



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 11 May 2016

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 11 May 2016

The PRESIDENT (The Hon. Donald Thomas Harwin) took the chair at 11:00.

The PRESIDENT read the prayers.

Bills

SUPERANNUATION ADMINISTRATION CORPORATION (PILLAR) (AUTHORISED TRANSACTION) BILL 2016

First Reading

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

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:02): I move:

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.

Motion agreed to.

The Hon. DUNCAN GAY: I move:

That the second reading of the bill stand an order of the day for a later hour of the sitting.

Motion agreed to.

Documents

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The PRESIDENT: I table, pursuant to the Independent Commission Against Corruption Act 1988, the report of the Independent Commission Against Corruption entitled "Investigation into the conduct of the University of Sydney ICT manager", dated May 2016, received and authorised to be made public this day.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:03): I move:

That the report be printed.

Motion agreed to.

Motions

SYDNEY LEGACY INAUGURAL WOMEN'S BREAKFAST

The Hon. COURTNEY HOUSSOS (11:04): I move:

- (1) That this House notes that:
 - (a) on Tuesday 19 April 2016 Sydney Legacy held its inaugural Legacy Women's Breakfast with special guest Detective Superintendent Deborah Wallace, APM;
 - (b) the Legacy Women's Breakfast was attended by more than 50 women who gathered to hear about the importance of "maintaining femininity and integrity in a man's world";
 - (c) Detective Superintendent Wallace gave an inspiring and entertaining speech about her more than 30-year career in the NSW Police Force, including her first days as a new police officer at Blacktown, her five years as head of the Middle Eastern Organised Crime Squad and her experiences now leading our State's Gang Squad; and
 - (d) the Legacy Women's Breakfast was attended by a range of corporate and Legacy supporters, including the Hon. Courtney Houssos, MLC.
- (2) That this House congratulates Sydney Legacy for their Women's Breakfast series, which aims to bring together like-minded women for inspiration and to provide an intimate networking opportunity for leaders within our community.

- (3) That this House notes the important work Legacy does caring for the families of deceased and incapacitated veterans, including:
- (a) providing relief in cases of financial hardship;
 - (b) protecting ageing and vulnerable widows;
 - (c) assisting dependants with disabilities;
 - (d) supporting the education and development of children of deceased veterans; and
 - (e) providing advice and advocacy in relation to veterans' entitlements.

Motion agreed to.

COSTA GROUP'S GLASSHOUSE NO. 3

Mr SCOT MacDONALD (11:04): I seek leave to amend Private Member's Business item No. 756 by omitting paragraph 2 (a).

Leave granted.

Accordingly, I move:

- (1) That this House notes that:
- (a) the Costa Group's "Glasshouse No. 3" was officially opened on Thursday 28 April 2016 in Guyra;
 - (b) Glasshouse No. 3 contains two five-hectare glasshouses with a growing area of 10,800 square metres, representing a \$60 million investment;
 - (c) a total of 450,000 plants will be housed in the glasshouse, producing 210 million snacking tomatoes or 2.5 million kilograms of tomatoes per annum;
 - (d) the new glasshouse supports 170 full-time equivalent positions; and
 - (e) a tomato grown in the new glasshouse will:
 - (i) have 95 per cent less pesticides used on it compared to a field tomato;
 - (ii) use 90 per cent less water to grow compared to a field tomato; and
 - (iii) use 80 per cent less fertiliser to grow compared to a field tomato.
- (2) That this House notes that the opening was attended by Mr Adam Marshall, MP, member for Northern Tablelands; Councillors Dot Vickery and Audrey McArdle, Guyra Shire councillors; Mrs Roby Jackson, former Mayor of Guyra Shire Council; Mr George Haggard, Costa Group Chief Operating Officer; and Mr Stewart Costa, Costa Group General Manager, Tomato Category.
- (3) That this House congratulates:
- (a) the Costa Group on the opening of Glasshouse No. 3 and on their continued commitment to regional development and the Guyra Shire; and
 - (b) Guyra Shire Council and the Government on their continued support of the Costa Group's operations in Guyra.

Motion agreed to.

1200@1200 AND NATIONAL ROAD SAFETY WEEK 2016

The Hon. MICK VEITCH (11:07): I move:

- (1) That this House notes that at noon on 5 May 2016 all Australians were asked to "Remember the 1200@1200" and pause for a minute's silence to honour the 1,209 people who were killed on Australia's roads last year, including 348 people in New South Wales, as part of National Road Safety Week 2016.
- (2) That this House recognises the important work of Safer Australian Roads and Highways Incorporated [SARAH] in promoting initiatives that will bring about improved road safety and in supporting those affected by road tragedy, which started as a result of the Hume Highway crash of 15 February 2012 that tragically took the lives of Ms Sarah Frazer and Mr Geoffrey Clark.
- (3) That this House supports the road safety campaigns of SARAH and National Road Safety Week and urges all Australians to think about their driving and the responsibility we all share on the roads.
- (4) That this House reflects on the 1,209 who lost their lives on Australia's roads last year and expresses its condolences to all the family and friends whose lives have been changed forever by the loss of those dear to them.

