or price shocks, particularly by encouraging increases in supply.

Chapter 3 looks at two conflicting arguments regarding the future of the New South Wales gas market. The first argument is that the State is facing looming gas supply shortages and that an indigenous gas source is needed to secure supply and put downward pressure on prices. The second argument is that the demand for gas will significantly decrease as consumers and industries alike adjust to increased gas prices—which will rise regardless of whether there is an indigenous supply—by seeking alternative forms of energy. The chapter also considers issues relevant to gas market transparency and the commercial conduct of gas producers.

In light of our exposure to the changes occurring in the eastern Australian gas market, some inquiry participants made submissions predicting that the State will face considerable challenges in securing gas availability, particularly over the next five years. Certainly, AGL, Santos Limited and the

NSW Business Chamber made their positions very clear on that. In fact, the Government has acknowledged that the State is facing increasing competition for imported gas as producers look to sell their gas overseas and, along with other inquiry participants, flagged particular concerns surrounding the impact of gas shortages on the manufacturing industry. For example, the Australian Workers Union asserted that if nothing is done to secure affordable gas supply then employment, living standards, and economic competitiveness will be undermined.

A number of inquiry participants supported the development of an indigenous New South Wales gas industry in an effort to address the State's looming supply pressures. Australian Energy Market Operator estimates show that New South Wales has 85,000 petajoules of undeveloped gas resources and that the State's current demand is just greater than 150 petajoules per year. Conversely, some inquiry participants suggested that there will be significant reductions in demand—predictions differing to the Australian Energy Market Operator's forecasts that suggest only small demand decreases.

I support the proposition put forward by a number of participants insofar as there seems to be a lack of market transparency and accurate information on gas availability. Indeed, the lack of transparency in the gas market is a further impediment to making accurate predictions and formulating appropriate policies regarding its supply and potential price impacts. Access to information is a critical precursor to ensuring the effective operation of markets. The committee ultimately recommended that, given that the vast majority of the gas traded into New South Wales comes from interstate, the State's purchasers of gas should be better informed as to the total volume of gas available in the eastern Australian gas market. The Minister responsible should endeavour to work with the Council of Australian Governments [COAG] Energy Council to have information detailing the amount of gas available for purchase included on the National Gas Bulletin Board.

Chapter 4 considers how New South Wales should best respond to potential gas supply shortages and achieve energy security and affordability. It examines the policy of reserving gas produced in Australia for domestic use and discusses the impact of liquid fuel refinery closures. The impact of oil refinery closures on energy security in New South Wales is also addressed in the chapter. The committee conducted extensive inquiries into the expansion of indigenous gas supply in New South Wales as a means to mitigate any shortcomings in future supply and pricing issues. Many inquiry participants, including the Government, supported the State developing its own gas resources as a strategy to address said issues.

Given that our indigenous gas resources consist largely of unconventional gas in the form of coal seam gas, the committee did not accept the argument that the coal seam gas industry would by itself lead to any meaningful reduction in the domestic gas price. Rather, the development of coal seam gas may put some downward pressure on supply and pricing issues in the future if such pressures were to materialise. However, any expansion of the coal seam gas industry in New South Wales should only occur if it can be undertaken safely in accordance with the Chief Scientist's recommendations and is to the benefit of the State's households and businesses.

Another strategy to address energy security and affordability, which was raised during the inquiry, is the introduction of a domestic gas reservation policy, in which a proportion of the gas produced is quarantined for the domestic market. The NSW Gas Plan does not include a reservation policy. Discussions during the inquiry centred on whether we as a State have the means to do so and, indeed, whether such a policy would be viable. The supply and cost of gas and liquid fuels in New South Wales continues to be a pressing issue for the people of New South Wales—for both individuals and businesses.

In particular, the issues surrounding the changing landscape of the liquefied natural gas export market, the development of coal seam gas as a response to supply and pricing concerns in New South Wales, the market transparency and access to information, and the proposed gas reservation policies were all extensively and reasonably discussed. As a result, the report contains four recommendations. I

urge the Government to act on all the committee's recommendations as a matter of urgency. This inquiry proved to be informative and constructive. It teased out a lot of the burning issues regarding the supply and cost of gas and liquid fuels in New South Wales. For those members who have not read the report, I urge them to do so. I commend the report to the House.

**Mr SCOT MacDONALD** (Parliamentary Secretary) [6.10 p.m.]: I record my thanks to all the committee staff, Hansard, the Chair and all my colleagues who participated in the inquiry of the Select Committee on the Supply and Cost of Gas and Liquid Fuels in New South Wales. I too was a member of the first committee to inquire into this issue. It is interesting that this committee inquiry received 36 submissions. I think we had 1,000 or more for the first committee inquiry. I think that is instructive in itself that maybe some of the scaremongering is falling a bit flat these days and people are no longer responding in the emotive way that we saw a couple of years earlier.

I put in a dissenting report. I would like to focus on the gas reservation issue, which was canvassed by a number of witnesses and submissions. A number of people addressed this issue. As I said in my dissenting report, gas reservation is protectionism—and protectionism is bad for our State and our national economies. It is irrelevant in this case, of course, because we are not an exporter—there is nothing to reserve in New South Wales. There are no gas fields in the pipeline, so to speak, that will offer the prospect of exporting overseas. If it is to happen in the future, that is a long way down the track. Whether it be at Gloucester or at Narrabri, our gas fields are all committed to the New South Wales market. So the reservation story is a bit of a furphy, I think. All Council of Australian Government [COAG] Ministers, from both sides of politics, rejected this when they discussed it. Former Ministers such as Martin Ferguson have rejected it. Any reservation is bad for the national economy.

Mr Matt Grudnoff from the Australia Institute was one of the witnesses we took evidence from, and it was very instructive. He put in a submission saying that there should be reservation. The Australia Institute is a left-of-centre think tank. The question I put to him on that day was: If you restrict exports, is that good for the economy? The answer he gave was, and I quote:

Certainly, if you were to do that for industry and commercial interests you are picking winners, and the Government should be extremely careful in any kind of industry policy of that nature.

So there we have it—I think that belled the cat. He put in a submission saying that reservation was probably not a bad idea. He was from a left-of-centre think tank. But when push comes to shove and we look at the economics of it—the practicalities of reservation and the consequences for other industry and the economy as a whole—we see that picking winners is a disaster, and that is what gas reservation is about. There is no question that we are moving to a global market. After decades of being a relatively small, domestic, contained market we are moving to a global market. Should the response to that be to hide under our shell and pretend we can protect the industry or sector? No, in my view that would be disastrous. So I was very pleased to see that the Australia Institute, under a bit of pressure and probing, did finally agree with that. The other point I want to touch on briefly is our visit to the AGL Camden gas project. I think that trip was the second or third time I have been there. When I go there I go there publicly, not under the cover of darkness—

**The Hon. Dr Peter Phelps:** And not with a wrench to loosen a few bolts.

**Mr SCOT MacDONALD:** No, not with a wrench. There were many good questions asked on that trip. As I said, this was my second or third visit there and we went to a couple of different places. We sat down and had morning tea in a hayshed, which brought back memories of my former job. I asked the farmer some questions, which were important to me and which I think are important for this debate. I asked him, "Has coal seam gas had any impact on real estate values in Camden and the surrounding areas?" "No", he answered. I asked, "Has coal seam gas had any impact on water, livestock or portable water?" "No", he answered. I asked, "Has coal seam gas on your grazing properties had any impact on livestock sales or livestock values going through the Camden markets?" "No", he answered. All the

committee members sat there and listened to that. We heard those questions and answers. There was no hesitation.

That farmer has been in the presence of those wells, both on his property and other nearby properties, for 12 or 13 years now. He was clear: In that agricultural situation the coal seam gas had no impact on real estate, it had no impact on water and it had no impact on livestock. We all heard the answers to those questions, including Mr Jeremy Buckingham. He was there—eating the scones, drinking the tea and taking it all in. Yet some of those committee members, including Mr Jeremy Buckingham, come back and say, "This is a toxic industry. It will have a terrible impact on your real estate and it will affect your livestock." They go to town on social media. This is lies, deception and scaremongering. What puzzles me is that he heard it from the horse's mouth, so to speak. He listened to the same evidence I did.

**Mr Jeremy Buckingham:** From the man who AGL paid.

**Mr SCOT MacDONALD:** I take that interjection. Mr Jeremy Buckingham has cast the aspersion that that man was paid somehow. I would love to send a copy of that interjection out to him. We heard evidence that this had no impact on the community, it had no impact on his agricultural enterprise, it had no impact on his health and it had no impact on the environment. Yet some people use this important topic in a game of political gamesmanship. Good luck to them—that is politics, I guess. I say to members of the committee that they are affecting people's lives and people's prospects for enjoying economic security. That man took a small compensation—weekly, daily, monthly or whatever it was—and his neighbours get some small income from that. It helps them to maintain their properties and to build their properties, and we see that story replicated across New South Wales and Queensland.

People will stand up after me in this debate and say that this is a toxic industry and we should reserve and that sort of thing. But there is not a shred of evidence for that. This is now the second, third or fourth inquiry we have held on this subject, and the answer keeps coming up the same. The science is sound. Mary O'Kane, the Chief Scientist, has reinforced that in her report. We have committed to the recommendations of her report. We have committed to a NSW Gas Plan that will provide security, protect the environment, protect the water, safeguard the economy and all those sorts of things. Yet people will still stand up here shortly and say, "This is a toxic industry; it is terrible." It is shameful and disgraceful that people would deride the coal seam gas industry—which, as I say, has been operating in Camden securely and safely and for the betterment of individuals and the community for many years—and ride the issue for political gain.

I refer members to my dissenting report. It covers other aspects, such as transparency. I think there is some merit in some of those arguments. However, there is no merit in the argument for gas reservation. There is no merit in the argument that this is somehow bad for the State. Done properly, this industry can add to the economic empowerment of communities and the State. As I say, we are now in a global market. I do not think we should resile from that by saying, "This is terrible; we are in a global market." We are a small trading nation of 23 million. We are used to trading in global markets. Sometimes it is difficult—sometimes there are industry winners and industry losers. Australia continues to have high living standards and some of the best security in the world. We deserve better than the petty politics of The Greens.

**Mr JEREMY BUCKINGHAM** [6.20 p.m.]: On behalf of The Greens I make a contribution to debate on the report of the Select Committee on the Supply and Cost of Gas and Liquid Fuels in New South Wales titled "Supply and cost of gas and liquid fuels in New South Wales". I start by commending Mr Scot MacDonald for his commendable and stoic defence of coal seam gas. He is the last man standing. Four or five years ago there was a conga line of members of the Liberal Party and The Nationals who were prepared to beat their chests about how magnificent unconventional gas was. It was going to be an economic bonanza; it would drive economic development and create jobs. There would be prosperity for decades to come. But the rush to export liquefied natural gas [LNG] has become a debacle.

Only this week global investment bank UBS described Australia's rush to export LNG as a tragic mistake. It is one of the greatest economic blunders in our nation's history. Hundreds of billions of dollars have been invested in export LNG trains at Gladstone. Indeed, some of world's largest oil and gas corporations have spent hundreds of billions of dollars in Queensland. It is an utter catastrophe.

Origin is scrambling to break even. Santos has been absolutely ruined. Its share price has gone from \$16 to about \$1 in a matter of months. It did not foresee that this high-cost business was vulnerable to the global oversupply of oil and gas and the resultant drop in the price of oil. The Iranians are getting back in the game and the Americans are exporting. All of a sudden we have El Dorado. Puff—up in a cloud of gas. As I said, Mr Scot MacDonald is the last man standing. What a champion he is. The war is over. Twenty years after the signing of the peace treaty, he is still in the trenches, manning a machine gun and spruiking for coal seam gas. But it is an absolute folly to believe that there is any need to pursue coal seam gas. Queensland is a case in point.

Mr Scot MacDonald cited the case of a dairy farmer. A dairy farmer is not a real estate agent, hydrologist or health practitioner. He is a dairy farmer who got a knock on his door in the early 2000s and someone said, "We will give you a couple of thousand dollars a year to have some gas wells. It won't hurt a bit." That is all he knew. He did not know what the hydrology or geology was or what the impact on his community would be. Mr Scot MacDonald should ask the people of Campbelltown what they think. They are absolutely enraged that they have been the subject of this toxic experiment, and they want this gone. Indeed, AGL's record at Camden has been absolutely abysmal. It has been characterised by ongoing systemic breaches of its environmental protection licence. It has one of the worst environmental records in the State. If AGL decides to pursue coal seam gas at Gloucester and Camden then it will trash its corporate reputation.

The recommendations contained in this report are sound but so many things have been left out. Basically cartels are operating in the market—BHP, Xeon, Santos. There is no market transparency or accountability. All the big players are saying that they cannot get long-term contracts but that is not because we do not have enough gas. Australia has vast quantities of gas in the Bass Strait. I am proud to put on record that my grandfather and father both worked in the Persian Gulf developing the Esso gas fields.

**The Hon. Dr Peter Phelps:** Hear, hear!

**Mr JEREMY BUCKINGHAM:** Absolutely. And it did deliver. The time has come for us to move on from fossil fuels, and for those fuels to be managed properly. They are fuels of the Australian people and rather than being treated as a boon and bounty for these multinationals to be exported at the expense of our manufacturing—

**The Hon. Dr Peter Phelps:** Your economics is so backward.

**Mr JEREMY BUCKINGHAM:** It is absolutely not backward. We need to make sure that the majority of Australians benefit the most from these one-off natural resources. If that means market intervention then we should do it. We never hear the Government crowing about the diesel fuel rebate for the miners or the billions of dollars in subsidies for environmental damage from the big miners. They are happy to subsidise those but the second there is any intervention, the Government screams "the free market". Well the free market is not free because it is run by some cowboys who want to treat our environment like a toilet and then put it on our bill. We are not going to put up with it. In my dissenting report I recommended that:

The NSW Government should not risk public health, the quality or quantity of water resources or the nature of farmland and rural communities by developing an indigenous gas supply from unconventional resources.

It is clear that everyone is running a mile from coal seam gas. Indeed, we are becoming increasingly horrified as we learn more about it. I foreshadow that all those who shield the gas industry should wait because in the coming weeks we will see exactly how AGL has been operating. One of the greatest environmental scandals in the history of this State will be revealed and AGL's corporate reputation will be ruined. Andrew Vesey needs to steer AGL away from the folly of Gloucester and the path of Michael Fraser. It is utterly unnecessary. We need to make sure that this is made available to manufacturing and other industries as we make the transition away from fossil fuels. The idea that all this gas that Santos is going to develop will be used only in New South Wales—we need to have an indigenous supply—is complete and utter garbage.

Two weeks ago Santos turned up at a meeting at Moree to tell the local traditional owners that it was going to develop coal seam gas in the region. The representatives needed a police escort to leave that meeting. The Moree community said, "Thanks, but no thanks." What was Santos doing in Moree? Let us make the link: Narrabri, Moree and Queensland. Peter Mitchley from Santos said, "The gas will flow south" and that is as far as he will go. But where will it go when it gets to the Moomba pipeline? We know how the gas market works—it can be put in and taken out anywhere. Santos has absolutely done itself in. A once proud, state-owned corporation has been absolutely ruined by pursuing coal seam gas. Santos is now trying to frack Uluru. It is trying to convince Indigenous communities in the Northern Territory to take unconventional gas. Wherever Santos pokes its head up, we will be there. Mr Scot MacDonald is the only one who has the courage to keep bleating on. The community has spoken; industry has spoken. They know that we can intervene in the market, and if necessary we will do so.

Recommendations Nos 1 to 4 are sound and The Greens support them. The idea of reservation could take various forms and that is something for the Government to consider. The Greens believe that we should move to renewable energy as soon as possible. The key word used by the new Prime Minister, Malcolm Turnbull, in his speech last night was "disruption". The great economic disruption is coming. A move to renewable energy is coming, and the people who do not believe it are yesterday's heroes.

**Debate adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a future day.**

**Pursuant to sessional orders business interrupted and set down as an order of the day for a future day.**

## PETITIONS

**The Hon. John Ajaka lodged a response received from the Hon. Niall Blair to the following petition signed by more than 500 persons:**

Shark Finning—lodged 12 August 2015 (Dr Mehreen Faruqi)

**Ordered to be printed on motion by the Hon. John Ajaka.**

## INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2015

**Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. John Ajaka, on behalf of the Hon. Duncan Gay.**

**Motion by the Hon. John Ajaka, on behalf of the Hon. Duncan Gay, agreed to:**

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

**Second reading set down as an order of the day for a later hour.**

## GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

### Sixth Day's Debate

#### Debate resumed from 25 August 2015.

**The Hon. JOHN AJAKA** (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) [6.31 p.m.]: I speak in the Address-in-Reply to the Governor's Speech. I take this opportunity to thank His Excellency General the Hon. David Hurley, AC, DSC (Ret'd), for his wonderful speech at the commencement of this Parliament. In his speech the Governor said that the Baird-Grant Government has "a plan that is fully funded which will set Sydney for its future as a global city and provide generational change for all citizens of New South Wales". His Excellency went on to say:

On 28 March the people of New South Wales delivered to the Government a mandate to act upon this plan. Those people have the right to expect that the Government will act upon the commitments it made and which the Government has an obligation to deliver.

I agree with that statement. Under the leadership of the Premier and Deputy Premier, we had a resounding election win. We should not waiver in our pursuit to fulfil the commitments we made to the people of this great State. As Liberals and The Nationals, it is natural that we emphasise the importance of fiscal management. How a government manages the economy is of the utmost importance. It underpins every action and every policy. When we first assumed government after the 2011 election, the State was at the bottom of the economic ladder. After just four short years, we have returned New South Wales to its rightful place at the top of the States—to number one. This fact was not lost on the Governor, when he said:

We are ... the nation's largest economy and the strongest.

There is an expectation on us to lead the way and over the past four years New South Wales has embraced its role as a leader and set a benchmark for strong economic growth.

...

Over the last four years the Government has worked hard to establish a secure foundation upon which it now intends to deliver a clear and sustainable plan for the future, a positive plan that is ambitious in its scope but realistic in its deliverables.

The Baird-Grant Government has created a five-pillar plan to help guide the next four years of government. This plan is rooted in economic management yet focused on the needs of the people of our State. The five key elements of the plan are: strengthening the economy to secure and create jobs; building new infrastructure such as roads and railways that mean people spend more time with their families and less time commuting; delivering better services such as better schools to educate our kids and hospitals to look after the sick; providing a safer and stronger community and environment, with lower crime rates and less litter; and protecting the vulnerable and delivering greater assistance to those in our community who need it most.

There is a saying "an idea without a plan is simply a dream". That resonates with me because our time in this place is transient. We must work hard to achieve our ideas while we are given that opportunity by the people of New South Wales. We as a Government are turning ideas into outcomes as a result of the Premier's plan. As the Minister for Ageing, Minister for Disability Services and, more recently, Minister for Multiculturalism, I am pleased to say that we have achieved a great deal, but there is much more to be done. These things can be achieved only if we have the budget under control and we create a strong economy. Rebuilding the economy was our first priority in our first term of government, and strengthening the economy is the first item listed on our program for this term. The New South Wales economy is \$40

billion larger than it was four years ago. The Government has delivered more than \$9 billion in savings. We have retained our triple-A credit rating and implemented measures to create new jobs and increase residential construction. As the Governor rightly stated:

Residential construction reached a 10-year high in 2014, and more than 160,000 new homes have been approved in the last four years.