Motion agreed to.

SCHIZOPHRENIA AWARENESS WEEK

Ms JAN BARHAM (11:07): I move:

- (1) That this House notes that:
 - (a) Schizophrenia Awareness Week runs from 17 to 23 May 2016;
 - (b) Schizophrenia Awareness Week is an opportunity to promote understanding of the condition including its symptoms, prognosis, options for treatment and support and to dispel myths and misconceptions;
 - (c) schizophrenia, according to the Schizophrenia Fellowship of NSW, is a mental health condition or cluster of conditions characterised by disturbances in a person's thoughts, perceptions, emotions and behaviour that is a potentially severe disorder that can be associated with significant negative outcomes, but from which recovery and improvement are often achieved; and
 - (d) schizophrenia has been estimated to affect one in every 100 people world-wide and usually starts in late adolescence or early adulthood.
- (2) That this House pays tribute to the Schizophrenia Fellowship of NSW, founded in 1985, whose work includes facilitating Schizophrenia Awareness Week and whose ongoing and sustained operations include:
 - (a) reducing the stigma of mental illnesses;
 - (b) providing patients, their carers and relatives with information and referrals to appropriate services;
 - (c) advocating for better government actions in areas such as research, treatment; rehabilitation, housing and carer support;
 - (d) providing innovative programs, such as the Awareness Week Annual Symposium, poetry and photography competitions; and
 - (e) providing a range of programs aimed at improving the lives of people with schizophrenia, their relatives and carers.

Motion agreed to.

RETURNED AND SERVICES LEAGUE OF AUSTRALIA 100TH ANNIVERSARY

The Hon. LOU AMATO (11:08): I move:

- (1) That this House notes the 100th anniversary of the Returned and Services League of Australia [RSL] and the invaluable work this organisation does at national, State and grassroots levels to support our service men and women upon returning from active duty, as well as the families of service men and women who return from duty and the families of those who sadly do not return home.
- (2) That this House acknowledges:
 - (a) the success of the 2016 Digger's Ball hosted by the Picton-Thirlmere-Bargo RSL Sub-Branch, which entertained a great number of community members as well as over 50 ex-servicemen; including 93-year-old veteran Mr Fred Denny;
 - (b) that the Digger's Ball was first hosted by the Thirlmere RSL in 1934 and was revived in 2015 by the Picton-Thirlmere-Bargo RSL Sub-Branch, largely through the efforts of Sub-Branch President Mr Tim Bennett-Smith and his wife Mrs Kelli Bennett-Smith, much to the delight of the community;
 - (c) the ongoing support of Mr Aussie Biele, Vice President of the Picton-Thirlmere-Bargo RSL Sub-Branch, Mr Warren Browning, Senior Vice President of the Campbelltown RSL Sub-Branch, and Mr Glenn Kolomeitz, State Secretary and Chief Executive Officer of RSL NSW, who each attended the 2016 Digger's Ball;
 - (d) that through the combined efforts of all organisers and attendees, \$2,000 of the evening's proceedings was donated to DefenceCare's Anzac House; and
 - (e) the contributions of the newest member of the Picton-Thirlmere-Bargo RSL Sub-Branch, Mr Shane Cheney, who is currently serving in the Royal Australian Air Force and was recognised during this year's Digger's Ball.
- (3) That this House acknowledges the performance of the Starr Sisters vocal group, who thoroughly entertained all Digger's Ball attendees well into the evening with their spectacular renditions of 1930s and 1940s war tunes.

Motion agreed to.

EL MARADA AUSTRALIA ANNUAL DINNER

The Hon. GREG DONNELLY (11:08): I move:

- (1) That this House notes that:
 - (a) El Marada Australia held its Annual Gala Dinner on Saturday 23 April 2016 at the Bellevue Reception Centre, Bankstown;
 - (b) special guests who attended the dinner included:
 - (i) Bishop Antoine Charbel Tarabay, Maronite Dioceses of Australia;
 - (ii) the Hon. Greg Donnelly, MLC, representing the Opposition Leader, Mr Luke Foley, MP;

- (iii) Ms Julie Owens, MP, Federal member for Parramatta;
- (iv) Councillor Bernadette Azizi, Hornsby Shire Council;
- (v) Mr George Bitar Ghanem, Consul General of Lebanon;
- (vi) Archbishop Malki Malki, Syrian Orthodox Church Australia and New Zealand;
- (vii) Father Roufael Abboud, representing Our Lady of Lebanon Co-Cathedral, Harris Park;
- (viii) Father Superior Antoine Toumeh, representing St Charbel, Punchbowl;
- (ix) a representative from the Syrian Consulate, Sydney; and
- (c) the highlight of the evening was the special appearance, via Skype from Lebanon, of El Marada leader Mr Sleiman Bek Frangieh who delivered a message of unity and thanked the community for their ongoing assistance and support.
- (2) That this House acknowledges and congratulates El Marada Australia for its successful work and activities within the Lebanese community in New South Wales and elsewhere in Australia and expresses its hope that El Marada continues to grow and flourish.

Motion agreed to.

INTERFAITH CLIMATE CHANGE STATEMENT

Ms JAN BARHAM (11:09): I move:

- (1) That this House notes that:
 - (a) on 18 April 2016 the Interfaith Climate Change Statement to World Leaders was delivered to His Excellency Mogens Lykketoft, President of the UN General Assembly; at the United Nations Church Centre in New York;
 - (b) the Interfaith Statement's key points include:
 - (i) urging governments to rapidly sign, ratify and implement the Paris Agreement and to increase pledges to reduce emissions in line with keeping the global temperature rise to 1.5 degrees Celsius above pre-industrial levels;
 - (ii) insisting on rapid emissions reduction and peaking by 2020 in order to keep the 1.5 degrees Celsius goal within reach;
 - (iii) strongly advocating for greater flows of finance, especially for adaptation and loss and damage;
 - (iv) urging the swift phase out of all fossil fuel subsidies and a transition to 100 per cent renewable energy by 2050;
 - (v) encouraging faith communities to reduce emissions in their homes, workplaces and centres of worship and to support and stand in solidarity with communities already impacted by climate change;
 - (vi) calling for fossil fuel divestment and reinvestment in renewables and low carbon solutions, including within our own communities, by engaging companies on climate change; and
 - (c) the Interfaith Statement was signed by 270 high level faith leaders, 176 different groups and more than 4,000 individuals, with high level Australian signatories from faith organisations including the Hindu Council of Australia, Australian Imams Council; Anglican Church of Australia, Forum on Religion and Ecology, Council of Progressive Rabbis of Australia, New Zealand and Asia, Buddhist Society of Western Australia; Anglican Communion Environment Network, National Council of Churches in Australia; Buddhist Council of South Australia, Lutheran Church of Australia, Ahmadiyah Muslim Association, Institute of Sisters of Mercy of Australia and Papua New Guinea; Catholic Diocese of Adelaide, Uniting Church in Australia Assembly, Australian and New Zealand Unitarian Universalist Association, Federation of Australian Buddhist Councils, Australian Religious Response to Climate Change, Multifaith Association of South Australia, Catholic Earthcare and Coptic Orthodox Church Diocese of Melbourne and Affiliated Regions.
- (2) That this House acknowledges that leaders and members of religious organisations across many faiths and nations have recognised the importance of climate change as a challenge to environmental protection and social justice that requires action to reduce greenhouse gas emissions, limit global warming and support adaptation to the impacts of climate change; particularly for vulnerable people and groups.

Motion agreed to.

AUSTRALIAN FEDERATION OF ISLAMIC COUNCILS FIFTY-SECOND CONGRESS DINNER

The Hon. GREG DONNELLY (11:09): I move:

- (1) That this House notes that:
 - (a) the Australian Federation of Islamic Councils, known as Muslims Australia, held its fifty-second Congress Dinner on Saturday 30 April 2016 at the Westella Renaissance function centre at Lidcombe; and
 - (b) special guests who attended the dinner included:

- (i) Mr Duncan Pegg, member for Stretton in the Queensland Parliament;
 - (ii) the Hon. Greg Donnelly, MLC, representing the Opposition Leader, Mr Luke Foley, MP;
 - (iii) Mr John Fox, APM, Cultural Liaison Office, representing the Queensland Police Commissioner, Mr Ian Stewart;
 - (iv) Mr Mohd Asri Bin Abdullah, Second Secretary, Australian Capital Territory High Commission of Malaysia;
 - (v) Mr Abdul Aziz, Consul General of Pakistan together with his wife;
 - (vi) Mr Nick Chidiac, representing the Consul General of Lebanon, Mr Bitar Ghanem;
 - (vii) Imam Engin Koca, Consulate General of the Republic of Turkey, Sydney;
 - (viii) Mr Sebahattin Turan, Vice Consul, Consulate General of the Republic of Turkey, Sydney;
 - (ix) Councillor Michael Hawatt, City of Canterbury Council;
 - (x) Sister Elizabeth Delaney, National Council of Churches Australia;
 - (xi) Mr Robert Barnes, Uniting Church;
 - (xii) Dr Manas Ghosh, NSW Ecumenical Council;
 - (xiii) Reverend Dr Michael Barnes, representing the President of the Uniting Church in Australia, Mr Stuart McMillan.
- (2) That this House acknowledges and congratulates the President of Muslims Australia, Mr Hafez Kassem, and the Executive Committee for the leadership and advocacy that they are providing to Muslim communities across Australia and expresses its hope that their good work may continue.