This has had a positive impact on employment opportunities in the building and construction industry, helping to stimulate local economies and small businesses. As a small business owner myself for more than 20 years, I understand the difficulties that small business owners face on a daily basis. The sale of the poles and wires will generate approximately \$20 billion through Rebuilding NSW to invest in the infrastructure we will need for the future. Projects of strategic importance to our State's development will futureproof our cities, ease congestion and ultimately ensure we arrive home safer and sooner to our families and loved ones. His Excellency said:

But this Government has made it clear that while strong economic growth is the hallmark of a successful State, our economic might is meaningless unless it is used to support the most vulnerable, to protect the environment and to provide opportunity for all its citizens.

As Minister for Ageing, I have overseen the development of the NSW Ageing Strategy, which is a whole-of-government approach to planning and service delivery that is helping us to build age-friendly communities, assist people of all ages to plan for their futures and ensure we harness the benefits of an ageing population. This Government has a vision for a healthy, vibrant and active ageing population. During the election campaign we put seniors and pensioners at the top of our agenda. We committed to delivering services that seniors want and need.

The Liberal-Nationals Government has made available \$2 million to expand the hugely successful Tech Savvy Seniors program by 3,500 more places per year across 30 regional and metropolitan community colleges and libraries. In addition, there is a roadshow that will reach 40 regional locations. The Government will also introduce online banking courses for seniors. The New South Wales Seniors Card is immensely popular with seniors. Around 1.3 million people have a Seniors Card. The Government has harnessed the popularity of the program to secure group discounts and ensure cheaper bills for seniors.

The Government will expand the number of businesses providing discounts. Our first targets for expansion will be a major energy retailer, a telecommunications company and a supermarket chain. The Age-Friendly Community Local Government Grants Scheme has provided grant funding to councils to provide accessibility, active living and mobility projects. The New South Wales Liberals and Nationals will transform this program to ensure that non-government organisations and small businesses, as well as councils, are eligible to apply. The Government will provide \$1 million a year in funding for the grant scheme.

I am proud to note that in December 2012 this Government was the first to sign the historic agreement with the Commonwealth to implement the National Disability Insurance Scheme. This once-in-a-generation reform will change for the better the lives of people with disability. As members will be aware, during the election campaign the Government scored another win for people with disability. We announced that, if re-elected, we would roll out the National Disability Insurance Scheme for 2,000 children and young people in the Nepean Blue Mountains district a year earlier than anticipated. This commitment saw our Government working with the Commonwealth Government to set up a National Disability Insurance Agency presence in the Penrith area and links to supports from 1 July 2015. The Government is delivering on a decades-long commitment to close large residential centres. We dedicated \$30 million in the 2014-15 budget, and a further \$28 million in the 2015-16 budget, to begin the purchase of land for the redevelopment of Hunter residences.

As Minister for Multiculturalism, I pick up the good work undertaken by my friend and colleague the Hon. Victor Dominello over the past four years. Building social cohesion and maintaining community harmony is a Government priority and is embedded in the Multicultural NSW Act 2000. The Government delivers this through its Harmony in Action strategic plan, the objectives and functions articulated in its governing legislation, and the various programs and services it delivers. What unifies us as a great multicultural society is that we are first and foremost proud to be Australians—Australians of a particular multicultural origin. Multiculturalism is about diversity, not division; it is about interaction, not isolation. We will continue to deliver on the visionary strategic plan of the New South Wales Government, Harmony in Action, by continuing to innovate and to build bigger and better engagement across all sections of our society.

This collaboration extends to the work the Government is doing in countering violent extremism. The Premier has tasked me with consulting the community to shape a \$4 million program aimed at promoting social cohesion and community harmony within New South Wales. The Government will work with communities, learn from community experiences and perspectives, and build on successful community practices and partnerships. The Government is doing exciting work in the volunteering space. Recently I announced that consultations were open to inform the second NSW Volunteering Strategy. The first NSW Volunteering Strategy concludes in June 2016 and the second NSW Volunteering Strategy is scheduled to be launched that year.

As the Minister responsible for Youth Affairs, I am proud to oversee policies such as the Youth Frontiers youth mentoring program, which was launched by the Premier in February 2015, and the Youth Opportunities grants program, which foster a sense of community and provide support and guidance to young people in New South Wales. The Youth Opportunities program focuses on other strategies to engage young people living on society's margins who are at risk of disengaging from their communities. One-off grants of up to \$50,000 are provided to youth and community organisations and to local government to support local youth-led and youth-driven projects.

The Baird Government is a government with a plan. We have a vision for the State. We are committed to make the tough decisions and, at the same time, to look after those who need help the most. Further to this, the people of New South Wales are fortunate to have as Governor His Excellency the Hon. General David Hurley, AC, DSC, (Ret'd). He is a man of great integrity who has served the people of New South Wales, and indeed Australia, with distinction.

**The Hon. PETER PRIMROSE** [6.41 p.m.]: In his address to the joint sitting His Excellency commented that:

Few are perhaps more vulnerable than the victims of domestic violence—people hurt by those who claim to love them most.

His Excellency went on to say:

Domestic and family violence presents not only an immediate physical danger to its victims; it too often leads to complex social problems such as homelessness and brings families into contact with the child protection system.

One of the key areas where support can readily be provided to victims of domestic violence is in the workplace. Australian police deal with an estimated 657 domestic violence matters, on average, every day of the year—that is one every two minutes. Those figures are based on data provided by police services around the country about how often their officers work on domestic violence cases. Overall, the count is 239,846 per year around the country. Regrettably, there is no standard definition of domestic and family violence across all jurisdictions in Australia and no standard way for counting the number of police call-outs to situations related to domestic violence.

In 2014 in New South Wales there were seven domestic violence related incidents per hour, which is 159 per day, 1,115 per week or 58,140 per year. Some progress is being made through work undertaken by progressive employers, community organisations and dedicated trade unions in relation to supporting domestic violence victims in the workplace. As the shadow Minister for Local Government, I was particularly impressed by the role that local councils in New South Wales are playing in this respect. For example, in June Canterbury council became the sixth council in New South Wales to provide paid leave for staff affected by family violence. The council will give staff an extra 10 days of annual leave as part of a wider push to introduce paid domestic violence leave in workplaces. Council staff will be eligible for paid leave to deal with matters of domestic violence, such as attending medical appointments and court proceedings.

The move has been supported by White Ribbon Australia, which aims to end violence against women. Victims may also request to change their work arrangements, such as phone numbers or email addresses, to avoid harassment. Canterbury council joined five other councils—City of Sydney, Bankstown, Marrickville, Penrith and Ashfield—in implementing a domestic violence policy. Last year Bankstown council launched its domestic violence policy, which grants staff up to five days annual leave to deal with issues arising from family violence. A Bankstown council spokesman said at the time of the launch that the policy raised awareness of the impacts of domestic violence and supported staff whose work life was affected by family violence. He said that the council was committed to providing a workplace in which family violence is not tolerated or excused.

Research by White Ribbon Australia shows that offering domestic violence leave in workplaces "improves productivity, morale and attracts talent" and plays a "pivotal role in shifting the attitudes and behaviours that allow this violence to occur in the first instance". In the private sector other organisations are also joining the campaign. In February this year one of Australia's largest private sector companies announced that it would be offering domestic violence leave. Telstra is offering its workers affected by family violence up to 10 days leave per year. In September 2012 Telstra joined a pilot of White Ribbon's Workplace Accreditation Program, which aims to help workplaces prevent and respond to violence against women—be it at home or in the workplace—or sexual harassment. The program has now been fully launched and is accessible to organisations of all sizes. I urge all organisations to take up the challenge to stop violence against women whenever and wherever it occurs.

**The Hon. NATASHA MACLAREN-JONES** [6.46 p.m.]: I begin by joining my colleagues to congratulate His Excellency General the Hon. David Hurley, AC, DSC, (Ret'd), the thirty-eighth Governor of New South Wales, on his address to the joint sitting of the Parliament in this Chamber on the commencement of the Fifty-sixth Parliament. When the Coalition came to office in 2011, New South Wales had the worst-performing economy in the nation, with the slowest employment growth. Since then we have made the State's finances sustainable and have turned the economy around. We have cut taxes and supported jobs growth and we have taken the difficult decisions to repair the budget.

I am proud of the fact that the Government has got our economy back on track. Our responsible decisions have helped to ensure that New South Wales has maintained its triple-A credit rating. New South Wales is once again leading the nation on key indicators, including economic activity and retail sales. Early this month CommSec's State of the States report and Australian Bureau of Statistic [ABS] data revealed that the New South Wales economy is performing strongly on a number of indicators. New South Wales has again returned to its number one position among the States, having grown faster than any other State for six of the last seven quarters and faster than the national average for 10 consecutive quarters.

We are making progress as we continue to focus on key drivers of the economy—jobs, housing and infrastructure. ABS data showed that 29,500 jobs were added in New South Wales in July—four times the number in the next highest State. Since being elected to government in 2011, we have created more than 200,000 jobs in New South Wales. Credit must be given to the New South Wales Coalition Government for making tough decisions over the past four years to remove the obstacles that were

holding our State back. We will continue to work even harder as we build record infrastructure and create more jobs so we can see positive results in our State. Furthermore, July also saw a record-breaking number of housing approvals in New South Wales, with 6,824 dwellings approved—further evidence of the Baird Government's focus on rebuilding New South Wales. ABS data also showed that there were 61,057 building approvals in the 12 months to July this year.

Consumer confidence in New South Wales is growing not only in business across the State but in a number of other areas. In our first term of government the Coalition delivered more timely and quality health care to more patients than the former Labor Government. The Government has reformed Health by creating 15 local health districts governed by local health district boards. It has continued to rebuild, allocating \$5 billion to rebuild and expand hospitals across the State, including significant investment in rural and regional areas; and it has increased the Health budget by 27 per cent, or \$4 billion. In fact, every year since we have been in government our budget has increased. Furthermore, we have announced an overhaul of mental health services in New South Wales, allocating \$115 million over three years. A further \$1.4 billion has been spent on capital programs, bringing our Health budget to \$21 billion.

None of this could have been achieved without strong financial management. The NSW State Health Plan delivers the right care in the right place at the right time. I commend the Minister for Health, Mrs Jillian Skinner, for her long-term commitment to building a twenty-first century health system. I commend also the Premier and Treasurer on a financially sound State. I again congratulate His Excellency on his address at the beginning of the Fifty-sixth Parliament of New South Wales and thank him for his good wishes extended to us all.

**The Hon. SHAOQUETT MOSELMANE** [6.50 p.m.]: I speak to the Governor's Speech delivered on 5 May this year. In his remarks His Excellency made a number of points, a few of which I will address. Before doing so, I note that one of my many interests in this Legislative Council is to help represent and facilitate the interests of the multicultural community—an interest I share with many colleagues in this place. Having worked in the multicultural sphere for more than 30 years, I believe I can speak about the Government's policy initiatives—or lack thereof—in this area. Late last term the Government changed the name of the Community Relations Commission to Multicultural NSW. Although purported to be a simple name change, it was much more than that: It was a structural diminution of its standing and status in the community.

My colleague the Hon. Walt Secord has said previously that this change devalues the commission, and I concur with that assessment. Effectively, the Minister has created a weakened organisation, demoting the commissioners and devaluing their role to a mere advisory board. After a term of government, nothing positive has come from this portfolio. This change waters down the only statutory body set up to look after our multicultural communities. Add to this the restructuring of the commission, which has allegedly seen senior officials taking redundancy packages and leaving the organisation, and any impartial observer can see that our multicultural communities are in fact worse off than before. These changes are certainly not in the interests of the multicultural communities of New South Wales.

The Governor spoke about five key elements around which the Baird Government is building its vision for the State. The first is, "Strengthening the economy to secure and create jobs". Statistics from the Department of Employment show that youth unemployment stands at more than 10 per cent in areas such as the Hunter Valley and the mid North Coast. Other hotspots, with youth unemployment of more than 7 per cent, are the Illawarra and Blacktown. Programs that assist those who are making the jump from education to employment have suffered cuts or been replaced. These cuts not only damage the job market but also damage the quality of the field of jobseekers. In recent times we have seen huge job losses at Hutchison in Port Botany, at BlueScope Steel in Port Kembla, at coalmines such as Yancoal, Austar and Abel in the Hunter and at WaterNSW. If this is the way in which the Baird Government protects jobs and upholds its first and most important key element, then New South Wales is in a fair bit of trouble.

Another of the Government's five key elements, as mentioned by the Governor in his speech, is "Building new infrastructure such as roads and railways, which mean people spend more time with their families and less time commuting". It is all well and good to talk about building new rail lines but what is the net effect when services are being cut to existing train lines? Some of the busiest train lines serving crowded stations such as Kogarah and Rockdale have seen a marked decrease in services. Commuters from these and other areas are suffering from the decrease in train services under the Baird Government. Meanwhile, peak train cancellations across the Sydney rail network have increased by a staggering 23 per cent in the past year. In 2014-15 there were 921.5 peak train cancellations across Sydney compared with 749.5 in 2013-14—a whopping 172 more.

The Baird Government's third key element is: "Delivering better services, such as providing better schools to educate our kids and hospitals to look after the sick". Unfortunately, the Coalition Government has made massive cuts to the education sector, starting in its first term in office. Now it has moved on to TAFE, gutting the funding and resources it needs. There are 30,000 fewer students enrolled across the State in technical and further education this year. This has a flow-on effect to TAFE jobs, where there have already been cuts of more than 2,500 staff. If we lose the expertise and experience of such a huge cross-section of the TAFE workforce, the quality of education and training provided by those who remain will decline. In addition, there have been cuts to the Disabilities Unit and abolition of the special access course at the TAFE Western Sydney Institute. So while Premier Mike Baird trumpets his take-up of Labor's National Disability Insurance Scheme [NDIS], he is making it even more difficult for those who live with a disability to participate in education and training.

That takes us to Health, where there have been well-documented incidents recently of ambulances queueing outside hospitals or having to be redirected to hospitals further away due to emergency departments being unable to cope with demand. The latest Bureau of Health Information quarterly report, April to June 2015, found:

In the last five years, there has been a 25 per cent increase in patients going to emergency departments;

The time to treat the most serious ill category (immediate resuscitation) has jumped to 50 minutes;

15 per cent of all ambulances were stuck in "bed block" meaning that they were lined up outside emergency departments waiting to dispatch patients; and

Overall the State's hospitals were failing to meet national health targets of treating and discharging 90 per cent of patients within four hours.

Each day we hear about ambulance delays, long waits in emergency departments and long queues for elective surgery. It all goes back to a lack of beds and under-resourcing. This is the human cost of the Baird Government's \$3 billion in health and hospital cuts. The fourth key element of the Government's program is stronger and safer communities. Yet we still hear about shootings, particularly in south-west Sydney—where, for a while, it felt like a case of another day, another shooting. I will give other members an opportunity to speak but they are just a few of the failures of the Baird Government. I thank the House for its consideration.

**The Hon. TREVOR KHAN** [6.56 p.m.]: I congratulate His Excellency the Governor on his Speech delivered on 5 May 2015. Unlike the frenetic performance of some of those opposite, I seek to illustrate calmly the circumstance that this State finds itself in. Of course, we should start from the point that, while the Governor rightly referred to the Government's program being built around five key elements—including strengthening the economy to secure and create jobs—we must all recognise that Australia is in a most precarious position at present. Over the past 12 months we have seen a collapse in commodity prices for such goods as coal. We have seen a reduction in demand for coal and the serious

impact that that has had, particularly in areas such as the Hunter Valley, where mines have shut down resulting in considerable job losses.

We have seen the end of the construction phase of many mining projects throughout Australia, with a consequent significant loss of jobs in the construction industry in States such as Queensland and Western Australia. Indeed, we have seen those States effectively fall into recession because of the reversals that have occurred in those industries. That is not to say the Australian economy is on the verge of disaster, but clearly there is a significant slowdown. The one State that we can clearly identify as maintaining the Australian economy in positive growth is New South Wales. The New South Wales economy is keeping Australia from recession, and it is plain that that is because of the thoughtful, considered and intelligent approach the Baird Government has taken to economic management.

The positive impact of the considerable infrastructure projects that are going on around this State is plain to us all. It is plain through the many building works going on even throughout this city—both government infrastructure and massive private sector construction work, whether residential or commercial—that are the result of the positive, constructive approach taken by the Baird Government in ensuring New South Wales is the number one State.

**Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.**

**The House continued to sit.**

**Question—That the motion be agreed to—put and resolved in the affirmative.**

**Motion agreed to.**

*[Deputy-President (Ms Jan Barham) left the chair at 7.01 p.m. The House resumed at 8.00 p.m.]*

## **JOBS FOR NSW BILL 2015**

### **Second Reading**

**Debate resumed from an earlier hour.**

**Mr JEREMY BUCKINGHAM** [8.00 p.m.]: I continue my contribution on the Jobs for NSW Bill 2015. I acknowledge the contribution of the Hon. Trevor Khan to the Address-in-Reply debate in which he calmly and eruditely spoke about the Government's plan to create jobs in New South Wales in such a reasoned way.

**The Hon. Rick Colless:** Point of order: Mr Jeremy Buckingham has commenced his contribution by referring to the Hon. Trevor Khan's contribution to the Address-in-Reply. It is a completely different matter. I ask that Mr Jeremy Buckingham be drawn back to the long title of the bill.

**DEPUTY-PRESIDENT (The Hon. Paul Green):** Order! While wide latitude is extended during a second reading debate, the member is not speaking to the bill. I ask the member to return to the leave of the bill.

**Mr JEREMY BUCKINGHAM:** In his contribution the Hon. Trevor Khan talked about jobs and the Jobs for NSW Bill but he did not mention how or in which sector the Government would create jobs. He referred to the Hunter Valley. The Hon. Shaoquett Moselmane, in his contribution, quite rightly said that unemployment in the Hunter Valley is at 10 per cent. This Government is sitting on its hands and has its head in the sand, to mix metaphors, in relation to the Hunter Valley. In the past 18 months to two years the Hunter Valley has had the largest expansion of coalmining in the State's history and the State has had

record exports. There is a rush to get as much coal out of the ground at the cheapest possible price in this fossil fuel fire sale. The net outcome is declining royalties to the State and tens of thousands of jobs being lost, but the Government is not talking about it. There is nothing in this bill that tells us what this Government is doing in relation to jobs in the Hunter Valley.

In the May 2014 quarter 27,948 jobs in coal were created in New South Wales. By the May 2015 quarter 20,486 direct jobs—7,462 fewer jobs, or a 27 per cent decrease in coalmining jobs—were lost in New South Wales in the past year, but this Government does not mention that. Three years ago it was the only show in town and the Government was crowing and beating its chest: coal, coal, coal. It was the great big coal giveaway. The Government approved every single mine that crossed the desks of the planning department. The net outcome is that places like Muswellbrook, Maitland, Cessnock and Kurri Kurri are going backwards with "For Lease" signs everywhere. After 150 years of coalmining in those regions mass unemployment has been delivered—and this Government has a plan with seven people on a committee in Sydney. That is a joke. Sell that in Muswellbrook. Coalminers know that their future is not in coal, it is in services and retraining in TAFE. The Government is slashing TAFE, selling off the campuses, denying young people a future, and getting in the way of renewable energy and at the same time it is trashing agriculture and crashing the equine industry.

**The Hon. Niall Blair:** Point of order: The member knows that he must direct all comments through the Chair. I ask that he be directed to do so and to return to the leave of the bill.

**DEPUTY-PRESIDENT (The Hon. Paul Green):** Order! The member is allowed to be passionate, but he will direct his comments through the Chair.

**Mr JEREMY BUCKINGHAM:** Another bloodless, calm contribution from the Government. Government members think it is all okay and they have a steady hand, but they should go to the people in the Hunter and tell them that this is the Government's plan for jobs. Thirty per cent of jobs and investment will be in regional New South Wales. The Greens have been saying for two decades that coal and fossil fuels were not the answer. The Government has been caught napping and those communities are going to the wall. In their desperation they are asking for extensions to mines like Drayton South and Warkworth.