Motion agreed to.

DIAMOND PREGNANCY SUPPORT MOTHER'S DAY HIGH TEA

The Hon. GREG DONNELLY (11:10):

- (1) That this House notes that:
- (a) Diamond Pregnancy Support is a not-for-profit organisation that was established nine years ago in Western Sydney to provide care and support to women and their families facing an unplanned pregnancy;
 - (b) Diamond Pregnancy Support held its Mother's Day High Tea on Saturday 30 April 2016 at Oatlands House, Oatlands; and
 - (c) nearly 200 people attended the Mother's Day High Tea to offer their solidarity and support for the important work being undertaken by Diamond Pregnancy Support.
- (2) That this House acknowledges and congratulates Diamond Pregnancy Support founder Ms Jenny Gurry and her team of volunteers for the outstanding care and support they are providing to some of the most vulnerable in our community and expresses its hope that their good works continue to flourish and grow.

Motion agreed to.

Petitions

PETITIONS

Marine Mammal Captivity

Petition requesting the Government to support the phase out of dolphins being held in captivity in Australia, received from **Dr Mehreen Faruqi**.

Business of the House

BUSINESS OF THE HOUSE

Withdrawal

Mr DAVID SHOEBRIDGE (11:20): I withdraw Private Members' Business item No. 584 outside the Order of Precedence, relating to an order for papers regarding Land and Property Information.

Postponement

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:24): I move:

- (1) That Government Business Notice of Motion No. 1 be postponed until a later hour of the sitting.
- (2) That Government Business Orders of the Day Nos 1 and 2 be postponed until a later hour of the sitting.

Motion agreed to.*Committees***STANDING COMMITTEE ON LAW AND JUSTICE****Membership**

The PRESIDENT: I inform the House that the Clerk has received advice from the Leader of the Government nominating the Hon. Shayne Mallard to replace the Hon. Natasha Maclaren-Jones as a member and chair of the Standing Committee on Law and Justice from today.

*Announcements***ORAL HISTORY PROJECT**

The PRESIDENT (11:25): As members would no doubt be aware, an ongoing initiative for the Legislative Council is its Oral History Project. The project seeks to record and share aspects of a number of milestones in the Legislative Council's history as told by the people who have shaped its evolution as a House of review. In 2013, the first stage of the project was conducted and interviews were held with five former members who had been involved with the establishment of the Legislative Council's first standing committees. These interviews coincided with C25, a series of events held to mark 25 years of the Legislative Council's committee system, and resulted in the publication of a monograph prepared by the former NSW Parliament's Historian Dr David Clune, entitled "Keeping the Executive Honest: The Modern Legislative Council Committee System". The interview transcripts were made available on the Legislative Council's webpage along with an accompanying video.

In mid-2015, work commenced on the second and third stages of the Oral History Project, with the topics being the reconstitution of the Legislative Council as a directly elected body in 1978, and the Egan cases, which enabled the courts to consider a number of important issues regarding the relationship of the Executive to the Parliament. To date, eight interviews have been held, with further interviews scheduled during the Parliament's winter recess. I am pleased to advise the House that the transcripts from the first eight interviews will soon be available on the Legislative Council's webpage. I also anticipate that towards the end of 2016 a monograph on the 1978 reconstitution will be published along with the transcripts from the remaining interviews, followed by a monograph on the Egan cases. I look forward to providing the House with future updates detailing the project's progress.

*Bills***TAXATION ADMINISTRATION AMENDMENT (COLLECTION AND DISCLOSURE OF INFORMATION TO COMMONWEALTH) BILL 2016****First Reading**

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Rick Colless, on behalf of the Hon. Duncan Gay.

Second Reading

The Hon. RICK COLLESS (11:27): On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time.

On 16 October last year, there was a meeting of the Commonwealth, State and Territory Treasurers at the Council of Federal Financial Relations. All Australian Treasurers, with the exception of the Treasurer of the Northern Territory agreed to establish a national register of foreign ownership of land titles. The register would build on the Commonwealth's existing National Register of Foreign Ownership of Agricultural Land.

The national register is a critical part of the Commonwealth Government's foreign investment reforms, which are designed to strengthen the integrity of the foreign investment framework. Commonwealth and State agencies will benefit from having more comprehensive data to improve compliance, including better enforcement of State laws in areas such as land tax, first home owner benefits, and improved compliance with goods and services tax and capital gains tax laws. The bill proposes to expand on the information that is now gathered at the time of property transactions. The NSW Office of State Revenue [OSR] will collect new information such as the buyers' nationality and citizenship details and additional vendor details.

At the end of each quarter the Office of State Revenue will disclose this data to the Australian Taxation Office who will administer the national register. Naturally all information that is collected will be subject to the same privacy protections as other data collected by OSR for tax administration purposes. To collect the new data,

OSR and their clients' IT systems will require modification, including, for example, online forms. The Commonwealth has offered to substantively meet the cost of these system changes and the Minister is looking forward to finalising this agreement in the near future. OSR has designed these change processes to fit in with the existing reporting requirements as cleanly as possible to minimise disruption. I particularly express my gratitude to my colleague the Minister for Finance, Services and Property for implementing the changes to the existing reporting processes.

This bill will enable New South Wales to collect the full suite of real property transfer data to inform the national register from 1 July 2016. The bill also aligns New South Wales with the Commonwealth's third party reporting and data matching regime legislation that was passed in late 2015. Different jurisdictions currently have different data collection regimes relating to foreign status. The passage of this bill will allow New South Wales to be ready for the introduction of the national register initiative on 1 July. The amendments in this bill will ensure that New South Wales continues to welcome foreign investment and leverage its benefits. It also gives us the capacity to improve transparency on foreign ownership, to obtain better quality information to support policy development and to improve compliance across State and Federal taxes.

In conclusion, this bill demonstrates New South Wales' commitment to ensure that foreign investment in property is better understood, is compliant with tax laws and is directed at maximising the supply of housing for Australians. This bill delivers on New South Wales' commitment to comply with the Commonwealth Government's national register of foreign ownership in time for the 1 July introduction of the new reporting requirements. I commend the bill to the House.

Debate adjourned.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2016

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka.

Second Reading

The Hon. DAVID CLARKE (11:33): On behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2016 continues the statute law revision program which has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984 and are an effective method for making minor policy changes, repealing redundant legislation and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. It contains amendments to 27 Acts and related amendments to six instruments. I will give an outline of some of the amendments that are included in this schedule.

Schedule 1 amends the Children and Young Persons (Care and Protection) Act 1998 to clarify the effect of the registration by the Children's Court of child protection orders and other orders that have been transferred to New South Wales from other jurisdictions. The amendment will ensure that these orders can be dealt with in the same way as orders made in New South Wales by the Children's Court. This is consistent with provisions of corresponding legislation of other jurisdictions relating to transferred orders. Amendments are made by schedule 1 to several Acts in the portfolio of the Minister for Innovation and Better Regulation. An amendment to the Conveyancers Licensing Act 2003 will provide that a licence under that Act remains in force for one year from the date it is granted rather than only until the following 30 June. This will reduce the administrative burden involved in processing applications and apportioning fees for those licences.

The amendments to the Co-operative Housing and Starr-Bowkett Societies Act 1998 will abolish the standards committee established under that Act, which has not exercised its functions of making standards for co-operative housing bodies since 2004. The standards made by the standards committee before its abolition will be continued in operation. The amendments will also provide that certain documents required to be provided under the Act are to be provided in the form approved by the Secretary of the Department of Finance, Services and Innovation rather than in the form prescribed by the regulations.

The Motor Dealers and Repairers Act 2013 is amended to provide that a motor dealer need only provide a dealer's notice for a second-hand trailer or towable recreation vehicle at or before the time of sale, instead of while it is being offered for sale. This amendment removes the practical difficulties, such as deterioration due to weather exposure, faced by dealers in attaching a dealer's notice to a trailer or towable recreational vehicle. The amendments will also confer on the Commissioner for Fair Trading functions under the Act that are currently

conferred on the Secretary of the Department of Finance, Services and Innovation in line with other legislation administered by the Minister for Innovation and Better Regulation.

Schedule 1 makes a number of amendments to the Aboriginal Land Rights Act 1983. These include an amendment to fix two-year terms for the offices of chairperson and deputy chairperson of the board of a local Aboriginal land council. This is consistent with the terms of office of the chairperson and deputy chairperson of the NSW Aboriginal Land Council. An amendment to the National Disability Insurance Scheme (NSW Enabling) Act 2013 will dissolve the Home Care Service of New South Wales, the assets, rights and liabilities of which have been transferred to Australian Unity Home Care Service Pty Ltd under the National Disability Insurance Scheme (NSW Enabling) Act 2013.

The Biological Control Act 1985 is amended to make it clear that the definition of organism for the purposes of that Act includes viruses and sub-viral agents. This will ensure that viruses and sub-viral agents can be included in the national scheme for the control of target organisms. The amendments are consistent with recent amendments made to the Commonwealth Biological Control Act 1984. The last schedule 1 matter I will mention is the amendment to the Conveyancing Act 1919. The amendment will enable the Registrar General to refuse to register a general power of attorney in the General Register of Deeds if the registrar is not satisfied that the instrument meets the formal requirements for creation of the power of attorney.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are corrections of cross-references, typographical errors and terminology and amendments arising out of the enactment of other legislation. Schedule 3 makes amendments consequent on an amendment made by schedule 1.