**The Hon. Dr Peter Phelps:** It does not sound like desperation.

**Mr JEREMY BUCKINGHAM:** It is desperation because it is cannibalising other industries, with significant consequences. If Drayton South goes ahead, one of the most important equine centres of excellence in the world will be destroyed. Its billions of dollars of infrastructure and hundreds, if not thousands, of direct jobs with massive flow-ons will be destroyed for coal. The Government has its head in the sand pretending it will be okay. The Government will approve and roll out coal seam gas, another fossil fuel, and destroy the viticulture industry, which again employs so many people. We said this day would come and the Government's response is this glib, wafer-thin, vacuous bill.

**The Hon. Rick Colless:** You really don't understand it, do you?

**Mr JEREMY BUCKINGHAM:** I acknowledge the contribution of the Hon. Rick Colless. I do understand it. The Liverpool Plains is another issue. The Government says it wants regional jobs in New South Wales. I asked the Minister for Primary Industries according to his department how many jobs in agriculture would be lost as a result of the Shenhua Watermark coalmine. He did not know. According to his own department 40 to 50 jobs will be directly lost in and around Breeza and the Liverpool Plains, an area that contributes more than \$200 million a year to gross State product. That area will be destroyed for 30 years of coal—not for one, two or three years but for every year to come. That is the future, but the Government has its head stuck in the sand. It is a fossil fuel fire sale, a giveaway, with 180 million tonnes of coal going out of the Hunter Valley and sending those communities backwards. The Government is destroying agriculture, gutting services, destroying retraining and, most criminally, getting in the way of

renewable energy. The Nyngan Solar Plant, partly funded by the Australian Renewable Energy Agency [ARENA], is a case in point.

**The Hon. Dr Peter Phelps:** Mostly funded by taxpayers.

**Mr JEREMY BUCKINGHAM:** It may well be partially funded by taxpayers.

**The Hon. Dr Peter Phelps:** Mostly.

**Mr JEREMY BUCKINGHAM:** It was about 50:50.

**The Hon. Dr Peter Phelps:** It was not.

**Mr JEREMY BUCKINGHAM:** It created 300 jobs for a year in Nyngan. It has six ongoing jobs and will provide enough—

**The Hon. Dr Peter Phelps:** Six jobs?

**Mr JEREMY BUCKINGHAM:** That is right. Six jobs in Nyngan count for a lot.

**The Hon. Niall Blair:** Point of order: My point of order is again that the member should address his comments through the Chair. It is also difficult for Hansard to follow four or five conversations at once. I ask you to remind the member to address his comments through the Chair and not to respond to interjections.

**DEPUTY-PRESIDENT (The Hon. Paul Green):** Order! The Hon. Dr Peter Phelps will come to order. I remind him that interjections are disorderly at all times. It is also disorderly for members to respond to interjections.

**Mr JEREMY BUCKINGHAM:** Six jobs in Nyngan are invaluable for a generation but Government members scoff and laugh. Six jobs in Nyngan will keep six families in Nyngan. In some instances, it can be the difference between a school closing or not. The incredible model of base load solar power could be replicated hundreds of times across the State through wind or solar generation. That is the future, but the Government does not want to admit it. They have backed the wrong horse for so long they cannot get off. They are like addicts. Government members may huff and puff but the day of reckoning is here and it has a name—Malcolm Turnbull. As sure as night follows day, Malcolm Turnbull will not be held back. The ultra Right of the Liberal Party knows their race is run.

**The Hon. Shaoquett Moselmane:** They are finished.

**Mr JEREMY BUCKINGHAM:** They are finished. Their opposition to progressive politics and renewable energy means their day is done. Their mad descent into the folly of coal and allowing mega mines in our food bowl will see them undone. In his first contribution yesterday the new Prime Minister made the key point that there will be a great disruption. Anyone who understands renewable energy or cares about climate change knows that was code. As Catherine Tanna from Origin Energy said, we cannot have renewables without retiring some of our other generation. Origin Energy and AGL Energy are going to do that, and regional renewables will replace those energy generators.

The Government should get out of the way of renewable energy. In addition, if the Government wants to create a sustainable future for the people of the Hunter Valley it should ensure that, when coal collapses, multinational companies such as Yancoal, Peabody Energy, Anglo American and BHP employ Hunter Valley miners to do the clean-up and pay for it. In budget estimate committee hearings it was revealed that Peabody Energy and its subsidiaries have only \$150 million to clean up their three massive coalmines. That money will be a drop in the bucket to clean up Wilpinjong and Wambo mines in the

Hunter Valley.

**The Hon. Trevor Khan:** Point of order: My point of order is that the member should be speaking to the long title of the bill. What he is saying comes nowhere close to it.

**DEPUTY-PRESIDENT (The Hon. Paul Green):** Order! Members are given wide latitude during their contributions to second reading debates. The member is within the spirit of the bill because he is talking about jobs and the various implications. Mr Jeremy Buckingham has the call.

**Mr JEREMY BUCKINGHAM:** It is no surprise that the Hon. Trevor Khan is not interested in what happens after coalmining; The Nationals are only interested in creating the mess. They are in a rush to create another mess by supporting Shenhua and BHP, which is a catastrophically stupid decision. The area in which the State has a responsibility and can create jobs is by making sure that the people who live in the Hunter Valley and have dug the holes, have the expertise and understand mine engineering are involved in the rehabilitation and remediation of the mines. That will be a great project in this State to ensure that the legacy of coalmining, which has kept the lights on and from which we have all benefitted—

**The Hon. Dr Peter Phelps:** Thank you for admitting it.

**Mr JEREMY BUCKINGHAM:** The Greens have always acknowledged it. My background is in extractive industries. I spent time in a sawmill growing up. In fact, my first job was as a stonemason. We have never said that we have not benefitted from coal but we have always said that its day will come. We have also said that the clean-up will be the responsibility of the State if we do not hold the companies to account. Rather than the State bearing the burden, we must ensure that the companies employ the tens of thousands of good people who kept the lights on—and supplied royalties to the State—to clean up the mess. The cost of that clean-up and the burden of that employment must surely sit with the corporations and companies that have so benefitted.

That is the future as The Greens see it. We would rather have a jobs rich future in New South Wales that is built on renewable energy and sustainable agriculture. We should build our future on providing training and education in the regions rather than slashing and burning TAFE and selling off campuses, which is an absolute disgrace. We must make sure that we train up young people so that they can get jobs in solar and wind generation, sustainable agriculture, the equine industry and the industries of the future such as IT and the like. As a community we have to accept that we need to transition away from our single-minded dependence on coal. It is absolute madness.

I am not surprised that this bill was introduced by the Minister for Energy and Resources. It is so wafer thin. I am yet to hear Minister Roberts say anything in any public forum about the 10,000 jobs that have been lost from the sector. Just two years ago Government members were crowing about the 20,000 or 30,000 new jobs that would come from the expansion of coal and coal seam gas. They backed the wrong horse. There will be a reckoning. Government members point to the example of Queensland and other States that are basket cases in recession. It is only because of our massively vibrant tourism, services and health sectors that New South Wales is not also in the red or in recession. That has not come about through calm, reasonable management, as the Hon. Trevor Khan said. It is just by good luck.

The Greens will vote for the wafer-thin Jobs for NSW Bill and consider the Labor amendments. I will conclude by saying that this Government has a responsibility to deal with the crisis in the Hunter Valley. That community, which is being abused by the massive coalmines and which has delivered so much to the State, is being hung out to dry. The Government has no vision for it and is actually going to kill off its lifelines—the thoroughbred breeders and the dairy, beef, tourism and services industries. The Government and the people of New South Wales have a stark choice to make. We need to move on and accept that there will be a great disruption. Coal is over. We need to look after the Hunter Valley.

**The Hon. RICK COLLESS** (Parliamentary Secretary) [8.18 p.m.], on behalf of the Hon. Niall Blair, in reply: I thank for their contributions to debate the Hon. Adam Searle, Reverend the Hon. Fred Nile, Dr John Kaye, the Hon. Greg Pearce, the Hon. Sophie Cotsis, the Hon. Ben Franklin, the Hon. Courtney Houssos, Mr Scot MacDonald, the Hon. Ernest Wong and the Hon. Paul Green. I also thank Mr Jeremy Buckingham, who gave his stock standard speech. Every time he makes a contribution he uses virtually the same words.

The important thing about this bill is that it is not about the seven jobs that are created by the Jobs for NSW Bill. This bill will create jobs for New South Wales and the Jobs for NSW Fund. It will establish an innovative job creation model that will help the Government drive economic development across the State. It will ensure New South Wales is on the front foot and able to take advantage of new and emerging opportunities in a rapidly changing world. The bill establishes the Jobs for NSW fund, which will provide funding for job creation programs and initiatives across New South Wales, including those in rural and regional areas. The bill will ensure that New South Wales Government funding is directed to where it will have the biggest impact both now and in the medium and longer term.

Jobs for NSW will leverage private sector experience to drive job creation and private investment into New South Wales. It is not an opportunity for The Greens to stack the board with their union mates. We have already announced that Mr David Thodey will be the inaugural chairman of Jobs for NSW. Mr Thodey is, of course, the former Chief Executive officer of Telstra and also serves as the current Chair of the Commonwealth Scientific and Industrial Research Organisation [CSIRO]. He is well known for his bold vision and business experience, and is exactly the sort of person that should be on the board. Jobs for NSW is good for the people and it is good for business in New South Wales. I commend the bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

#### **In Committee**

**The CHAIR (The Hon. Trevor Khan):** Is leave granted to proceed with the bill as a whole? There being no objection, I will proceed in that way. I have two sets of amendments. They are the Opposition amendments appearing on sheet C2015-072A and The Greens amendments appearing on sheet C2015-071. The Greens amendments were received at 11.04 a.m. so we will proceed with those amendments first.

**Dr JOHN KAYE** [8.23 p.m.], by leave: I move The Greens amendments Nos 1 to 4 on sheet C2015-071 in globo:

**No. 1 Members of Jobs for NSW**

Page 3, clause 5, line 4. Omit "7". Insert instead "12".

**No. 2 Members of Jobs for NSW**

Page 3, clause 5, line 5. Omit "4". Insert instead "6".

**No. 3 Members of Jobs for NSW**

Page 3, clause 5. Insert after line 6:

- (c) 1 member appointed by the Minister on the nomination of Unions NSW,
- (d) 1 member appointed by the Minister on the nomination of the South Coast Labour Council,
- (e) 1 member appointed by the Minister on the nomination of the Newcastle Trades Hall Council,

#### No. 4 **Members of Jobs for NSW**

Page 3, clause 5, lines 13–16. Omit all words on those lines. Insert instead:

- (4) In appointing a member, a Minister is to have regard to the following requirements for members of Jobs for NSW:
  - (a) the members of Jobs for NSW as a whole must have demonstrated commercial acumen and knowledge of, and senior business experience in, growing jobs and improving industry competitiveness,
  - (b) at least 3 members of Jobs for NSW must be women,
  - (c) at least 1 member of Jobs for NSW must have expert knowledge of digital innovation and digital entrepreneurship,
  - (d) at least 1 member of Jobs for NSW must have significant experience in industry, that primarily relates to industry in regional New South Wales.
- (5) Of the members appointed by the Minister under subsection (2) (a), at least 2 must have significant experience in the public sector.

By way of background to these amendments, proposed section 6 of the proposed Act creates functions for the body called Jobs for NSW. Those functions create a very powerful committee with the power not only to provide advice to the Minister on matters such as opportunities for developing the New South Wales economy and attracting new businesses to the State but also to develop a specific strategy to deliver economic development to the State and, most significantly, to call for proposals for job creation incentives, to approve criteria for eligibilities for those job creation incentives, to assess any proposals according to the eligibility and assessment criteria and to provide recommendations to the Minister about which proposals should and should not be funded. This is a powerful committee and, given functions—

**The CHAIR (The Hon. Trevor Khan):** Order! It seems to be a common occurrence that the Hon. Walt Secord and the Hon. Shaoquett Moselmane engage in animated discussion. It is difficult for people at the table to hear. It is nothing more than an observation at this stage.

**Dr JOHN KAYE:** These are important functions which—

**The Hon. Adam Searle:** The night is young.

**The CHAIR (The Hon. Trevor Khan):** They will get the drift.

**Dr JOHN KAYE:** I feel I have really got the Chamber with me here.

**The CHAIR (The Hon. Trevor Khan):** You do. You have me.

**Dr JOHN KAYE:** Yes. I know the Hon. Ben Franklin particularly is gripped by my every word, so I

have little choice but to continue in this vein. The seven individuals who will be on Jobs for NSW, in the words of the Hon. Catherine Cusack in an earlier debate, have their hands on other people's money. They will be making specific and significant decisions that will impact on the way other people's money is spent. The question then is: Who are these people who are being given this power? Proposed section (5) tells us that there are seven such people. Four of them are appointed by the Minister, one is appointed by the Minister for Regional Development, one is the Secretary of the Department of Industry, Skills and Regional Development or a nominee, and the seventh member is the Secretary of the Department of Premier and Cabinet or a nominee of that Secretary.

There are only two people on that panel who have specific public sector experience, and those two, I have to say, are not exactly friends of the public sector. One would have to say that in reality they are people whose job description is specific hostility to the public sector. Only one of those people would have any chance of having specific regional and rural experience or expertise, and that would be the person appointed by the Minister for Regional Development. The remaining four are to be appointed by the Minister and are therefore unlikely to have any rural or regional experience. There is no specification that any member of this committee is required to come from the rural sector or have rural experience. There is no requirement that any member of this committee is female. It is entirely appropriate under this legislation for the Ministers to appoint five blokes, four of whom come from the city—and the fifth may well also come from the city. But five of those people will be private sector experienced, because proposed subsection (4) tells us:

the members of Jobs for NSW as a whole must have demonstrated commercial acumen—

I have no difficulty with that at all; I think that is a good thing—

and knowledge of ... growing jobs and improving industry competitiveness

That is fine, but subsection (4) specifies another qualification: They have to have senior business experience in industry. That rules out anybody who has not had a specific senior management position in corporate Australia. I say again, because there is no question that the Minister or Parliamentary Secretary will come back on this and say that I am against commercial acumen, that I have no difficulty with commercial acumen and I have no difficulty with a knowledge of how to grow jobs and improve industry competitiveness. Those are valid and viable qualifications. What I do have difficulty with is that every appointee will have to have senior business experience. Every one of them will come out of the lofty heights of corporate New South Wales or corporate Australia more broadly. In my opinion, that poses three significant and specific problems.

First of all, the very people who have hollowed out jobs to enrich themselves and their shareholders will be the people who are put in charge of growing jobs. These are the very worst people for this task—it is in their DNA to destroy jobs not to create jobs. These are the people who by law have to maximise value for their shareholders by reducing the number of people who work in their enterprise. It is an especially bad idea if those people are friends of this Government, with its penchant for destroying jobs. These are people who have no interest in employment after a lifetime of destroying jobs in the private sector. This is not so much a case of putting the fox in charge of the henhouse; it is more a case of putting the sharks in charge of beach safety. This is about putting in people who do not have a commitment to jobs.

The second problem with this requirement is the conflict of interest. These individuals will be appointed from industries that will themselves potentially be beneficiaries of the handouts from the public purse. It will be impossible to resolve the conflict of interest. Suppose, for example, that somebody from the coal industry is put onto this board. Mr Buckingham eloquently described earlier the problems associated with the coal industry. If someone from the coal industry was put on the board, they would have a bias against renewable energy and towards coal. They would not accept that the real jobs in New South Wales and the real future for this State—real economic security not just for the current generation

of people in New South Wales but also for our children and our grandchildren—lies in renewable energy, public transport and sustainable technology.

Those are the technologies that the world will need and the technologies that will create the base for an export industry, which will provide employment, wealth and wealth distribution for this State for generations to come. If this board is stacked with people who come from industries that are antagonistic to sustainable technology—supposing they come from the petroleum industry, the coal industry or the motor vehicle industry—they will have a bias against what is in the best interests of the people of New South Wales: the creation of jobs in clean technologies. The third problem we have with this particular confirmation of Jobs for NSW is the complete and utter lack of diversity—an absence of representatives of the people who will do the jobs. This is all about the people who are in management.

It says nothing about the valid representatives of the people who will do the work—that is to say, the unions. There is nothing in this bill that talks about diversity of gender. It could be a committee of seven blokes. There is nothing in here that talks about requiring individuals on that board who have experience with rural and regional industries. To that extent, our amendments, taken as a whole, do the following: they increase the number of members of the board of Jobs for NSW from seven to 12—first, by increasing the number of members who are appointed by the Minister, from four to six; and, secondly, by inserting three other representatives. The change from four members to six members will create greater opportunity for diversity. The three other representatives are to be members appointed by the Minister on the nomination of Unions NSW, a member appointed by the Minister on the nomination of the South Coast Labour Council, a member appointed by the Minister on the nomination of the Newcastle Trades Hall Council, also known as Hunter unions—

*[Interruption]*

I note that the Government Whip finds this matter risible. However, what the Government Whip is not telling us, and I do not think it would be fair for the Hon. Scott Farlow to refer to him as a character out of Monty Python—

**The Hon. Shayne Mallard:** I am Shayne Mallard.

**Dr JOHN KAYE:** Apologies, how could I confuse you. The Hon. Peter Primrose made an observation about genetic diversity, which I will not repeat. The point is that these are not only the representatives of working people in the three largest conurbations in New South Wales but also the people who have come forward repeatedly with proposals for creating new jobs. In particular, Arthur Rorris and Wayne Phillips from the South Coast Labour Council have been pushing really hard to protect the steel industry and to create a sustainable future for the steel industry. Their jobs for the Illawarra was a benchmark program that looked at Green Streets—creating a green construction industry, creating a green renewable energy industry and creating a green transport industry for the Illawarra.

These were the people in the Illawarra who looked forward and said, "We cannot keep doing more of the same. We cannot lock ourselves into what the industries in the Illawarra have seen firsthand—which is bleeding our workforce dry, bleeding our region dry and walking away from polluted environment." Instead these were the people who said very loudly and very clearly, "We need to create a new future for the Illawarra." Daniel Wallace is saying the same thing in the Hunter, and Mark Lennon and the people at Unions New South Wales are saying similar things for all of New South Wales. Mr Chair, I do not seek to stack this board entirely with union representatives; but I do say that there is a valid role for the trade union movement in a partnership in creating new jobs.

To shut the door on them and to lock them out from this determination is to ignore one very important half of the equation—that is, the people who actually do the work. I have absolutely no doubt that the Government will arc up on this. I can already see the Hon. Dr Peter Phelps getting ready to stand up to say, "Mr Chair, I wasn't going to speak on this but I have to now," because in their DNA they loathe

unions. They loathe the whole idea of cooperation. The problem is that their old-fashioned, outdated and class-based view of the world will not work. The successful economies, such as those of the Scandinavian countries and Germany, recognised five decades ago that creating jobs was about a partnership between working people and their representatives and capital and government.

**The CHAIR (The Hon. Trevor Khan):** Order! I call the Hon. Dr Peter Phelps to order for the first time.

**Dr JOHN KAYE:** The other thing that our amendments seek to do is to insert into the constitution that at least three of the members must be women. On a board of 12 members, that is only one quarter. If we were in Finland there would be no question—it would have to be 50 per cent. Indeed, it should be 50 per cent. At least let us have one-quarter of the appointees being female, and at least one member of Jobs NSW must have significant experience in an industry that primarily relates to rural and regional New South Wales. We need to at least recognise that one-third of the population of this State lives outside of large cities—and that one-third of the State is facing huge unemployment challenges. Without assistance—without industry policy and without industry that focuses on building up new opportunities for those individuals—they will continue to languish in an economy that goes south.