Schedule 4 continues the program of repealing Acts and instruments that are redundant or of no practical utility. The schedule includes the repeal of the Home Care Service Act 1988, which is related to the amendment to the National Disability Insurance Scheme (NSW Enabling) Act 2013 I mentioned earlier. The schedule also repeals the Community Services (Complaints, Reviews and Monitoring) Regulation 2004, which is made redundant by amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 in schedule 1. Schedule 5 makes amendments consequent on the repeal of the Home Care Service Act 1988 by schedule 4. Schedule 6 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions and savings clauses for the repealed Acts and provisions.

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

Debate adjourned.

COURTS LEGISLATION AMENDMENT (DISRESPECTFUL BEHAVIOUR) BILL 2016

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka.

Second Reading

The Hon. DAVID CLARKE (11:40): On behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016. Courts are a fundamental part of our society and our system of government. We rely on our courts to enforce our laws to adjudicate individual disputes and, most importantly, to deliver justice and uphold the rule of law. The tradition and revered role of the courts is such that the community expects that certain levels of behaviour should be adhered to in the courtroom. The courts of New South Wales deal with thousands of cases every year in situations that are sometimes difficult and stressful. Following and respecting the procedures and rules of the court is integral to the smooth flow of proceedings and affording all involved their right to procedural fairness.

Judges and magistrates in New South Wales have several ways of ensuring the smooth running of their courts, including the law of contempt, which deals with serious behaviour intended to disrupt and undermine the operation of a court. However, in November 2015, a New South Wales District Court trial highlighted that other types of disrespectful behaviour, such as a failure to stand for a judge unaccompanied by any other overt intentions or actions, may not amount to contempt. The public reaction to this case revealed a strong and widely held community sentiment that behaviour in courts, such as refusing to stand for a judge, is unacceptable. However, the behaviour did not, in that instance, meet the threshold for a charge of contempt. This case confirmed the current law of contempt does not adequately reflect widespread community concern about the level of respect that should be shown to the court, judiciary, court officers and the wider justice system by people who appear in court.

In December 2015 the Attorney General announced that the New South Wales Government would introduce a bill into Parliament in 2016 to bridge this gap between contempt and community expectations of behaviour in court. The new offence introduced by this bill is a summary offence against deliberate behaviour in court that is disrespectful. The elements of the offence require an intentional physical act rather than an involuntary act, but as the offence is seeking to establish court practice and convention, it will not require the person to intend to be disrespectful to the court; for example, deliberately failing to stand when requested may be disrespectful, even if the person did not intend to cause disrespect by remaining seated.

The benefits of the bill are twofold. First, judges and magistrates will be provided with an additional tool to regulate proceedings and manage their courtrooms. However, the courts will still have all the existing tools at their disposal to conduct their proceedings. Secondly, the bill sends a clear message that adherence to our laws and procedures of the judicial system is a fundamental expectation of all who appear before the courts. Following the Attorney's announcement of a new offence in December 2015, the Department of Justice consulted with key stakeholders, including the courts, the NSW Police Force, the Law Society of New South Wales, New South Wales Bar Association, Legal Aid, the Office of the Public Defender and other government agencies about the proposed new offence. The feedback received from stakeholders has been considered and taken into account in drafting the new offence, where possible. The Government is of the firm view that this bill is an appropriate response to a gap in the law as it currently stands.

I now turn to the detail of the bill. The bill creates an offence of disrespect in court in court-specific legislation such as the Supreme Court Act 1979, the District Court Act 1973, the Land and Environment Court Act 1979, the Local Court Act 2007 and the Coroners Act 2009. This approach will allow slight jurisdictional differences to be taken into account in each court. The offence will apply in all courts in New South Wales other than the Children's Court. The Children's Court adopts a less formal procedure that is tailored to the needs of children and young people. The offence will also not apply in tribunals. Tribunal hearings involve civil matters presided over by members or commissioners rather than judges or magistrates. Tribunals have a more informal approach to the rules of evidence and procedure, and there is a high proportion of self-represented parties. Similarly in the Land and Environment Court, the offence has been made applicable only to judicial proceedings before a judge, not administrative matters that are presided over by a commissioner.

The new offence will apply to behaviour within the courtroom by people appearing before a court and will include the accused, defendants, parties and witnesses. These are people whose presence in court is necessary for the court's proceedings. The offence will not apply to people in the public gallery who can simply be ejected from the courtroom; legal practitioners, as have they have their own set of professional standards and responsibilities enforced by the professional bodies, such as the Solicitors Rules and Barristers Rules; or police prosecutors in the Local Court because these officers are subject to separate standards set out in the Police Act 1990.

The offence will apply to behaviour that is disrespectful to the court or the judge according to established court practice and convention. In this way, the offence will reflect community expectations as to how people should conduct themselves when appearing in court. It is not uncommon for courts to apply objective tests that reflect current community standards such as this, including when determining summary offences such as offensive conduct or offensive language. The offence requires intentional or deliberate behaviour, which will include a physical or verbal act or failure to act. This means an offence will not be committed where, for example, a failure to stand was the result of a linguistic miscommunication or the physical act was the result of an involuntary impulse that the person cannot control. Importantly, it will not be necessary to show a person has an intention to be disrespectful to the court in order for the offence to be made out. In other words, the physical or verbal act must be a voluntary action, but the offender need not have been motivated by disrespect for the court in doing that action for it to be captured by this section.