The last part of our amendment is to make sure that at least two of the appointees of the Minister have significant experience in the public sector. The appointment of people who have experience in the public sector recognises the role that the public sector has traditionally played in the generation of jobs and the creation of apprenticeships. In institutions I have worked for we have trained up large numbers of apprentices who have gone on to become the key to a productive economy. These amendments strengthen Jobs for NSW, create diversity, create the opportunity for a labour-capital-government partnership, and create opportunities for diversity in terms of gender and the expertise of people on the board of Jobs for NSW. I commend the amendments to the Committee.

**The CHAIR (The Hon. Trevor Khan):** Order! Before I call the Leader of the Opposition, I am looking at Opposition amendment No. 1, which I anticipate the member is about to move. It seems to me that Opposition amendment No. 1 is in many ways identical to The Greens amendment No. 4 except with respect to paragraph (d) and paragraph (e). Perhaps the way to proceed is to move an amendment to The Greens amendment to delete (d) and insert (d) and (e) of Opposition amendment No. 1, rather than moving Opposition amendment No. 1. That would mean your amendment would be moved first; and if it gets up, it will be moved in its entirety.

**Dr JOHN KAYE:** The path that you have outlined is acceptable to me; it is a good way forward. I indicate that The Greens will support that amendment to our amendment.

**The Hon. ADAM SEARLE** (Leader of the Opposition) [8.40 p.m.]: Make sure that is the only difference.

**The CHAIR (The Hon. Trevor Khan):** The wiser minds than mine are telling me that (a), (b) and (c) are the same.

**The Hon. ADAM SEARLE:** I am happy to do that. So that we do not confuse things, I will seek to move paragraphs (d) and (e) of Opposition amendment No. 1 on sheet C2015-072A as an amendment to paragraph (d) of The Greens amendment No. 4 on sheet C2015-071.

**The CHAIR (The Hon. Trevor Khan):** That is correct.

**Dr John Kaye:** To replace The Greens paragraph (d)?

**The CHAIR (The Hon. Trevor Khan):** Yes.

**The Hon. ADAM SEARLE:** To omit The Greens paragraph (d) and to insert paragraphs (d) and (e) of Opposition amendment No. 1.

**The CHAIR (The Hon. Trevor Khan):** That is right.

**The Hon. ADAM SEARLE:** Therefore, I move that The Greens amendment No. 4 be amended by deleting paragraph (d) and inserting instead paragraphs (d) and (e) of Opposition amendment No. 1 on sheet C2015-072A as follows:

- (d) at least 2 members of Jobs for NSW must ordinarily be resident in an area of New South Wales that is outside the metropolitan areas of Sydney, Wollongong and Newcastle,
- (e) at least 1 member of Jobs for NSW must have expert knowledge of disability employment.

I will start with the issue that deals with the gender balance. The amendments are important to strengthen the skills base and the outlook of the Jobs for NSW Board. It is important to do that because if we are to receive the best advice on how to increase jobs across the State, we must ensure that we are engaging all of the talent that is available in our State. This Government, unfortunately, does not have a good record of appointing women to senior positions on boards and committees, or organisations such as the WestConnex Delivery Authority, where there are no women. Indeed, the board of Infrastructure NSW has only one woman board member. The board of Urban Growth New South Wales, I understand—for a brief, dizzying period—had two female members out of six or seven board members, but it is now down to one. One female member retired before the 2015 election and has not been replaced.

During budget estimates Minister Goward stated that women's membership on Government boards and committees had increased from approximately 37 per cent to 39 per cent. Sadly, she was unable to provide any details and had to take questions on notice. We know from data that was available between March 2011 and December 2012 that women's participation on boards and committees in the Premier's portfolio had fallen from 44 per cent to 27 per cent. In local government, it has fallen from 67 per cent to 39 per cent. In community services, where approximately 65 per cent of employees are women, women's participation on those committees has fallen from 73 per cent to 59 per cent. No matter where we look across the Government sector we see a downward trend to exclude women from key and important positions. If we are serious about this board of Jobs for NSW, we should ensure there is a substantial participation by women whether they are from the business sector or otherwise. We support that part of The Greens amendment which is in the same terms as our amendment No. 1. We think that women's participation not only needs to be encouraged by platitudes but also reinforced by giving this body a strong charter.

As I indicated in my contribution to the second reading debate, we will support this legislation. If this Government is intending for Jobs for NSW to be a serious outfit, it should accept in good faith some of the amendments we put forward. I will address the two parts that are now encapsulated in our amendment. We think having only one board member out of seven who is from outside the metropolitan area is not a sufficient or adequate representation. We think there needs to be at least two members of the board who are ordinarily resident in New South Wales but who live outside the metropolitan areas of Sydney, Newcastle and Wollongong. We think that rural and regional New South Wales needs a bigger, clearer and stronger voice on this board. I foreshadow that we have other amendments that will ensure its economic advisory charter is strengthened with a sharper focus for the regions. We make no apology for saying that at least two board members must be from regional and rural New South Wales. We would have hoped that, again, this was an idea that the Government might have borrowed from us, or that it would have at least moved its own amendment. Perhaps the Parliamentary Secretary—

**The Hon. Sophie Cotsis:** Might surprise us.

**The Hon. ADAM SEARLE:** He might surprise us or he might give us a commitment or an undertaking that that is what the Government intends to do. We think paragraph (e) is important. There should be at least one member of the board with expert knowledge of disability employment. This is an area where persons living with disabilities often face isolation and economic exclusion. Australia generally, and New South Wales in particular, does not deal with economic inclusion of persons living with disabilities. I will leave the detail of that point to my colleague the Hon. Sophie Cotsis, the shadow Minister for Disability Services. We think it is important that there be somebody on the board advising the Government at this top level with a unique perspective on how to reconnect persons living with disability to employment. This is an important social justice aspect. The Opposition urges the Government—whether or not this amendment is successful—to take this up as a key focus when deliberating on whom the other board members ought to be.

**The Hon. RICK COLLESS** (Parliamentary Secretary) [8.47 p.m.]: I will speak to The Greens amendments Nos 1 to 3 initially and then I will speak collectively to The Greens amendment No. 4 and the Opposition's amendment to it. The Government believes that the current composition of the board as set out in the bill will be the most efficient number of individuals to carry out the functions of Jobs for NSW, so we do not see any need to increase the total number to 12 and increase the second one to six, as Dr John Kaye outlined. The Government is deliberately pursuing a private-sector-heavy board that will draw on commercial acumen and experience. Only 17 per cent of Australians are currently members of trade unions, but The Greens want to stack up the board of Jobs for NSW with their union mates. It is not about the public sector. The creation of jobs within the private sector is important.

Some members who spoke in this debate did not really understand what the bill is all about. It is not about the seven jobs to be created in Jobs for NSW; it is about that board creating many other jobs throughout New South Wales in the private sector. We cannot hope to embrace the jobs of the future while we are shackled by some of the prehistoric practices employed by the trade unions. The Government does not support The Greens amendment No. 4 and/or paragraphs (d) and (e) of Opposition amendment No. 1. It is too prescriptive and will not give Jobs for NSW the flexibility it needs to appoint members that are best placed to help New South Wales seize the opportunities that will grow in our economy. The bill clearly states:

In appointing a member, a Minister is to have regard to ensuring that the members of Jobs for NSW as a whole have demonstrated commercial acumen and ... senior business experience ...

It is not necessary to further specify the make-up of the board in this legislation. As my colleague outlined in his speech in reply in the lower House, which has been recorded in *Hansard*, I can assure the House that the board will have experience in a broad cross-section of businesses across New South Wales, including regional businesses. The Government is committed to ensuring equitable female representation on the board and to ensuring that it has expertise in the digital and start-up economy.

Finally, the board will include the secretaries of the departments of Industry, Skills and Regional Development and Premier and Cabinet, or their nominees, who will bring extensive public sector experience to the board. This will ensure that the board membership will include the best of both public and private expertise. I assure the Committee that the Government is committed to ensuring equitable female representation on the board as part of the recruitment process. It is for those reasons that the Government will be opposing the amendments.

**The CHAIR (The Hon. Trevor Khan):** That did not shortcut it at all.

**The Hon. SOPHIE COTSIS** [8.50 p.m.]: I speak to that part of Opposition amendment No. 1 that says at least three members of Jobs for NSW must be women. The Parliamentary Secretary said that some members do not understand what the bill is about.

**The CHAIR (The Hon. Trevor Khan):** Order! I make the observation that that provision is part of The Greens amendment No. 4, not the Opposition's amendment to it.

**The Hon. SOPHIE COTSIS:** Sorry. But I can talk to it?

**The CHAIR (The Hon. Trevor Khan):** Yes.

**The Hon. SOPHIE COTSIS:** I will talk about the paragraphs that state at least three members of the board must be women, and at least one member must have expert knowledge of disability employment. The Parliament Secretary said that some members do not understand what the bill is about. I counter that statement; it is not true. This bill is about establishing a board of seven people who, it is hoped, will create jobs. Indeed, today and last week members have spoken at length about it. This is the fifth year of the Coalition's reign in New South Wales and in that time the unemployment rate in rural and regional New South Wales has risen.

When the Government came to office in 2011 it said that it wanted to create more than 100,000 jobs. However, the unemployment rate continues to rise and we have not seen any innovation. It will be great to have people from the private sector included, but I agree with the comments by The Greens about having a broad group of people to look at the areas of high unemployment and to talk to industry groups so we can increase employment opportunities. At the same time, the Government is closing down TAFE colleges and cutting courses. That is not the way to create jobs.

The Opposition contends that there should be at least three female board members. A couple of years ago Labor analysed how many boards had been established after the Government had won office in 2011, and how many of those board members were women. Unfortunately, that analysis showed that the number of women on the committees and panels of the 12 boards established by the former O'Farrell-Baird-Stoner governments fell below 25 per cent. Separate data from Women NSW reveals that between March 2011 and December 2012 at nine New South Wales departments female board representation fell markedly. The lack of progress in this State has prompted renewed criticism that the Government's policy of merit selection does not improve gender balance.

I acknowledge that Treasurer Gladys Berejiklian is looking at women's representation on boards and—I do not think she said 50 per cent—said that if there were no women she would not attend meetings. Whilst that is a good thing, we still need targets. Women need to be represented on boards. Between March 2011 and December 2012 women's representation on New South Wales Government boards by portfolio had dropped: Premier and Cabinet, 44 per cent to 27 per cent; Local Government, 67 per cent to 39 per cent; Family and Community Services, 73 per cent to 59 per cent; and Tourism, Major Events, Hospitality and Racing, 32 per cent to 18 per cent. When the WestConnex Delivery Authority was established there were no women. Only one woman was appointed to Infrastructure NSW and UrbanGrowth. I understand that there has now been a slight change but only because Labor has been putting a lot of pressure on the Government to do something about it. Across New South Wales many skilled, well qualified and highly educated women run boards. Some are chief executive officers of companies or banks. They would all make fantastic board members of Jobs for NSW.

I turn now to at least one board member having expert knowledge of disability employment. I am passionate about this. I have already put forward the abysmal figures relating to people with disabilities who face double-digit unemployment and constant barriers. According to the Australian Bureau of Statistics the unemployment rate for people with a disability in New South Wales is almost twice the unemployment rate for people without a disability. Only half of all working-age people with a disability participate in the labour force compared with 80 per cent of people without a disability. People with a disability who work part-time are more likely to be underemployed than people without a disability.

Information from the New South Wales Public Service Commission shows that the proportion of people with a disability employed in the New South Wales public sector is declining—it has fallen by 1.9

per cent over the last number of years. That is a huge decline; it needs to change. The Government needs to appoint someone with expertise in this area. In the lead-up to the last State election Labor committed to establish a bipartisan disability employment panel and give \$10 million in order to provide new employment initiatives for people with a disability.

**The CHAIR (The Hon. Trevor Khan):** Order! The member should speak to the amendment.

**The Hon. SOPHIE COTSIS:** I am.

**The CHAIR (The Hon. Trevor Khan):** Order! I am not going to enter into a debate with the member. She is now moving beyond speaking to the amendment.

**The Hon. SOPHIE COTSIS:** In 2011 accounting firm PricewaterhouseCoopers released a report outlining a series of principles that it believed should guide the implementation of the NDIS. In the report, PwC cited statistics which indicated that Australia ranks twenty-first out of 29 OECD countries in employment rates for people with a disability. It also highlighted the fact that Australia is ranked twenty-seventh out of 27 OECD countries when it comes to relative poverty risks for people with a disability. This report was released four years ago and these statistics have not changed, which is why I am urging the Government and crossbench members to support the Opposition's amendment.

I would like an assurance from the Minister and the Government that they will look into this matter. In the past Minister Roberts has always heeded the Opposition's practical policies. It would not take much to implement the Opposition's suggestion; all that is required is the appointment of a disabilities expert to the board of Jobs for NSW—a suggestion that I am sure all members would support. With the roll-out of the NDIS we must ensure that people with disabilities have access to employment. We must break down the barriers and appoint an expert to the board of Jobs for NSW.

**The Hon. PAUL GREEN** [9.01 p.m.]: I note the contribution of the Hon. Sophie Cotsis with respect to the NDIS, which is new ground for us. I refer to the Richmond report which has resulted in moving people out of institutions, which is fantastic. It has ensured that people are living in the right environment and that disability services are autonomous, which is also fantastic. People with disabilities are now moving to another wonderful stage—that of independent living. I take on board the suggestion by the Hon. Sophie Cotsis that the Minister and the Government should look into this matter. I also ask the Minister and the Government to consider appointing a disability specialist to the board of Jobs for NSW, as \$8 billion will be going into that scheme. As there will be an exponential push for expertise it would be unwise not to have someone with expertise on that board. I hope that the Government heeds that suggestion.

Another suggestion was that people from regional areas should also be on the board. At the end of the day I will not heed The Greens as opposed to the Government on these issues as the Government has the runs on the board. I am aware of The Greens' record and I have heard their views on Manildra at Shoalhaven. The Greens talk about renewable energy but they are happy to shut down ethanol plants because of their philosophy on monopolies or something like that. The Greens are happy to support cuts to the jobs of chaplains in an attempt to save 100 jobs in some other industry. I am sure that Government members and Opposition members want to ensure that everyone has a job, even if they have philosophical differences about certain jobs.

**The Hon. Sophie Cotsis:** I support chaplains.

**The Hon. PAUL GREEN:** I acknowledge the interjection of the Hon. Sophie Cotsis. At the end of the day every job is important. Only last week General Purpose Standing Committee No. 6 conducted an inquiry into vocational education and training in New South Wales and it asked the relevant Ministers what they were going to do to create employment. The committee was told that 18,000 jobs had been created in Wollongong, which is wonderful. However, employment is important to anyone with a mortgage

and a car loan who has children to educate and a bunch of other commitments. Committee members travelled to regional New South Wales and heard from TAFE workers and professionals. For the first time some thought has gone into ensuring the right training for the right job at the right time, in particular in regional areas. It is no good training 100 people for 100 different jobs when all that is available is 50 jobs in hospitality and no-one has been trained to fill them. It is wise to ask the right questions so that we can implement the right education strategies. Education and training are important but they are evolving and changing with modern technology.

The committee heard also about online education. As many people are opting to train online, education has changed in that respect. They are no longer being trained in TAFE institutes; they have found another way of going about it. Many students are mothers and single parents who cannot get to these institutes, but they are still upgrading their qualifications. We must not just rule a line under something and say, "That is all that education is" or, "That is all that training should be." Training should not take place in a particular building or at a particular time to deliver a particular set of skills. If that is all that is available we will fall short of the mark with respect to the skills that are needed in regional and metropolitan areas.

We must have regard for the NDIS and the training that is needed to provide the necessary skills. We must have regard for our ageing population and think about aged care and increased training to meet the demand in that area. Training should be provided both inside and outside our schools and educational institutions. There are many ways to provide this training but we must also ensure that jobs are created. There are 152 councils in New South Wales and I am sure that many of them could help to train local people. However, they might not have the necessary funds to run projects in order to employ young people in the area.

If we provided employment opportunities we would be able to keep the cream of the crop in our local areas. If councils want to continue building their communities they must employ local young people. Only last night we heard that if 10 submarines were built in South Australia it would sustain jobs well into the future. We need that sort of innovation and that sort of backing for the steelworks at Port Kembla. It is nice to have a specialist jobs board but this is a no-brainer. A high-speed railway line would cost billions of dollars but it would sustain an amazing number of jobs into the future, particularly for the steelworks and those types of industries.

We just lost 80 to 90 jobs from the paper mill near Nowra. It will prove difficult to resettle those people into new jobs. We must be a little wiser in our use of resources. The Government has got it right. Jobs for NSW is this Government's priority. It is doing its best to establish this body and to get the formula right to ensure an exponential growth in jobs. We must encourage jobs in regional areas and create calculated training opportunities—a gift that will keep on giving. If we get it wrong it will be like a seed that fell on a rock; it will not germinate or grow. This Government is on track and I think it has got it right. Earlier I referred to statistics that revealed the growth in jobs since I have been a member of Parliament.

If we want to create jobs, we must make New South Wales prosper. We can see from the data provided by the ANZ and CommSec that New South Wales is prospering. We must ensure that we cultivate the seed to grow crops in the good years, because there will be another season of famine. Woe betide us if we do not do the right thing by New South Wales and sow seed astutely for our future and our children's future.

**Mr JEREMY BUCKINGHAM** [9.09 p.m.]: I support the excellent contribution of my colleague Dr John Kaye and his well-crafted amendments. Amendment No. 3 highlights the need for workers' representatives on the Jobs for NSW Board, which is an important body. We have seen in the Illawarra what happens when there is a crisis in employment. We have seen what happens when an industry faces difficult economic circumstances. Who did the industry in the Illawarra bring in to facilitate and sustain jobs? Remember, it is important not only to create jobs but also to maintain jobs. In that situation, the industry brought in the unions: the Australian Workers Union, the South Coast Labour Council—

**The Hon. Paul Green:** They brought in Arthur.

**Mr JEREMY BUCKINGHAM:** That is right: they brought in Arthur Rorris and others and met with the Government. When the Government went to the Illawarra, who did it listen to? The Minister listened to the unions to find a way to keep those jobs going. That is eminently sensible. That is how it has always worked and will always work. It is important to have such skill sets on the board so that it can work effectively. It is not as though the board is loaded. It is a fair, representative body. That is a classic example.

I commend the contribution of the Hon. Sophie Cotsis, which drew attention to gender equality on the board—that is, at least 25 per cent of the board should be women. The point is lost on the Government. Look at the sausage fest on the government benches at the moment. Where are all the women? There are no women. The Government is not committed to equality for women. Where are the women in the Government? Are there any women on the government benches at the moment? Would all the women on the government benches put up their hands?

**The Hon. Shaoquett Moselmane:** Or stand up.

**Mr JEREMY BUCKINGHAM:** Stand up. An all-male retinue of members of Parliament is going to shoot down a proposal to ensure at least 25 per cent representation by women on the board. In 2015 that is pathetic.

**The Hon. Adam Searle:** It should be 42.5 per cent.

**Mr JEREMY BUCKINGHAM:** It should be 42.5 per cent.

**The Hon. Duncan Gay:** Come on. We have another bill to debate.

**Mr JEREMY BUCKINGHAM:** I am being told to hurry up. We are only discussing jobs in New South Wales. Hurry up; we have boat trailers to discuss. Do not worry about jobs; we have to discuss boat trailers. The best amendment moved by Dr John Kaye is No. 4:

Of the members appointed by the Minister under subsection (2) (a), at least 2 must have significant experience in the public sector.

The Hon. Rick Colless said, "We want this board to be efficient." The community does not want the board to be efficient; it wants the board to be effective. The community wants the board to work. It can efficiently do bugger all, and it probably will, but it should effectively do something. Public money sustains this State. The private sector is taking billions of dollars in public money. Roads and Maritime Services is handing over billions of dollars on worthy projects. Roads and Maritime Services is overseeing those projects to make sure that the community is not ripped off.

It is the Government's number one obligation to ensure value for money; it is sensible to have on the Jobs for NSW Board not only people from the private sector—who are very good at taking public money and making a profit—but also people from the public sector. The board needs representatives from Roads and Maritime Services. It needs people who have worked in public transport and public health who know how contracts work. They know where the need is. The State's economy is doing well, but so much of that economic growth is built on taxpayers' money. The amendments moved by Dr John Kaye and by the Labor Party are excellent. There is no legitimate reason for the Government to oppose them.

**The Hon. PAUL GREEN** [9.14 p.m.]: I put on record that the State has not prospered due to easy decisions. We in this Chamber have taken some hard decisions in the past five years to get the State to

where it is.

**The Hon. Duncan Gay:** And we have prospered.

**The Hon. PAUL GREEN:** We have prospered because of that.

**The Hon. RICK COLLESS** (Parliamentary Secretary) [9.15 p.m.]: I speak to the comments made by the Hon. Sophie Cotsis. Jobs for NSW is about investing in opportunities that will drive job creation and economic growth. It is about funding jobs for tomorrow. A strong economy that delivers results will deliver results across the entire population. The Government is committed to the concept of the National Disability Insurance Scheme. The Minister and the board will take into account any issues that relate to disability services. The Government is also committed to ensuring equitable female representation on the board but does not want to make it a specific number.

**Dr JOHN KAYE** [9.16 p.m.]: I will address a couple of the comments made by the Hon. Rick Colless. He said that the board is private sector heavy.

**The Hon. Rick Colless:** I did not use the word "heavy".

**Dr JOHN KAYE:** I think the member did say that. If I have verbed the member I apologise. The effect of his comments was that the board was deliberately designed to be dominated by the private sector. The Hon. Rick Colless said that only 17 per cent of people in New South Wales are members of a union. The Greens are seeking 25 per cent union representation on the board. That is only a quarter of the board. It is close to the percentage of people that the Parliamentary Secretary claims are members of unions. I do not see that that does any harm. I think it is proportionate membership. The Parliamentary Secretary told the House that the Government is committed to having women on the board. If the Government is so committed to that, why not put it in the legislation? Why not send a message to everybody in New South Wales that this State is committed to gender equity? I commend the amendments to the House. The Greens support Labor's amendments to our amendments.

**The Hon. SOPHIE COTSIS** [9.17 p.m.]: I listened to the comments of the Parliamentary Secretary. I question the advice provided to him by Minister Roberts' office. I am not sure that the Government understands what the Opposition is asking for. I quoted statistics on the high unemployment rate for people with a disability. I am not talking about disability services or the National Disability Insurance Scheme. The rollout of the National Disability Insurance Scheme and the provision of support services and individual packages will mean that over time people with disability will be skilled and able to be employed. The Opposition is saying that the high-level board should look at creating jobs for people with disabilities as well.

The board should examine the creation of jobs in the private sector and best practice—which companies are doing a really good job of employing people with disabilities. The board should also examine how to match skills with jobs and target disability employment outcomes. That is what I am calling for. This board will be really important. The Opposition's amendment relates to having a member of the board who has the expertise and expert knowledge to advocate for disability employment alongside other board members.

I do not know whether the Department of Premier and Cabinet will be involved, but obviously this will be a high-level strategic board. It is important that a member of that board has the expertise to drive and advocate for disability employment as well as advise the Government about targeted employment in the context of, for example, places in regional areas of New South Wales that have a high demand for workers. The Government should hold a roundtable with industry and various organisations to tap into the potential of people with disabilities.

As I stated earlier, the Deloitte's report shows there is untapped potential in the disability sector.

By diversifying to include people with disability in employment, we are looking at \$40 billion being added to our gross domestic product over 10 years. That is why I am emphasising the importance of the composition of the board. It is not about obtaining services; it is about having a member of the board who will advocate for disability employment and work alongside other experts on the board.

**The CHAIR (The Hon. Trevor Khan):** Order! I will put the question in relation to The Greens amendments Nos 1 to 3 inclusive.

**Dr JOHN KAYE:** Chair, I am okay with that, but I suggest that Labor's amendment to The Greens amendment No. 4 be put first, and then the question be put on all The Greens amendments in globo. To suit the convenience of the Committee, I think that will be faster.

**The CHAIR (The Hon. Trevor Khan):** All right.

**Dr JOHN KAYE:** To be clear, my suggestion is that Labor's amendment to The Greens amendment No. 4 be put first, to which The Greens agree, and then all four amendments of The Greens amendments can be put in globo. They fit together and form a pattern. That is my suggestion, if that is all right with you, Chair.

**The CHAIR (The Hon. Trevor Khan):** Yes. I appreciate the suggestion.

**Question—That the amendment of the Hon. Adam Searle to The Greens amendment No. 4 [C2015-071] be agreed to—put and resolved in the affirmative.**

**Amendment of the Hon. Adam Searle to The Greens amendment No. 4 [C2015-071] agreed to.**

**Question—That The Greens amendments Nos 1 to 4 as amended [C2015-071] be agreed to—put.**

**The Committee divided.**

**Ayes, 17**

Ms Barham  
Mr Buckingham  
Ms Cotsis  
Dr Faruqi  
Dr Kaye  
Mr Mookhey

Mr Pearson  
Mr Primrose  
Mr Searle  
Mr Secord  
Ms Sharpe  
Mr Shoebridge

Mr Veitch  
Ms Voltz  
Mr Wong  
*Tellers,*  
Mrs Houssos  
Mr Moselmane

**Noes, 22**

Mr Ajaka  
Mr Amato  
Mr Blair  
Mr Borsak  
Mr Brown  
Mr Colless  
Ms Cusack  
Mr Farlow

Mr Gallacher  
Mr Gay  
Mr Green  
Mr Harwin  
Mr MacDonald  
Mrs Maclaren-Jones  
Mr Mallard  
Mr Mason-Cox

Mrs Mitchell  
Reverend Nile  
Mr Pearce  
Mrs Taylor  
*Tellers,*  
Mr Franklin  
Dr Phelps

## Pair

Mr Donnelly

Mr Clarke

**Question resolved in the negative.**

**The Greens amendments Nos 1 to 4 as amended [C2015-171] negatived.**

**The Hon. ADAM SEARLE** (Leader of the Opposition) [9.31 p.m.], by leave: I move Opposition amendments Nos 2 and 4 on sheet C2015-072A in globo:

### **No. 2 Functions relating to rural and regional areas**

Page 3, clause 6. Insert after line 23:

- (c) to advise the Minister on opportunities for developing the economies of rural and regional areas,
- (d) to identify opportunities to attract new businesses to rural and regional areas,
- (e) to advise the Minister on strategies for addressing regional variations in employment opportunities,

### **No. 4 Assistance for areas outside Sydney**

Page 6, clause 12. Insert after line 18:

- (5) The Minister must ensure that not less than 30% of the total amount paid from the Fund for jobs creation incentives in any year commencing on 1 July is paid for proposals relating to areas outside the metropolitan area of Sydney.

Both Opposition amendments relate to providing a sharper regional focus. Amendment No. 2 sharpens the economic charter of Jobs for NSW by requiring the board to advise the Minister on opportunities for developing the economies of rural and regional areas specifically, to identify opportunities to attract new businesses to those locations specifically and, in particular, to advise the Minister on strategies for addressing regional variations in employment opportunities. The reason for this amendment is that, despite all the words from the Government, the text of this legislation remains very city centric. I accept that the Government has announced who the new chair of the board will be but—and I could be wrong—I am assuming he probably lives in greater metropolitan Sydney. We also know that two of the other members are going to be the Secretary of Premier and Cabinet and the Secretary of the Department of Industry. I do not believe either of those persons lives outside Sydney, Newcastle or Wollongong. So we have three out of the seven board members already locked into the city.

My concern is that without a specific and strong charter for regional economic development, rural and regional New South Wales may be left behind in the deliberations of this body. When one looks at the employment statistics, while unemployment was about 5 per cent when this Government came to office and it is now about 6 per cent, one can see there are significant regional variations. For example, if one looks at Orana Far West unemployment statistics one can see that, on this Government's watch, unemployment in that region has increased from 2.9 per cent to 4.4 per cent. If one looks at the Hunter

Valley, excluding Newcastle, one can see that unemployment has increased from 5.8 per cent at the time of this Government's election to 11.5 per cent now.

**The Hon. Lynda Voltz:** Give them the North Coast stats.

**The Hon. ADAM SEARLE:** I will get to the North Coast. On the mid North Coast, unemployment has gone from 10.1 per cent to 10.9 per cent; in the Richmond-Tweed area, unemployment has gone from 5.1 per cent to 8.1 per cent. One can see that many regions in this State are not doing as well as the State as a whole, which is why there needs to be, in our view, a specific and sharp regional economic development focus. That is the substance of our amendment No. 2. Amendment No. 4 will ensure that not less than 30 per cent—it could be more—of the total amount of money paid from the Jobs for NSW Fund for jobs creation incentives will go outside the Sydney metropolitan area.

The contributions of Government members on this subject have been very interesting. In the other place at least three speakers on the Government benches who represent regional locations said that the bill guaranteed that 30 per cent of the funds will be spent in regional New South Wales. I am also certain that *Hansard* will reflect that that was the substance of at least part of the contribution of the Hon. Ben Franklin. We agree with those members: At least 30 per cent of the funds disbursed from the Jobs for NSW Fund should be in rural and regional locations. But the bill merely requires that in its annual report each year the board is to report as to whether 30 per cent was spent in the regions—there is no requirement to achieve that target.

When one examines the contributions of different Government members one sees there is confusion or a belief that the bill does what it does not. We support those contributions from Government members; we agree that at least 30 per cent of the funds should be in rural and regional locations. For the assistance of the Parliamentary Secretary, I refer members to clause 8 (1) (b) on page 4 of the bill, which requires that particulars of payments be provided in the annual report. We share the policy objective, but let us put it in writing. Let us make it part of this legislation and part of the charter of Jobs for NSW. Let us not leave it to chance or misadventure. We are not precluding the possibility that in a given year funds going to regional New South Wales may be more than 30 per cent, but it should be no less. We earnestly look forward to Government members—at least those from regional locations—joining us in voting for the amendments.

**The Hon. RICK COLLESS** (Parliamentary Secretary) [9.37 p.m.]: The Government will oppose the two Opposition amendments. The Government believes the bill reflects the amendments and their intent, and therefore will not be supporting amendment No. 2. Jobs for NSW is about growing the whole State, including regional areas. The Government does not support amendment No. 4 as we are committed to jobs growth and economic development in rural and regional areas. That is why we have committed that at least 30 per cent of the total amount paid from the Jobs for NSW Fund for jobs creation incentives will be for proposals relating to rural and regional areas. That intent is clearly reflected in the legislation.

Members should note that the 30 per cent figure is a minimum only and the actual amount allocated to rural and regional areas may be higher, depending on the applications that Jobs for NSW receives. The amendment moved by the Leader of the Opposition stipulates that 30 per cent that is payable to rural and regional areas must be paid in any year. That is unnecessarily prescriptive and will lead to arbitrary and poor outcomes. While I take on board the comments of the Leader of the Opposition, his amendment means that even if it is 50 per cent one year, the next year it still has to be 30 per cent. The bill is designed so that the rate can be averaged over a couple of years, so that if it is 50 per cent one year it can be less than 30 per cent the next year.

The Opposition's amendment would make it difficult for Jobs for NSW to fund large-scale projects that are good for the economy and it would also limit the Government's flexibility when negotiating payment plans or funding agreements. What the Opposition is proposing goes against the spirit of Jobs

for NSW. The amendment seeks a commitment to a funding proposal in areas outside Sydney. That is inconsistent with the bill, which refers to rural and regional areas as those areas outside the metropolitan areas of Sydney, Wollongong and Newcastle. The Government's position is consistent with the regional and rural areas under the Restart NSW legislation, and for that reason the Government will be opposing the amendments.

**The Hon. WALT SECORD** (Deputy Leader of the Opposition) [9.39 p.m.]: As the shadow Minister for the North Coast I support Opposition amendments Nos 2 and 4 moved by the Hon. Adam Searle. I note that statewide unemployment under the Baird Government has ranged from 5 per cent to 6 per cent. Opposition amendments Nos 2 and 4 will provide a regional focus for the bill and legislation. Unemployment on the mid North Coast has increased from 10.1 per cent to 10.9 per cent and unemployment in the Richmond-Tweed area has increased from 5.1 per cent to 8.1 per cent. Those figures illustrate the need for these amendments. I commend the amendments.

**Dr JOHN KAYE** [9.40 p.m.]: The Greens support the amendments. It is important that there be a specific focus on rural and regional New South Wales.

**Question—That Opposition amendments Nos 2 and 4 [C2015-072A] be agreed to—put.**

**The Committee divided.**

**Ayes, 17**

Ms Barham	Mr Pearson	Mr Veitch
Mr Buckingham	Mr Primrose	Ms Voltz
Ms Cotsis	Mr Searle	Mr Wong
Dr Faruqi	Mr Secord	<i>Tellers,</i>
Dr Kaye	Ms Sharpe	Mrs Houssos
Mr Mookhey	Mr Shoebridge	Mr Moselmane

**Noes, 21**

Mr Ajaka	Mr Gay	Reverend Nile
Mr Amato	Mr Green	Mr Pearce
Mr Blair	Mr Harwin	Mrs Taylor
Mr Brown	Mr MacDonald	
Mr Colless	Mrs Maclaren-Jones	
Ms Cusack	Mr Mallard	<i>Tellers,</i>
Mr Farlow	Mr Mason-Cox	Mr Franklin
Mr Gallacher	Mrs Mitchell	Dr Phelps

**Pair**

Mr Donnelly	Mr Clarke
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**Question resolved in the negative.**

**Opposition amendments Nos 2 and 4 [C2015-072A] negatived.**

**The Hon. ADAM SEARLE** (Leader of the Opposition) [9.49 p.m.]: I move Opposition amendment No. 3 on sheet C2015-072A:

**No. 3 Annual report of Jobs for NSW**

Page 4, clause 8, line 19. Omit all words on the line. Insert instead:

- (3) The Minister is to make the report publicly available and must lay the report before Parliament as soon as practicable after receiving it.
  - (4) If a House of Parliament is not sitting when the Minister seeks to lay the report before it, the Minister is to cause a copy of the report to be presented to the Clerk of that House of Parliament.
  - (5) A report presented under subsection (4):
    - (a) is, on presentation and for all purposes, taken to have been laid before the House, and
    - (b) may be printed by authority of the Clerk of the House, and
    - (c) if so printed, is taken to be a document published by or under the authority of the House, and
    - (d) is to be recorded:
      - (i) in the case of the Legislative Council—in the Minutes of the Proceedings of the Legislative Council, and
      - (ii) in the case of the Legislative Assembly—in the Votes and Proceedings of the Legislative Assembly,
- on the first sitting day of the House after receipt of the copy of the report by the Clerk.

This is an amendment to the annual report on operations of the Jobs for NSW provision of the bill, which is found on page 4. The bill has a very unusual provision. Subclause (3) of clause 8 in the bill states:

The Minister may make the whole or any part of a report publicly available.

That would seem to include the annual report. It really provides for the Minister to edit or redact, in whole or in part, the annual report of Jobs for NSW. We do not think that is an appropriate course of action. We think it is not transparent and so we propose a more standard annual reportage clause of the kind that applies to most government bodies. The amendment would provide for the Minister to make it publicly available before the Parliament as soon as practicable and there are various machinery provisions for when the House is not sitting. We do not think the Minister should be able to withhold the report, in part or in whole.

**The Hon. RICK COLLESS** (Parliamentary Secretary) [9.50 p.m.]: The Government believes that the bill reflects the proposed amendments and their intent. Jobs for NSW will be an outcomes-orientated, jobs-focused board with a clear target. It is time that New South Wales moved on from the endless inquiries and glossy report accountability of Labor. The annual report may be made wholly or partly publicly available and the Government believes this is the best approach to the public reporting of the

activities of Jobs for NSW. Therefore, the Government will not be supporting the proposed amendment.

**Question—That Opposition amendment No. 3 [C2015-072A] be agreed to—put and resolved in the negative.**

**Opposition amendment No. 3 [C2015-072A] negatived.**

**Title agreed to.**

**Question—That this bill as read be agreed to—put and resolved in the affirmative.**

**Bill as read agreed to.**

**Bill reported from Committee without amendment.**

#### **Adoption of Report**

**Motion by the Hon. Rick Colless, on behalf of the Hon. Niall Blair, agreed to:**

That the report be adopted.

**Report adopted.**

#### **Third Reading**

**Motion by the Hon. Rick Colless, on behalf of the Hon. Niall Blair, agreed to:**

That this bill be now read a third time.

**Bill read a third time and returned to the Legislative Assembly without amendment.**

#### **BUSINESS OF THE HOUSE**

##### **Postponement of Business**

**Government Business Orders of the Day Nos 3 to 5 postponed on motion by the Hon. Duncan Gay and set down as orders of the day for a later hour.**

#### **IMPOUNDING AMENDMENT (UNATTENDED BOAT TRAILERS) BILL 2015**

##### **Second Reading**

**The Hon. DUNCAN GAY** (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council [9.53 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Impounding Amendment (Unattended Boat Trailers) Bill 2015. I acknowledge the constructive contributions of members of the other place to debate on the bill and will address some of those issues directly through Government amendments which have been circulated.

**DEPUTY-PRESIDENT (The Hon. Paul Green):** Order! Members who wish to conduct a conversation will do so outside the Chamber.

**The Hon. DUNCAN GAY:** The object of the bill is to enable impounding authorities, including local councils, to improve the management of boat trailer parking on residential streets. The bill complements other reforms the Government has already implemented in response to the work of the Boat Trailer Working Group. The bill is a simple one. It effectively provides for, as a last resort, the impoundment of boat trailers and boats that have not been moved for a reasonable period of time, but only after a minimum of 15 days notice has been given to the owner. Clearly, notifying boat owners gives them the opportunity to move the boat trailer and to avoid it being impounded. In this way, this bill should not have an effect on the vast majority of responsible boaters who do the right thing and store their boats and trailers in a way that does not significantly impact on others in their local community or cause complaints and frustration.

This Government is a great friend of boaters and the boating industry and a strong advocate of safe and responsible boating. We are investing record funding to deliver boating infrastructure across the State. So far, under the NSW Boating Now program the Government has allocated \$33.7 million to deliver upgrades and new infrastructure, including boat ramps, jetties, pontoons, car parks and sewage pump-out facilities. Indeed, my objective as Minister for Roads, Maritime and Freight is not to see boats parked endlessly on streets but rather to see them out on the State's vast waterways, as often as the weather, work, family and other commitments will allow.

The good news is that we are seeing increasing numbers of families across New South Wales enjoying the pleasures that come from a day on the water. However, as more families are taking up this pastime, there is increasing pressure on the storage of boats, especially in higher-density metropolitan areas. Increasingly, we have seen some boat owners using on-street parking as a long-term parking solution for storing their boats. This, in turn, has led to legitimate concerns about the loss of access to already scarce parking space and amenity, and in some cases safety issues.

About 204,000 boat trailers in New South Wales are registered with the Roads and Maritime Services, with growth at around 2.9 per cent per annum forecast over the next decade. Consequently, the concerns of the residents are likely to be exacerbated if the problem remains unchecked. The Impounding Act 1993 confers powers on enforcement officers to impound a vehicle or a trailer where the enforcement officer believes, on reasonable grounds, that the vehicle or trailer has been abandoned or left unattended. While these powers allow enforcement officers to impound clearly abandoned or unattended boat trailers, the officers cannot direct that legally parked boat trailers are moved by their owners, however long they have been parked.