The judicial benchbook will be updated to provide guidance to judges, magistrates and the community about the procedure relating to this new offence, including issues of procedural fairness, which are currently accorded to persons relating to possible contempt matters and will likewise apply to the new offence. This includes

recommending that the judge or magistrate provide the person concerned with a warning that their conduct may amount to a breach of the section and allowing that person an opportunity to correct their behaviour or apologise before deciding to refer the matter to the Attorney General. The decision to refer a person to be charged with a new offence will be at the discretion of the presiding judge or magistrate or on the initiative of the Attorney General. Proceedings may be brought only with the consent of the Attorney General or the Attorney's delegates, being the Solicitor-General or Crown advocate. This is a significant safeguard because judges and magistrates have several tools to deal with unacceptable behaviour in court and, as with contempt referrals, this new offence should be used only where appropriate.

The process for prosecuting the new offence will be similar to when a possible contempt of court matter is referred to the Attorney General for consideration. In keeping with the procedure for contempt, the matter would be referred to the Crown Solicitor's Office which would then prepare an advice. The advice is then forwarded to the Solicitor General or Crown Advocate, who, as the delegate of the Attorney General, will then make a determination as to whether a prosecution should proceed.

The bill provides that the offence can only be prosecuted by a person or class of persons authorised to do so by the Secretary of the Department of Justice. The prosecution of the offence will be conducted by the Crown Solicitor's Office, as instructed by the Department of Justice. The Crown Solicitor's Office already handles prosecutions for contempt in the Supreme Court and therefore has expertise in the area. Police will not be able to lay charges for disrespect of court. The Crown Solicitor's Office will have regard to the Prosecution Guidelines issued by the Office of the Director of Public Prosecutions. In accordance with the Prosecution Guidelines, the Crown Solicitor's Office will consider discretionary factors in balancing whether prosecuting the matter is in the public interest.

Even where there is a *prima facie* case and reasonable prospects of securing a conviction, the Prosecution Guidelines require regard to public interest and policy considerations, including vulnerabilities of the accused, such as the youth, age, maturity, intelligence, physical health, mental health or special disability or infirmity of the accused; the accused's antecedents and background, including culture and language ability; seriousness or triviality of the alleged offence; and the extent to which the alleged offence is of considerable general public concern. These safeguards will militate against the risk the new offence could have a disproportionate impact on children, Aboriginal and Torres Strait Islander people and other vulnerable people.

Prosecutions for the new offence will generally occur in the Local Court after the relevant court appearance which gives rise to the charge. This means the court proceeding where the alleged disrespectful behaviour occurs would not be interrupted to deal with the behaviour. It is also possible to prosecute these matters in the Children's Court if the accused is a juvenile, or in the summary jurisdiction of the Supreme Court if the alleged offence occurred in that jurisdiction. The Crown Solicitor's Office, acting on instructions from the Department of Justice, will have 12 months to commence a prosecution before the matter becomes statute barred. This will allow time for the substantive legal proceeding to be finalised and for the appropriate level of consideration to be given to possible prosecutions.

The penalty for the new offence will be half the maximum penalty for contempt when dealt with summarily by the Local Court or District Court. The maximum penalty will be 14 days imprisonment, as opposed to 28 days for contempt, and/or 10 penalty units, which is currently \$1,100, as opposed to \$2,200 for contempt. A lower penalty is appropriate as the offence is intended to capture behaviour that does not meet the higher threshold for contempt. The bill provides that judges and magistrates cannot be called as witnesses in these matters. This is the same as the position in proceedings for contempt, where judges and magistrates are generally not called as witnesses to give evidence.

The bill also provides that certain types of evidence will be admissible in proceedings for the charge of disrespect in court. Official transcripts and recordings will often provide the best evidence of what occurred in court but other forms of evidence, such as eyewitness accounts, may be necessary. This evidentiary provision of course does not alter the burden of proof in criminal matters where the prosecution must prove all elements of the offence beyond reasonable doubt.

This new offence is not intended to affect the inherent jurisdiction or any powers the court has to regulate its proceedings. This includes the other practical tools that judges and magistrates use to preside over their courts, such as the power to eject a person from the courtroom, issue a warning or seek an apology. Often the best response to disrespectful behaviour is a practical one, and the community must not lose sight of the fact that the primary purpose of our courts is to finalise the cases before them in a just, fair and expeditious manner.