Enforcement authorities, in particular local councils, the NSW Police Force, and Roads and Maritime Services, are finding that the exercise of current powers is proving insufficient to respond effectively to residents' concerns about the negative impacts of boat trailer parking. This bill seeks to amend the Impounding Act 1993 by conferring on enforcement officers enhanced powers specifically relating to the parking of boat trailers. The offences that currently apply under the Impounding Act where a vehicle is abandoned will not apply to owners of boat trailers that are parked for more than the prescribed period. I am happy to acknowledge the good suggestions and opportunities to improve the bill, including those made by members with a deep history in local government.

While we have experts in the Office of Local Government and Transport for NSW, we should not forget that this is an issue in which local members are also very much experts—with years of experience of listening and responding to concerns. The Government will be moving amendments to the bill introduced in the other place. We have continued to consult with councils, residents and other stakeholders to determine what will work best. I also acknowledge what the member for Heffron has said about the bill and confirm we have taken on board his suggestion that the bill allow local government to declare areas subject to the new powers and will be moving amendments to this effect.

In summary, first, councils and other impounding authorities can opt in to the new measures for all or part of their area of operations, improving local flexibility; secondly, boat trailers must be moved

within a period of 28 days rather than three months; thirdly, trailer owners must move at least as far as a different section of the road, past the next intersection; and, fourthly, where councils and other impounding authorities opt in, the strengthened impoundment powers will not apply in the case of a boat trailer that is parked on a road in accordance with an official residential parking permit. These measures will provide council and other enforcement officers with a clear power to direct that boat trailers be moved on or impounded after being parked in the same place for 28 days, but only in declared areas and only after a further 15 days notice has been given to the owner.

These measures are designed to better target the new powers, balance the rights of boat owners to park their trailers on the street legally and the interests and amenity of residents and the broader community in the use and sharing of an increasingly scarce resource—namely, on-street parking. It is also important to note that this bill is part of a broader package of legislative and complementary policy measures that seeks to increase long-term and on-water boat storage capacity. In addition to our investments in boating infrastructure, up to \$5 million has been made available to support development of off-street boat trailer parking as part of this bill. Transport for NSW will initiate a further call for registrations of interest in development of off-street boat trailer parking facilities, in connection with the implementation of the bill, and it is pleasing to see some councils, such as Sutherland, have commenced already. Priority will be given to proposals that support implementation of declared areas and involve collaboration between councils, public land managers, boating and self-storage industries to provide least-cost but viable storage options.

The moorings review has been completed. I anticipate providing further detail in the near future on the improvements we intend to deliver. These will make more efficient use of existing mooring capacity to improve mooring administration. We implemented changes to the Road Transport Regulations in December 2014 to make it illegal for an unregistered trailer to be parked on a road and enable council officers to issue penalty notices. Similarly, changes to the Roads and Maritime Services Permit Parking Policy to provide councils with discretion to issue residential parking permits to residents with boat trailers were made in March 2015. If councils want to allow boat trailer parking in their own areas for their own people, they can. Finally, I confirm that it is the Government's intention to coordinate commencement of the Act with local government action to implement declared areas and to give boat owners sufficient lead time to move their boat trailers. I commend the bill to the House.

**The Hon. PETER PRIMROSE** [10.04 p.m.]: The Opposition does not oppose the Impounding Amendment (Unattended Boat Trailers) Bill 2015. We support the sentiment behind it, and believe it identifies a genuine concern in many, but not all, communities, particularly for those in high-density suburbs. The objective of this bill is well meaning. However, we also recognise that this legislation, like so much legislation that has been introduced by this Government, is poorly thought through and unlikely to provide a remedy for this community concern, and will not give effect to the actual intention of the bill.

I note that because of the shambolic way in which the Minister for Local Government prepared this bill, the Government has been forced today to propose substantial amendments that will fundamentally change the bill. As these will be considered in Committee, my comments will relate to the bill as presented by the Government to this House. I note, however, that the bulk of the Minister's second reading speech related to the bill as the Government proposes to amend it, rather than the bill as prepared by the Minister for Local Government and debated in the other House.

Let us take item [1] of schedule 1 to the bill, which relates to new section 15, which proposes to deem any boat trailer that has not been moved for three months as being abandoned and, therefore, under the principal Act, able to be removed and impounded. Yet the bill is silent regarding how it can be proved that a trailer has not been moved over a three-month period. Under item [1] of schedule 1, if the boat trailer is moved but then is brought back again to the same spot, even if this is only 10 minutes later, it seems this does not offend against the new section 15 provision. It is almost impossible to enforce. When the *St George and Sutherland Leader* put this to the Minister for Local Government, his response as reported on 6 August, was:

If we find they are moving it down or across the road, we will make more changes to address that situation.

Surely this is not an unforeseeable response. We have the bill before us. This is the time to come up with a solution, not some time down the track. The bill is silent, but I am pleased that the Minister has indicated tonight that as a consequence of debate in the other House—along with, presumably, the volume of objections that have been received from the community and the recognition of the incompetence of the Minister for Local Government—those opposite have had to substantially rewrite this entire bill.

**The Hon. Duncan Gay:** Point of order: If the member wishes to make those sorts of comments about a member in the other place, he should do so by substantive motion—and the member knows that. I ask the member to withdraw.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! I do not uphold the point of order.

**The Hon. PETER PRIMROSE:** I take the point of the Leader of the Government in this place. I will not seek to declare the Minister incompetent again, but will simply point out that the Minister, without consulting anyone, presented to the other place a bill that was torn to pieces by members—

**The Hon. Walt Secord:** Savaged.

**The Hon. PETER PRIMROSE:** —savaged by members of the community and this evening the Minister for Roads, Maritime and Freight has had to come into the House with his tail between his legs to present a series of amendments that rewrite the bill that was presented. I leave it to the community to decide whether they believe the Minister for Local Government—

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! There is too much audible conversation in the Chamber.

**The Hon. PETER PRIMROSE:** —is capable of presenting legislation. I point out that this is the same Minister who has been given the task of implementing Fit for the Future in New South Wales and local government reform.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! I remind members that a number of them are on two calls to order. Members who wish to have private conversations will do so outside the Chamber.

**The Hon. PETER PRIMROSE:** The Minister's second reading speech shows how poorly the Minister's work on this bill was and how little thought went into it. This is another poorly thought-out aspect to the bill as presented to this House by the Government, which is what I am addressing at the moment. It deems that everyone's boat trailer is subject to abandonment if they do not move it, regardless of the circumstances in which it is parked. There is no point in saying that this bill is discretionary because if a vehicle is deemed to be abandoned under the principal Act, and the council is aware of it, the council is obliged to discharge its statutory obligation by dealing with abandoned vehicles. Council cannot say, for instance, "This is a coastal region where everyone parks boat trailers on the street. This belongs to the person who lives in the house it is parked in front of, so the council is not going to do anything about it."

Many people from coastal areas have expressed concern about the implications of the bill for their area, reinforcing again the dictum that one size does not fit all. One of the ways this bill can be fixed—and I am pleased that the Government appears now to understand it even if the Minister for Local Government, who drafted the original bill, does not—is that to allow local government to declare certain

parts of their areas to be areas where the provisions of the bill do not apply. Whether that is an opt in or an opt out is a matter that we can debate. But the fact that the Minister for Local Government chose, in his bill, not to allow that to happen—

**The Hon. Duncan Gay:** It's opt in.

**The Hon. PETER PRIMROSE:** I understand. The fact the Minister for Local Government chose, in his bill, not to allow that provision for local government to have a say in this is—

**The Hon. Duncan Gay:** And they can give permits to their own local boats.

**The Hon. PETER PRIMROSE:** The Minister says they can give permits. This Minister has had come into this House this evening and try to fix up the mess that the Minister for Local Government presented to the Legislative Assembly. This bill has already been passed through the Legislative Assembly, where the Premier, the Treasurer and the Deputy Premier voted for Minister Toole's legislation, but the Minister for Roads has had to effectively rewrite that legislation. I think the proposals put up by this Minister are reasonable. However, I am speaking to the principal Act.

**The Hon. Duncan Gay:** So it is a tick.

**The Hon. PETER PRIMROSE:** It is a tick because I think the Government has realised now that what Minister Toole introduced in the Legislative Assembly was wrong.

**The Hon. Duncan Gay:** The Government is listening.

**The Hon. PETER PRIMROSE:** The person who did not listen is the Minister for Local Government. One concern that has been raised with me by stakeholders is that in seeking to identify the owner of the boat trailer, the enforcement officer should be required to use the registration details of both the trailer and the boat. I am advised by Parliamentary Counsel that this will be addressed by section 16 of the Impounding Act 1993, which refers to motor vehicles, but will be amended by this bill to include a trailer and the boat or other article mounted on it. It is good thing that that concern has been addressed.

Other stakeholders have suggested that in certain local government areas, the period should not be restricted to three months. They have suggested that the Government should allow councils to determine the appropriate period. When a problem occurs, say, near a boat ramp in a residential area and in a particular street, the Government could allow the council to declare that street to be an area in which a provision similar to item [1] of schedule 1 to the bill applies. To give effect to the proposal, the bill could let the council decide that the period would be, say, 14 days or 28 days and not three months.

**The Hon. Duncan Gay:** It is 28 days. We have changed that.

**The Hon. PETER PRIMROSE:** The Minister said again it has been changed.

**The Hon. Dr Peter Phelps:** We have listened.

**The Hon. PETER PRIMROSE:** But the Minister for Local Government did not listen. I commend the Leader of the Government in this House, the Minister for Roads, Maritime and Freight, as sad as it is, who has had to come into this House to correct what the Minister for Local Government presented and required his Premier to vote on.

**The Hon. Walt Secord:** You're a big man, Peter, doing that.

**The Hon. PETER PRIMROSE:** I am prepared to go to the point of saying that the Minister for Roads, Maritime and Freight has fixed up the mess caused by the Minister for Local Government. I know

that it is difficult and that it is tough, but on this one the Opposition will probably back him because I think it is a fair and sensible thing to do.

**The Hon. Duncan Gay:** It is 28 days unless the council decides to change it.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! There is too much audible conversation in the Chamber.

**The Hon. PETER PRIMROSE:** The Opposition will not pursue that amendment today, but use it to again highlight that only local councils really know where the problems are, and they should be involved in the decision-making process. I would have thought the Minister for Local Government would have at least understood that, but clearly he did not. This is the same Minister who is responsible for the chaotic Fit for the Future policy in New South Wales. When the State intervenes with legislation that covers the whole State without regard to local conditions, it always runs the risk of just creating a shambles.

Talking of shambles, the Minister for Local Government, as he so often does, has failed totally in this bill to address any of the obvious community concerns that were being expressed well before he introduced the bill into the Legislative Assembly. It is only now, after it has passed the other House, and in response to community outrage and the Opposition's proposed amendments to the bill, that the Government has been forced to address some of the obvious errors in the bill by belatedly proposing substantial amendments. On the understanding that the proposed amendments will be put during the Committee stage to address some of the mess created by Minister Toole, the Opposition does not oppose the bill being read a second time.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! I remind Opposition members that a number of them are on two calls to order.

**Mr David Shoebridge:** Throw them out.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! I call Mr David Shoebridge to order for the first time.

**Mr DAVID SHOEBRIDGE** [10.17 p.m.]: On behalf of The Greens I indicate that The Greens will support the Impounding Amendment (Unattended Boat Trailers) Bill 2015 as it is intended to be amended in accordance with the Minister's second reading speech in this House. It is true that there is a deep pool of ordinary that is the Office of Local Government and the office of the Minister for Local Government. It is a deep, turgid, turbid pool of ordinary that produces the kind of messy, sub-standard bill that was originally introduced into the lower House. The Office of Local Government managed to sell the previous Minister to that big, dark hole that produced the amendments to section 451 that legalised corruption in the local government sector. And that same muddled thinking produced the original draft of this bill, which proposed a statewide prohibition on anyone parking their boat trailer in the same spot for three or more months.

Reverend the Hon. Fred Nile interjected that there was a purpose for having an upper House, and that is to amend some of the rubbish that comes out of the lower House. The original bill was rubbish and had enormous flaws. The amended bill is a very substantial improvement, and does good and necessary work. The amended bill will provide that if a trailer has been unattended for 28 days or more in part of a local government area or a national park that is a declared area for the purpose of this bill then a notice can be issued by an impounding officer, and if the boat trailer is not moved within 15 days of the notice being issued then the boat trailer can be impounded.

When I served on Woollahra Municipal Council for two terms there was a continuing problem with boat trailers. Boat trailers would be parked in streets immediately to the south of Rose Bay and

immediately around Watsons Bay, anywhere where there was unrestricted parking, and they would be left there for months and months and months. They would have cobwebs on them, be covered in filth and dirt, but they would not be moved. Local residents could not get a parking spot. The council imposed parking restrictions in those areas. One strategy the council used—for which there was unanimity on the council, with strong support from the residents—was to have a two-hour parking limit on a Thursday afternoon between 2 o'clock and 6 o'clock. So, at least once a week, the boats would have to be moved. Any boat that was not moved would get a parking ticket, with an increase in parking tickets eventually leading to a notice, and the owner forced to move the boat to avoid it being impounded. It was a good solution.

But, of course, once that was done in one parking area, boats would be moved up the hill slightly. Parking restrictions would have to be rolled out there, and the boats would be moved slightly further up the hill, and so on. Eventually, most of the boats were moved out of the Woollahra council area, and ended up being parked all around the cemetery at Waverley. If anyone is of the view that this bill is not needed, I suggest they go and have a look at the streets surrounding the cemetery at Waverley. There they will see boat trailer, after boat trailer, after boat trailer, because they have been progressively moved off some other harbour-side streets. The experience of my local council was being replicated by a number of other harbour councils and a number of councils in the southern suburbs of Sydney. In patches of the coast, residents faced the same problem: a whole bunch of parked boat trailers excluding local residents parking, with local residents wanting councils to have the capacity to do something about that problem.

The strategy that Woollahra council used of two-hour parking restrictions on a Thursday afternoon, whilst a somewhat effective measure to move on boat trailers, of course had the impact of affecting parking for residents' cars as well. While the residents agreed with that council strategy, on the whole supported it and were happy to have the minor inconvenience of moving their cars on one afternoon, it caused inconvenience to local residents who did not want to move their cars every Thursday afternoon in order to get rid of a problem that should have been fixed by some sensible statewide regulation.

The bill, as amended, will allow local councils that have a specific issue in parts of their local council area to make those problem areas declared areas for the purpose of this Act, allowing the issue of notices threatening the impounding of boat trailers after they have been abandoned for 28 days, and 15 days thereafter allowing for the impounding of boats that have not been moved. That is a sensible measure. It was changed so that it does not have blanket operation across the State, and changed so that it can be implemented in the whole or in parts of individual local council areas, as councils see fit. I understand that it will authorise agencies, such as Crown Lands, the National Parks and Wildlife Service and other land management authorities in the State, to make areas over which they have control declared areas. It is a sensible measure.

Of course, that sensible measure should have been in the bill as originally drafted. As I said before, it is really unfortunate that the Minister for Local Government is so deeply ordinary, and that those advising the Minister for Local Government are so deeply ordinary, that they produce this kind of flawed legislation. There is a pattern developing. I commend the rest of the Government for having a look at the shoddy, substandard work that continually comes out of that Minister's office and trying to do something about fixing it. As I said, it is the purpose of the upper House to fix it. I commend the Minister in this place for putting together the amendments that fix the bill. That is good.

The Greens have some amendments that we would encourage members to consider in Committee, when the bill comes before us again tomorrow. In my experience, every time the council on which I served was talking about boat trailers the residents would say, "Yes, boat trailers are terrible; they are a really big problem. But could you also deal with the advertising trailers?" That is because advertising trailers are deeply unattractive. Advertising trailers are becoming increasingly offensive because they have cyclic electronic advertising. Those advertising trailers, which sit outside someone's house, not only take up a public parking spot; they are really unsightly. This happens throughout Sydney.

If people travel down Parramatta Road to Ashfield, they will see trailer, after trailer, after trailer flashing, "Be careful of Labor. Don't put another Labor councillor on your local council." No doubt, after this contribution, a number of them will flash, "Don't vote Greens, because they will be taking our offensive advertising trailers off the streets." I do not doubt that.

**The Hon. Sophie Cotsis:** Are you trying to wreck the industry, David?

**Mr DAVID SHOEBRIDGE:** I note the interjection. I am trying to wreck the industry—an industry that is based on putting trailers with unsightly advertising material in public parking spots, not only taking up those spots but also cluttering up streetscapes. Yes, that is an industry that I think should have no future in this State—but only to the extent that a local council wants to make the area a declared area to deal with that kind of offensive advertising material on the streets. I support the bill as amended. I am glad the Government has foreshadowed that it will move amendments, and I commend the amendments that will come before the Committee. Hopefully, we can pass this bill tomorrow.

**The Hon. ROBERT BROWN** [10.25 p.m.]: I will now demonstrate how to conduct oneself at this time of night. Bad bill; great amendments—we support it.

**The Hon. SHAYNE MALLARD** [10.26 p.m.]: I will not take the lead from my colleague the Hon. Robert Brown; I will deliver a more substantive speech. I am pleased to support the Impounding Amendment (Unattended Boat Trailers) Bill 2015. This bill is one of a number of initiatives that the Government intends to implement to assist in the management of boat trailer parking. We all know and boast that we live in the world's most beautiful city. Anyone flying into Sydney on a sunny day cannot help but be dazzled by the glistening blue waters that criss-cross our vast suburbs. From Port Hacking in the south, Botany Bay and, of course, Sydney Harbour, to our marvellous rivers, including the Nepean, the Hawkesbury, Georges and Parramatta in the west or Cooks in the south, all are hemmed in by generous beaches and sparkling coves—sounds like a tourism or real estate advertisement.

Our lifestyle as Sydneysiders is in many ways defined by our relationship with these waterways. And, of course, with this comes our love affair with all things water related, including more than 200,000 boat trailers and probably many thousands more boats, which this legislation seeks to better regulate. Currently, there are 204,000 boat trailers in New South Wales registered with Roads and Maritime Services. This number is forecast to increase by about 3 per cent per annum over the next decade, which is another 70,000 boats. This highlights the need for a range of suitable boat storage options, particularly off-street options. Increasingly, boat owners are using on-street parking as a long-term storage solution for their boats. This has led to legitimate concerns about loss of amenity, competition for scarce on-street parking and increased road safety risk.

The Impounding Act 1993 confers powers on enforcement officers to impound a vehicle or a trailer where the enforcement officer believes on reasonable grounds that the vehicle or trailer has been abandoned or has been left unattended. While these powers allow enforcement officers to impound clearly abandoned or unattended boat trailers, the officers cannot direct that legally parked boat trailers be moved by their owners, however long they have been parked. In my time as a councillor, it became clear to me that this is a constant and consistent nuisance to residents across Sydney. I have dealt with complaints about boat trailers obstructing corners and curves, overhanging bicycle lanes and obstructing clear vision of pedestrian crossings or of side streets. And, I am afraid to report, boat trailers can be used as spite weapons in petty neighbourhood disputes—where they are parked in front of a neighbour's property to retaliate in a neighbourhood dispute. I have never owned a boat.

**The Hon. Walt Secord:** If you did you would support this legislation.

**The Hon. SHAYNE MALLARD:** My ancestors came on the First Fleet. To date, if the boat trailer is parked legally and safely it cannot be required to be relocated. There are significant impacts on road safety and resident amenity from the increasing number of boats being parked in on-street spaces on an

extended basis. The powers under the current legislation are out of step with public expectations. Local government is dealing with the issue at the coalface and to date it has been relatively powerless to respond.

This legislation is not in isolation. The Government has announced a new boating infrastructure program called NSW Boating Now, which replaces the successful Better Boating Program. An amount of \$70 million is being made available over five years to work with local councils and other partners in developing priority boating infrastructure projects across the State. Around \$35 million has already been allocated towards 192 regional boating priority projects to be delivered by the end of 2017. Another \$5 million has been set aside to assist local councils and potentially other organisations to establish off-street boat trailer parking facilities.

The Government wants to hear about ideas and opportunities for establishing new boat trailer storage facilities using the funding assistance. Further information will be made available shortly through Transport for NSW. Transport for NSW has also released 11 Regional Boating Plans covering each of the State's major waterways. The Regional Boating Plans have been developed following extensive public consultation and include strategies and actions to increase the capacity of on- and off-water boat storage in key centres. That will help to provide private boat owners with more storage options instead of storing their boat on a trailer in the local street.

Already the Sydney Harbour Boat Storage Strategy has been developed and released following public consultation. The strategy notes that trailers are the dominant form of storage for boats. It also notes that while the majority of trailers are stored on private property, many are stored on suburban streets and that on-street storage is expected to increase. To reduce the incidence of on-street storage the strategy aims to promote the establishment of dry-stack storage facilities in the Sydney Harbour basin as a means of providing an affordable form of secure boat storage for owners of smaller boats who do not have sufficient space on their properties. Storage strategies for Pittwater and Lake Macquarie are also being developed. They will seek to increase storage capacity and reduce mooring congestion and clutter. A comprehensive review of the administration of moorings has been undertaken to identify ways to promote more efficient on-water storage options. I am told the outcomes of the review will be released shortly.

I note that this bill from the other place incorporates amendments that show that this Government listens during the legislative process. The message to the community is that it is never too late to talk to this Government about proposed legislation. Well may the Hon. Walt Secord laugh, but that is how it should be. I applaud the Minister and Government for demonstrating a preparedness to adapt to appropriate feedback from stakeholders, in this instance principally local government. The measures the bill proposes will specifically target those vehicles that generate complaints from affected residents without impacting other vehicle owners. The legislation will allow councils to respond to hotspots and specific areas in their locality, whether they be in suburbs surrounding river boat ramps, seaside areas or holiday places. It will not target all boats; just the minority causing grief and nuisance. I am sure members think this is good legislation that takes a fine-tuned approach to the problem.

The bill proposes to operate by making parked boat trailers, whether parked legally or otherwise, subject to impounding by an enforcement officer if unmoved for a period of 28 days and by providing 15 days notice before impounding actions can be taken. Those measures will give council and other enforcement officers a clear power to direct that boat trailers, although legally parked, must be moved on or they will be impounded after being parked in the same place for 28 days. The amendments will not affect the power that enforcement officers currently have under the Act to immediately impound without notice a boat trailer that is obstructing traffic or that is unsafe. It is pretty obvious that the measures will be applied in the exception and they will play more of an educative and deterrence role.

The bill has been strengthened after further consultation with the specification that a boat trailer must have moved at least as far as a different "block face"—that is, a different section of the same road or

one block. That addresses the concerns that boat trailers might simply be rolled a metre forward and back every month. An improvement to the bill is the ability for councils to opt in so that the new provisions to deem a boat trailer unattended would apply to all or part of a local government area under the Impounding Act 1993. The proposed amendments will allow councils to determine in consultation with their communities where enforcement will occur. That will ensure that the measures are appropriately targeted and apply to areas identified by local communities on a needs basis, tailoring the bill to the areas that need it.

The bill delays its commencement to give boat trailer owners more time to find an appropriate long-term off-street parking arrangement. It is important to add that there has been wide stakeholder consultation on the issue. The bill, together with the Government's complementary initiatives that I have outlined in detail, is designed to strike a balance between protecting the amenity of people residing in waterside areas and facilitating the use and enjoyment of our harbours and waterways by boat owners. We have stopped the boats and now we are stopping the boat trailers. I commend the bill to the House.

**The Hon. COURTNEY HOUSSOS** [10.34 p.m.]: I will speak briefly in debate on the Impounding Amendment (Unattended Boat Trailers) Bill 2015. I commend the shadow Minister for his practical approach to the issue. Clearly, the Government amendments we heard outlined tonight are in response to his exposition of the bill's shortcomings. I note the significant difference between the Government's original proposal and the amendments now attached to the bill—indeed, the amendments that the Leader of the Government choose to focus on in his second reading speech.

My colleagues in the other place were critical of the impact of the original bill on regional communities, particularly those along the coast and around our rivers. The Government's subsequent amendments have gone some way towards relieving our concerns in that regard but, again, the manner in which this Government goes about its legislative function is of great concern to members on this side of the House. This bill is another example of an arrogant Government that refuses to consult in the first instance and is then forced into an embarrassing rewrite because its Ministers have not done their work properly.

Minister Toole first offered us an awkward and clumsy bill that was full of holes and did not address the issue at hand. Of course, the issue at hand is a very real loss of amenity for high-density suburban communities when owners choose to permanently store their boats, caravans, recreational vehicles [RVs] or advertising trailers on local street or roads, which clogs access to local business centres and abuses the fair use of public parking spaces for local residents. But the legislation does not mention caravans, RVs or any other type of trailer. It singles out the owners of boat trailers as if this Government or Minister has some sort of personal objection to the owners of boats around the State.

Moreover, it fails to differentiate between Sydney, where it can be a significant problem, and coastal and country New South Wales, where many boat owners can park their boats, RVs or caravans without disrupting local communities. I welcome the amendments as suggested by my learned colleague the member for Heffron for local government areas to opt in to the provisions of the bill. I urge the Minister to consider this. Having noted the drafting issues, and that could easily have been avoided if the Government and the Minister had bothered to consult, the Opposition will be supporting the bill as amended.

**The Hon. PAUL GREEN** [10.37 p.m.]: I thank the Minister for listening and adjusting the Impounding Amendment (Unattended Boat Trailers) Bill 2015 according to the wishes of the Christian Democratic Party. Once again, teamwork has produced a solid bill. We play a great part in this House of review. On behalf of the Christian Democratic Party I will speak briefly to the bill. The object of the Impounding Amendment (Unattended Boat Trailers) Bill 2015 is to amend the Impounding Act 1993 to provide special procedures for the impounding of boat trailers by impounding officers.

As part of reforms to address long-term parking of boat trailers in residential areas, the bill will

enable boat trailers within declared areas to be impounded if they are not moved within a specified period. The Government has expressed concern over local resident frustration about long-term boat trailer parking in residential areas. It is said that boat trailers are left unattended, unused and unmoved for extended periods in high-density areas where street parking is minimal. Residents have also raised safety and amenity concerns. We have a similar experience in the Shoalhaven when our population of 100,000 grows to 300,000 over summer. People have to put their boats and trailers somewhere.

The Government has advised that the bill will allow impounding officers to impound a boat trailer after three months and a 15-day notification period of non-movement in specified declared areas. Boat trailer owners have the option of relocating the boat trailer to their property—for example, a driveway, garage or off-street parking space. We have some very enthusiastic rangers down our way. If someone parks a trailer on a pedestrian way, whether it is a footpath or non-footpath area, he or she can also be booked, depending on the eagerness of the ranger. People out there parking their trailers on such easements should be very sure that it is not a pedestrian pathway or they could find themselves getting a ticket for another reason.

**The Hon. Sophie Cotsis:** Yes, I know.

**The Hon. PAUL GREEN:** So do I—not because I have a boat; I did it with my car. Boat trailer owners also have the option to request a residential parking permit for the boat trailer from the council as "declared area" status restricts on-street parking for boat trailers. There will also be the options of regularly moving the trailer within the default period to avoid impoundment or identifying alternative storage arrangements. Local government areas will be able to opt in and identify local areas of interest and impounding officers will be able to target particular zones. This allows greater flexibility in local government, and that is a wise move by the Government.

My only concern with this legislation is that the Government makes it very clear that local councils will be able to opt in and opt out easily with a simple council resolution. It is also important to note that this legislation is used only as a last resort. The Office of Local Government will support and monitor the local government implementation of boat trailer impoundment reforms. Roads and Maritime Services will assist local councils in identifying registered boat trailers in specified declared areas and it will also help to communicate changes of boating customers. If a boat trailer is impounded, the owner will be held responsible for removal, storage and retrieval costs. Unregistered boat trailers will be removed by councils as soon as they are made aware of them.

I note that sometimes one gets vexatious neighbours and on occasion vexatious neighbours do have a grudge or an axe to grind. I would suggest that rather than stir them up the more neighbourly thing to do would be to maybe hook up that baby and take it away for them and maybe take the boat for a spin. In conclusion, the Shoalhaven is clean, green and pristine and it is a good place to take a boat if anyone is thinking about going out in one.

**The Hon. SOPHIE COTSIS** [10.41 p.m.]: I make a brief contribution to debate on the Impounding Amendment (Unattended Boat Trailers) Bill 2015. I acknowledge our fantastic shadow Minister for Local Government who once again has shown up Paul Toole, the current Minister for Local Government—I do not know for how long but he does have form. He is consistent in this. A year ago he made a mistake with the red tape bill and that was not debated—it was discharged. Once again he has introduced a bill into this Parliament without proper consultation, without going through the unintended consequences.

Once again our fantastic shadow Minister for Local Government, the Hon. Peter Primrose, together with a number of colleagues in the lower House such as our colleague Ron Hoenig basically stated the obvious, and now we see that the Minister for Roads, Maritime and Freight has introduced an amendment to this bill, which we commend. We think that is very sensible. When I was reading the speeches given in the other place I found it interesting that the Attorney General of New South Wales, the member for Vaucluse, stated that she welcomed the opportunity to support this bill. She also stated:

This is not a confusing bill. It addresses a practical issue and it strikes a balance.

She probably did not read the bill, which is what Opposition members have done.

**The Hon. Walt Secord:** Like Ron Hoenig did—with a spyglass, for hours.

**The Hon. SOPHIE COTSIS:** And Ron went through it line by line. Today the Government has once again amended another of the bills introduced by the Minister for Local Government. One of the concerns that I had—and I do not know whether the Government will do something about it now or leave it for tomorrow—is that over 200,000 boat trailers are registered in New South Wales. Many of these boat trailers would be registered to seniors who have worked their whole lives and who are looking forward to being able to go fishing in their retirement.

I am concerned that there may be situations in which older boat owners are unable to move their trailers if they have extended periods of ill health, particularly if they have extended hospital stays. I would like the Minister's assurance that there will be hardship provisions in place to ensure that boat owners will not be unfairly penalised if they are unable to move their trailers due to significant hardship such as illness or injury. I ask the Minister that question. In conclusion, I thank the shadow Minister, Ron Hoenig, and all my colleagues who outlined why this bill should have been put out for public consultation and discussion prior to it being introduced. I agree with my colleague Mr Ron Hoenig who stated that this bill should have been introduced by the Minister for Roads, Maritime and Freight in the first place. Somehow it ended up with the Minister for Local Government who has no idea.

**The Hon. SHAOQUETT MOSELMANE** [10.45 p.m.]: I have a couple of comments to make in my contribution to debate on the Impounding Amendment (Unattended Boat Trailers) Bill 2015. I congratulate my colleagues and in particular the Hon. Peter Primrose for taking on the fight because this is a very bad bill—it is badly written, there was bad consultation, it was badly handled and it is a really clumsy bill. I congratulate the Minister, the Leader of the Government in this House, on introducing good amendments and I support the amendments and this bill.

**The Hon. WALT SECORD** (Deputy Leader of the Opposition) [10.45 p.m.]: I make a brief contribution in debate on the Impounding Amendment (Unattended Boat Trailers) Bill 2015. I was not going to speak on the bill but I was sparked into action after listening to the contribution of my colleague the Hon. Peter Primrose and the Leader of the Government, the Hon. Duncan Gay. Duncan, you are earning your stripes. You are fixing things up again. You work so hard, Duncan. I tip my hat to you. You work so hard cleaning up—

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! I remind the Hon. Walt Secord that he should direct his comments through the Chair.

**The Hon. WALT SECORD:** This bill passed through the Legislative Assembly and was supported by the Premier and the Deputy Premier, but we have a completely different bill before us tonight. It highlights the incompetence of the Minister for Local Government. I note the contribution of Mr David Shoebridge and his description of the Minister for Local Government as "ordinary". That is unfair to ordinary people. He is less than ordinary, but I commend—

**The Hon. Duncan Gay:** Point of order: The member is mounting a campaign of denigration against a member of the other place. The standing orders clearly indicate that that has to be done by way of substantive motion.

**The Hon. WALT SECORD:** To the point of order—

**The Hon. Duncan Gay:** Settle.

**The Hon. WALT SECORD:** Do not raise your hand at me.

**The Hon. Duncan Gay:** Settle. I ask that the member be drawn back to the leave of the bill.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! Wide latitude is given in second reading debates but the bulk of the member's speech has not related to the bill. I remind the member to return to the long title of the bill.

**The Hon. WALT SECORD:** I note that this bill relates to boat trailers. In the almost five years that I have been a member of Parliament I have not received a single representation on boat trailers, but I commend the member for Heffron and the Leader of the Government for rescuing and repackaging this bill. I note that the Leader of the Government has valiantly defended the Minister for Local Government and I admire his camaraderie. But for the record this is clearly the case of a local government Minister, who is trying to find something to do and who has had thought bubble, and we are here to burst that thought bubble. I end by paraphrasing a statement made earlier by the Hon. Robert Brown of the Shooters and Fishers Party. This is a bad bill, a dreadful local government Minister, an ever watchful member for Heffron and a Minister in the twilight of his career fixing the mistakes of a junior Minister. I support the amendments and I commend the bill to the House.

**The Hon. DANIEL MOOKHEY** [10.49 p.m.]: I make a brief contribution to debate on the Impounding Amendment (Unattended Boat Trailers) Bill 2015. This is the Liberal Party's latest attempt to stop the boats—

**The Hon. Shayne Mallard:** The Coalition.

**The Hon. DANIEL MOOKHEY:** Indeed, it is the Coalition's latest attempt to stop the boats. I begin by congratulating the Minister on the extent to which he has gone into detail, including on the operational matters associated with this crisis. He is to be commended. Indeed the depth of his detail was such that he was able to solve the dilemma posed to him by Mr David Shoebridge about boats that do not respect the borders between Waverley and its neighbouring council. I understand that this bill includes the power to act on such a scenario, including the ability to tow those boats back. The Government should be commended for this.

I point out that it is not at all clear whether the powers the Minister proposes in this bill apply to on-water matters as much as they apply to off-water matters. I am sure that in his speech in reply the Minister will clarify that matter. Importantly, the bill as amended finally will end the scenario where the State Government will decide where boats are parked and the circumstances in which they are parked. It is a sound amendment. For that reason, the Opposition will be supporting the bill. The people of New South Wales deserve to know that there is not an inch of daylight between the Opposition and the Government when it comes to dealing with this boat crisis.

**The Hon. DUNCAN GAY** (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council [10.51 p.m.], in reply: I thank members for their contributions—some of them were relevant but many of them were not. In fact, the last contribution was an attempt at a joke, but it just made a joke of the speaker. It is disappointing at this time of the night, and on a serious issue. Those opposite said they are happy to support the Impounding Amendment (Unattended Boat Trailers) Bill 2015, but a newer Opposition member indicated that a bit more consultation would not have gone astray. Consultation on this bill started in 2012. Roads and Maritime Services has been talking to the community and to boat owners since 2012. So we have had three years of consultation—the Labor Party would probably like another three, four or six years.

The difference between us and them is that they just want to talk about things; we want to do things. That is why this bill is before the House. If the Labor Party and its friends had their way, there

would have been six, eight, 12 or 15 years of consultation and nothing would have changed. If those opposite were that good, why did they not fix it when they were in government? Why do we have to fix it now? The problem has been around for a long time, and those opposite did nothing about it when they were in government. Those opposite are happy to be critical of us but they did nothing about it themselves. I thank those opposite for indicating that they support this bill. I welcome it. I commend this bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

**Consideration in Committee set down as an order of the day for a future day.**

### **ADJOURNMENT**

**The Hon. DUNCAN GAY** (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council [10.52 p.m.]: I move:

That this House do now adjourn.

### **CHINA-AUSTRALIA FREE TRADE AGREEMENT**

**Mr SCOT MacDONALD** (Parliamentary Secretary) [10.52 p.m.]: Most members of this House treat the budget estimates process seriously—it is an opportunity to garner information on the Government's policies and financial management. As we heard during estimates, the Liberal-Nationals story is overwhelmingly good for the community, the economy and the environment. Two major financial institutions, the ANZ and CommSec, have issued report cards showing that New South Wales is the stand-out performer amongst the States. The Greens member Jeremy Buckingham uses estimates as a media stunt time, and this year was no different. There was a short-lived burst on social media, but not much else. At least he turned up this year. But during this estimates session, for the first time I can remember, an ugly element of xenophobia crept in. At the very end of the General Purpose Standing Committee No. 1 hearings, a Greens member asked of the Treasurer, and I quote:

Treasurer, you would be aware of comments by Mr Peter Jennings, PSM, a former Defence official who now heads the Australian Strategic Policy Institute think tank. He said:

There is no effective separation between the behaviour of a Chinese firm and the Chinese Government, and that means the Communist Party.

He talked specifically about State Grid getting access to ownership or control of TransGrid, and said:

That means potentially they'd have the capability to mount a cyber attack and even the PLA (People's Liberation Army) could be given access to the electricity generation network. I think that's a concern.

Do you share Mr Jennings' concern?

Quite properly, the Treasurer responded:

I refer you to my previous answer, Dr Kaye, in relation to all bidders, irrespective of their origin, having to go through the same processes to satisfy jurisdictions outside the control of the State

Government.

Was this just a piece of inadvertent xenophobia? Or is there more to it than is immediately obvious? The Construction, Forestry, Mining and Energy Union [CFMEU] has been one of the groups most vocal against the China-Australia Free Trade Agreement. Coincidentally, the CFMEU is one of the larger donors to The Greens across the country. The Australian Electoral Commission reported the CFMEU donated \$145,000 in 2013-14 to various State branches of The Greens. It will be interesting to read the next funding returns.

A cynic might draw the conclusion that the New South Wales Legislative Council witnessed a request for a donation. I do not think that particular Greens member is a racist, but they were silly and definitely poorly informed. A retired member of Parliament once reinforced to me to always follow the money. There is something smelly on this trail. The CFMEU has mounted an outrageous campaign to bury the China-Australia Free Trade Agreement. No lie is too outrageous; no scaremongering is beyond the pale. Favours are being called in at State and Federal levels and many Labor and Greens members of Parliament are falling over themselves to spin the union lines inside and outside parliaments. No serious analysis of the proposed trade agreement could lead to a conclusion that the floodgates will be opened to an influx of Chinese workers. The Labor market for major projects has to be assessed and the skills have to be commensurate with Australian standards.

Under the proposed rules there would be an additional 269 Chinese workers under the 457 temporary visa program and only 15 visa holders would not be required to sit a mandatory skills exam, which is the process that already applies with some of our trading partners with whom we have similar free trade agreements. They are hardly earth-shattering additions to the labour market. The CFMEU is not in the business of building our economy, reducing costs to consumers or assisting our exporters. It is essentially in the business of protecting a cartel, and The Greens and Labor are running a protection racket for that cartel. They do not care about the consequences for our miners, farmers, food processors, exporting manufacturers, the Australian finance and insurance businesses being established in China, the aged-care industry, which is building a foothold in China, or the globally focused education sector and the rapidly growing two-way tourism industry.

The Department of Foreign Affairs and Trade commissioned the Centre for International Economics to model the impact of the new north Asian trade agreements. Its models show real wages would rise by an additional 0.5 per cent; employment would rise by an additional 5,400 to 14,600 each year over the next 20 years; there would be an increase in gross domestic product of \$24 billion in real terms; and exports would increase by an extra 11 per cent. With New South Wales representing one-third of the nation's economy and because it is increasingly focused on services and exports, this State could possibly be a significant beneficiary from the China-Australia Free Trade Agreement. But that also means growth of the private, market-based sector of the economy and dilution of the relevance and influence of unions on the Labor Party and The Greens axis.

We can expect more serendipitous questions in Parliament that will cast doubt on our liberalised trade and investment. At the 2015 State election in March the voting public saw through the xenophobia and wild claims of the Labor Party and The Greens. They resoundingly rejected the insular union scaremongering. If we look at the evidence we find that the debate has matured. That gives me heart that the community will turn its back on the union appeal of Labor and The Greens—the darkest elements of our society—but that means members on this side of the Chamber will have to be vigilant. [*Time expired.*]

### **FIGHT FOR \$15 MOVEMENT**

**The Hon. DANIEL MOOKHEY** [10.57 p.m.]: The United States of America is being roiled by the return of a social movement clamouring for wage justice. The Fight for \$15 movement is demanding a minimum wage of \$US15 and union representation. This movement started in 2012 in New York City when cooks and cleaners at restaurants like McDonald's, Wendy's and Burger King stopped work to

demand more than the minimum wage. Since then workers have been telling their stories about the plight of the working poor, the permanent poverty trap that is low-wage work, and the indignity and injustice of working full time yet still needing to line up for food stamps. The story told by those fast-food workers mirrors the experiences of other service workers—airline employees, home-care assistants, cleaners and security guards. Indeed, with their collective voices, these workers are asking hard questions about the realities of modern America. They are asking why some strands of America's heritage remain powerful enough to rope off too many African-Americans, Hispanics and women to the lowest rungs of American society; and why in this century people can work full time and still live a life of poverty and destitution.

These questions have been asked of mayors, city councils, State legislatures, governors and even the candidates for the Republican Party's presidential nomination. To answer them, politicians have had to engage in searching debates about the changing world of work. They have needed to decide whether the shift from a manufacturing economy to a service economy has rendered the employment contract redundant as the principal device with which to deliver rising incomes during times of plenty and protection during times of scarcity. They have needed to judge whether the ease of entry and exit in the service economy, the lack of pricing power and the power of supply chains is a permanent recipe for precarious employment. They have also needed to be honest about who precisely the precariously employed are—disproportionately women, disproportionately African-Americans, and disproportionately Hispanic. They are not people in their first job or those returning to the labour market after a prolonged period of unemployment but those raising families. Residents of some of the world's most expensive cities are working full-time, typically in more than one job, but living off the minimum wage.

In New South Wales and nationally, we too need to think through the implications of employment shifting from the manufacturing economy to the service economy. We should start by recognising our similarities with the United States. For instance, like America, the overwhelming majority of people here work in the service economy. Like America, most of our jobs growth has happened in the healthcare and social assistance industry, which now employs more than 1.4 million Australians. And like America, the majority of people who work in our service and other sectors are women. But unlike America, those who work in the Australian service economy earn more than the minimum wage, they do not bargain for their health care and they receive a measure of protection from being unfairly dismissed.

In Australia our Labor movement and the Labor Party have withstood attempts for more than a century to commodify the labour of people. The Labor movement has built a healthcare and retirement system that has retarded the nefarious influence of class. It has built a balanced workplace relations system that, for all its imperfections, provides those working in the retail, hospitality and healthcare sectors with the chance to receive a fair measure for the fruits of their labour. It lets them organise and form unions like the Shop, Distributive and Allied Employees' Association, United Voice, the NSW Nurses and Midwives' Association and the Health Services Union. This system has prevented the emergence of a peasant class in Australia. It has stopped Australia from experiencing the social instability of having a great number of people working but remaining poor.

For those of us who believe in this system, and for those of us who wish for it to be as effective in the coming century as it was in the last century, the imperative is modernisation—adapting the workplace system so that it is fit for purpose in the service economy. The test we should apply is simple: in addition to being a safety net for those employed precariously, the system should also be a springboard for those who want to enter the middle class. After all, security, stability and equity—the hallmarks of a middle-class life—are universal entitlements that are owed to everybody who earns them and is prepared to work for them.

## **ABORTION LAW**

**Dr MEHREEN FARUQI** [11.02 p.m.]: Recently I have been asked about The Greens' advocacy for abortion law reform. Some have asked me, "Is this the right time? Why do it now in the current conservative political climate?" The truth is that we have been waiting for the right time for more than 100

years. When will it be the right time? How long do we have to wait to make a decision about our own bodies without fear of persecution or prosecution—another 100 years? Neither I nor the thousands of others in New South Wales who have been campaigning for decades are willing to wait any longer.

The support that I have received from doctors and the community has been overwhelming, and the campaign will only continue to grow in the coming months. Women in New South Wales deserve better than to have our rights to medical privacy violated. Our right to body autonomy in health care must not be a crime. It is time for New South Wales to stand up for women's reproductive rights. It is time for New South Wales to stand up for the right to medical privacy. Abortion law reform in New South Wales is long overdue. After having decriminalised abortion, Victoria and the Australian Capital Territory are now moving to enact exclusion zones to protect women and their doctors from harassment and intimidation. They must be congratulated as they take steps to listen to the community and to align State and Territory laws with community values and opinions—doing what they are elected to do.

Shamefully, New South Wales languishes behind other States. Century-old, outdated and archaic laws govern us—laws that the people of New South Wales neither want nor deserve. Many people do not know that abortion still sits in the Crimes Act of New South Wales, until they or someone close to them needs to make a decision about it. The lawfulness of abortion—a health matter and a medical procedure—hangs precariously on the interpretation of the law by a District Court ruling in 1971. The judge deemed that an abortion would be lawful under certain circumstances where it is necessary to prevent serious risk to life or health. This is simply not good enough—not for people needing abortions and not for doctors and health professionals. As Julie Hamblin, a reproductive health lawyer, puts it:

There is a kind of taint of criminality that hangs over abortion because the doctors performing it or the women who have it cannot be absolutely confident they're on the right side of the line, in terms of the legal test.

Because of the uncertainty surrounding abortion law it has become a confusing, grey area, placing women and medical practitioners in difficult territory and at risk of criminal liability. Many general practitioners in New South Wales do not offer pregnancy termination services because of the fear of persecution or perhaps even prosecution. We see the persecution of women and their doctors outside reproductive health clinics. In Albury, for example, women are harassed every Thursday as they enter and leave a clinic offering a simple medical procedure. In rural and regional areas access is already an issue as there are only a few clinics. Women face extra costs for travel and accommodation, and the anxiety of persecution makes things even more fraught. Every woman has a right to privacy, respect, dignity and courtesy while accessing medical procedures.

Lawfulness is not the only question mark hanging over the situation in New South Wales. Given that abortion is still in the Crimes Act, there is a stigma and taboo attached to it. There is silence around it. The fact that no-one speaks about it leads to a lack of support and isolation at a difficult time in people's lives. There is absolutely no reason for there to be shame and stigma surrounding a decision about one's own body. I extend my hand to politicians across the spectrum to join me in bringing this antiquated law into the twenty-first century and aligning it with contemporary medical practice and community values. An overwhelming majority of Australians support a woman's right to choose and it is time that we in this Parliament did so as well.

## **MEDICAL RESEARCH**

**The Hon. SARAH MITCHELL** (Parliamentary Secretary) [11.07 p.m.]: Australia is known often to punch above its weight when it comes to advancements in medical research. We are known to have the best and brightest researchers, and our medical research institutes, universities and hospitals conduct some of the best health and medical research in the world. Our research seeks to address the health problems faced by Australians and we also contribute to global research. Australian researchers have accomplished some amazing achievements over the years—achievements that have changed the course

of medical treatments in ways we can only begin to comprehend. Though many of us know about the more famous Australian-led discoveries such as penicillin and Dr Fiona Wood's spray-on skin for burn victims, it is incredible to look through the pages of history to see just how many lesser-known advancements were made by Australians. In 1926, the electronic heart pacemaker was developed at Sydney's Crown Street Women's Hospital. One of the doctors working on the first pacemaker was Dr Mark Lidwill, who just happens to have been the great-grandfather of my husband, Anthony.

In the 1930s, Sister Elizabeth Kenny, a bush nurse born in Warialda and working in country New South Wales and Queensland, developed a fundamentally new and, at the time, controversial method of treating children with polio. After establishing a backyard clinic in Townsville, Sister Kenny began treating patients with polio and cerebral palsy with hot baths, passive movements and the discarding of braces and callipers. Her work, initially ridiculed by the medical community, was supported by the Queensland Government and went on to become internationally acclaimed. It is regarded as providing the foundations for the discipline now known as physiotherapy.

The world's first vaccine to prevent cervical cancer, with the potential to save thousands of lives, was developed by Professor Ian Frazer and others at the University of Queensland in the 1990s. The vaccine acts not against cancer but against the virus that causes cervical cancer. Dr Fiona Stanley, Australian of the Year in 2003, was one of a team of scientists who discovered the benefits of taking folate prior to and during early pregnancy. Her discovery has meant that far fewer babies born in the world today suffer from spina bifida. The cochlear implant was invented by a team led by Professor Graeme Clark at the University of Melbourne. In 1978 the first person received the implant at the Royal Victorian Eye and Ear Hospital. The bionic ear has since brought hearing to more than 320,000 people worldwide.

Now more than ever, governments of all persuasions understand that medical research is at the heart of a modern health system. The establishment of the landmark Medical Research Future Fund by the Federal Government will significantly strengthen Australia's standing as one of the global leaders in medical research. It will provide stability and predictability in funding for medical research and innovation into the future. The fund will receive an initial allocation of \$1 billion and will eventually provide about \$1 billion per annum in additional funding for medical research and innovation until the balance of the fund reaches \$20 billion. To provide context to this unprecedented investment, as Simon McKeon, AO, chairman of the Strategic Review of Health and Medical Research, remarked in 2014, the globally relevant Wellcome Trust in the United Kingdom is valued at around \$25 billion and was established more than 70 years ago.

In New South Wales, over the next four years our Government will boost support for health and medical research with an extra \$159 million in addition to the \$900 million provided over the last term. We saw in August this year the incredible work taking place in medical research in New South Wales. Professor Forbes, from the Newcastle-based Australia and New Zealand Breast Cancer Trials Group, received the 2015 Premier's Award for Outstanding Cancer Researcher of the Year. Among his many career highlights, Professor Forbes chaired the Australian and New Zealand arm of the International Breast Cancer Intervention Study clinical trial, which established that tamoxifen could be used for more than just successfully treating breast cancer; it could also be used to prevent the disease. The breakthrough research revealed that tamoxifen could prevent half of new breast cancers and significantly reduce rates of secondary cancer and the development of tumours in the other breast.

The Sydney Children's Hospitals Network received two awards: the Excellence in Translational Cancer Research Award for a project harnessing gene therapy for childhood brain cancer, and the Big Data, Big Impact grant for a project that is investigating personalised treatment through the interpretation of complex biomedical data. The Garvan Institute was honoured with three awards. Professor Susan Clarke received the Professor Rob Sutherland AO Make a Difference Award for decades of achievement in cancer DNA biology and the creation of DNA-based tests for early cancer prevention. Dr Angela Chou received the Rising Star PhD Student of the Year Award for her investigations into novel personalised

treatment for pancreatic cancer. A Garvan-led study which mapped pancreatic cancer genomes for the first time won the Wildfire Award for a highly cited publication. As governments across Australia recognise, it is vitally important to continue to invest in medical research to place us at the forefront of modern medicine.

## NATIONAL STROKE WEEK

**The Hon. PAUL GREEN** [11.12 p.m.]: I speak on behalf of the Christian Democratic Party on the important topic of National Stroke Week, which is this week, 14 to 20 September 2015. The main purpose of National Stroke Week is to raise awareness to prevent stroke in Australia. The National Stroke Foundation encourages all Australians to be aware of what a stroke is, to recognise a stroke and to know what to do, to live a healthy life to reduce the risk of stroke, and to get a regular health check. The National Stroke Foundation is a not-for-profit organisation supporting stroke survivors, carers, health professionals, governments and the public to reduce the impact of strokes on the Australian community. It is the voice of strokes in Australia. Its mission is to stop strokes, to save lives and to end suffering. One in six people will have a stroke. Behind those numbers are real lives. Strokes can happen to anyone, so it is important to know our stroke risk.

Stroke is not a heart attack. A stroke happens when the supply of blood to the brain is suddenly disrupted. Blood is carried to the brain by blood vessels called arteries. Blood may stop moving through the artery because the artery is blocked by a clot or plaque, or because the artery breaks or bursts. When blood stops flowing, the brain does not get the oxygen it needs and so brain cells in the area die, and permanent damage can be done. Some strokes are fatal while others cause permanent or temporary disability. It is important to understand that stroke can be prevented. Risk of stroke and second stroke is influenced by a number of factors. The more stroke risk factors we have, the higher are our chances of having a stroke. Stroke risk factors that we cannot control include age. As we get older, our risk of stroke increases. Another factor is gender. Stroke is more common in men. Another factor is a family history of stroke.

Lifestyle stroke risk factors that we can control are, firstly, high blood pressure and stroke or hypertension, which is the most important known risk factor for stroke because it can cause damage to blood vessel walls which may eventually lead to a stroke. Secondly, high cholesterol and hyperlipidaemia or dyslipidaemia often contribute to blood vessel disease, which often leads to stroke. Thirdly, cigarette smoking can increase the risk of stroke or further stroke by increasing blood pressure and reducing oxygen in the blood. More than 4,000 toxic chemicals in tobacco damage blood vessel walls, leading to atherosclerosis, which is a narrowing and hardening of the arteries. That increases the chance of blood clots forming in the arteries to the brain and the heart. Smoking also increases the stickiness of blood, which further increases the risk of blood clots forming.

Obesity or being overweight can increase the risk of stroke. Too much body fat can contribute to high blood pressure as well as high cholesterol and can lead to heart disease and type 2 diabetes. Poor diet and lack of exercise, or being inactive or overweight or both, can increase our risk of high blood pressure, high blood cholesterol, diabetes, heart disease and stroke. Drinking large amounts of alcohol—six or more standard drinks per day—increases the risk of stroke. The National Stroke Foundation lists facts and figures on its website at [www.strokefoundation.com.au](http://www.strokefoundation.com.au). These include that stroke is one of Australia's biggest killers and a leading cause of disability, and one in six people will have a stroke in their lifetime. In 2015 there will be more than 50,000 new and recurrent strokes, which means almost 1,000 strokes every week or just under one stroke every 10 minutes. In 2012 nearly 130,000, or 30 per cent, of stroke survivors under the age of 65 were living in the community. In 2015 there will be almost 440,000 people living with the effects of stroke. That is predicted to increase to 709,000 in 2032.

Stroke kills more women than breast cancer and more men than prostate cancer. Research shows that 65 per cent of those living with stroke also suffer a disability that impedes their ability to carry out daily living activities unassisted. In 2012, the total financial costs of stroke in Australia were estimated

to be \$5 billion. The FAST test is an easy way to recognise and remember the signs of stroke. The FAST test involves asking these simple questions. Face: Have you checked their face? Has their mouth drooped? Arm: Can they lift both arms? Speech: Is their speech slurred? Do they understand you? Time: is critical. Do you see any of these signs? Call 000 straightaway.

## **CROWN LANDS MANAGEMENT**

**The Hon. MICK VEITCH** [11.17 p.m.]: There are three main types of public land in New South Wales: Crown land, which covers approximately 34 million hectares; national parks, which cover around seven million hectares; and State forests, which cover more than two million hectares. There are almost 35,000 Crown reserves in New South Wales, and approximately 18,000 of those are managed by the Minister for Primary Industries, and Minister for Lands and Water, through the Crown Lands division. Over 7,000 reserves are managed by reserve trusts and 5,500 of those are managed by local councils. Almost 900 trusts are managed by corporations, such as Scouts Australia, and almost 700 trusts are managed by community trust boards. Over 2,000 other reserves also are managed by local councils. Over 6,000 reserves are travelling stock reserves, which currently are managed by Local Land Services.

In 2012 the New South Wales Government set up an interagency steering committee, which was independently chaired by Michael Carapiet, to review the management of Crown lands. The review was described at the time as the first comprehensive review in 25 years. The review was timely and appropriate. The 2013 report by the steering committee made recommendations that included devolving Crown land of local interest to local councils; developing new consolidated legislation; revising the framework for managing Crown reserves; allowing conversion of Western Lands grazing leases to freehold; reviewing all travelling stock routes; reviewing land valuation and making rent rebates more transparent; and transforming the Crown Lands division into a public trading enterprise.

In March 2014 the New South Wales Government published its response, which supported, in principle or fully, all but one of the recommendations. The recommendation not supported was to remove the Act's provisions in respect of the dedication of Crown land, leaving only the reservation provisions. At the same time, the Government released a Crown Lands Legislation White Paper. The consultation period on the paper closed on 20 June 2014 and more than 600 submissions were made. The House resolved under Standing Order 52 to have these submissions tabled in the Parliament and members can read through those submissions if they wish.

Some recent moments deservedly shine a light on Crown lands administration and management in New South Wales. In relation to Red Rock, the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill 2014 was withdrawn from Parliament after the Government was called out in the community for trying to baselessly stoke the community's fears about land rights. At the time, the Government implied that public access to beaches would be restricted after a determination by the Land and Environment Court on a land claim at Red Rock. However, the determination made it clear that public access to beaches is not, in fact, compromised at all. The Government was shamed into withdrawing that bill.

In May this year Justice Sheahan of the Land and Environment Court overturned a development approval to build a private function centre on land set aside for recreational purposes at King Edward Park at Newcastle. It was only after a legal challenge by the local community that this matter was brought to light and ventilated. The decision by Justice Sheahan makes for interesting reading. There has been much community concern about Trumper Park at Paddington and I have received troubling and interesting emails and correspondence regarding Talus Reserve at Naremburn. I am certain that over time we are going to hear and read much more about Talus Reserve. The withdrawal by Woolworths from the proposed sale of the Plaza car park at Port Macquarie was, in my view, the correct one.

The issues and disputes that I have highlighted affecting numerous public land sites across the State have significant implications for Crown land management. It is obvious that stakeholders have a

very real interest in the administration of our Crown land. One cannot just turn a blind eye to community concerns or substantial judicial rulings about public access to public land. I am in no doubt that the Minister and I agree that there have been instances of mismanagement of Crown lands over a number of years across the political divide. The history of many of these issues goes back quite some time.

Because of these numerous issues the Minister needs to take the new Crown Lands Act and consult with the community and stakeholders. The bill simply cannot be brought into the Parliament without having a consultation or an exposure draft available for extensive scrutiny. Communities around the State need certainty. Currently, the Government's review of the Act has left matters up in the air. We are all waiting for the local land pilots to be completed and publicly evaluated. Everyone wants to know, deservedly so, what the Government has in store for Crown lands management in this State and, in particular, what is happening with the local land pilots.

Until the Government and the Minister take their plans to the community I encourage community groups to continue their agitation over public land use of Crown land in their local areas. I have been thoroughly impressed with the passion and commitment shown by many communities around New South Wales whose efforts have resulted in the public's right to access public land being saved by the barest of margins. Crown land administration and management in New South Wales needs overhauling. The community is saying with certainty that they want much greater involvement and consultation over the management of the Crown land estate in their parts of New South Wales. Let us all work out how we can do just that together.

**Question—That this House do now adjourn—put and resolved in the affirmative.**

**Motion agreed to.**

**The House adjourned at 11.22 p.m. until Wednesday 16 September 2015 at 11.00 a.m.**

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