Importantly, the new offence will not curtail or limit the power and authority of judges and magistrates to find a person in contempt of court, or to refer matters of possible contempt to the Solicitor General or Crown Advocate, as the delegate of the Attorney General, or the Supreme Court to consider whether contempt

proceedings should be commenced. However, the bill also makes clear that a person cannot suffer double jeopardy for behaviour that may be viewed as both disrespectful and contemptuous.

The bill will commence on proclamation once the appropriate education and training have been released by the Judicial Commission and provided to the legal profession. This bill makes sure our laws are in line with community expectations. In a State governed by the rule of law, the courts are a vital institution that must be respected. The Government believes that the creation of this new offence reinforces the expectation that the courts and the law should be respected, and that a certain standard of behaviour is therefore appropriate. I commend the bill to the House.

Debate adjourned.

TERRORISM (POLICE POWERS) AMENDMENT (INVESTIGATIVE DETENTION) BILL 2016

Second Reading

The Hon. CATHERINE CUSACK (11:55): On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time.

I seek leave to incorporate my second reading speech in *Hansard*.

Leave granted.

This Government is resolute in its commitment to take every possible action that we can to protect our community.

Ensuring that NSW police have the powers they need to investigate and combat terrorist acts is a key element of our resolve.

The New South Wales Government has already taken a number of steps to advance the safety and security of the people of New South Wales.

- We have tightened bail laws to ensure that those who pose an unacceptable risk to the community are not eligible for bail.
- We have placed restrictions on illegal firearms and created tougher penalties for illegal gun possession.
- We have committed \$47 million to fight violent extremism through support to New South Wales schools, young people, families and communities.

The Government is taking strong action to keep the community safe.

But we must continue to respond to the changing terrorist threat.

The significant increase in usage of social media by terrorist organisations, the speed of individual radicalisation to violent extremism, particularly young people, are all part of a shifting terrorism landscape.

The countering violent extremism programs that this Government has introduced aim to build social cohesion, support the community and schools, and are based on best practice evidence. Expert teams have been deployed across New South Wales schools to work proactively with identified schools and respond to incidents of violent extremism. Further training has been provided to counsellors, and resources developed for teachers and parents.

We are also developing a service with telephonic and online presences to provide information and support to individuals, families, friends and community members.

The Minister for Multiculturalism recently announced that 14 organisations would receive a total of \$8 million under the COMPACT grants program to promote social cohesion and strengthen communities to resist violent extremism.

At the same time, we need to have protections in place and improve the ability of police to respond effectively to the changing terrorism environment.

Since utilising preventative detention provisions in applications arising from matters related to Operation Appleby, the NSW Police identified some operational gaps in our counter terrorism provisions.

This bill addresses these operational gaps and gives increased powers to NSW Police to keep our community safe.

The scheme is modelled on a similar scheme operating in the United Kingdom.

The purpose of this bill is to protect the community by assisting NSW Police to respond to and prevent terrorist acts.

This bill assists NSW Police to respond to and prevent terrorist acts by authorising the arrest, detention and questioning of any person who is suspected of being involved in a recent or imminent terrorist act.

This bill inserts a new section 25E into the Terrorism (Police Powers) Act to permit a police officer to arrest and detain a person if there are reasonable grounds for suspecting that the person:

- has committed, or will commit, a terrorist act,
- possesses a thing connected with a terrorist act; or
- is involved in preparing for or planning a terrorist act.

A person under 14 years of age cannot be arrested or detained under the bill.

The terrorist act concerned must have occurred in the last 28 days or a police officer must have reasonable grounds to suspect that it could occur within the next 14 days.

A police officer must be satisfied that detaining the terrorist suspect will substantially assist in responding to or preventing the terrorist act. Responding to a terrorist act includes by apprehending and prosecuting those involved in committing the terrorist act and preventing those persons and their associates from committing further terrorist acts.

The bill adopts the existing definition of "terrorist act" contained in the Terrorist (Police Powers) Act. Acts of this kind are done with the intention of advancing a political, religious or ideological cause. They are also done with the intention of intimidating the public or coercing, or influencing by intimidation, the Government. Terrorist acts can create a serious risk to the health or safety of the public. Terrorist acts do not include advocacy, protest, dissent or industrial action.

The initial detention period of a terrorist suspect is for up to four days, with processes in place for a senior police officer to review the detention every 12 hours after arrest. The reviewing police officer must be independent of the investigation.

Police must discontinue the investigation as soon as practicable after the police officer in charge of the investigation ceases to be satisfied that the person is a terrorism suspect or ceases to be satisfied that continuing the detention will substantially assist in responding to, or preventing, a terrorist act.

The bill allows an eligible judge to extend the detention period beyond the initial period, in increments of up to seven days, up to a maximum total period of detention of 14 days. The bill includes protections to ensure that the detention period is not extended unless an eligible judge is satisfied that:

- the investigation is being conducted diligently and without unnecessary delay;
- there are reasonable grounds for suspecting that the person continues to be a terrorism suspect;
- there are reasonable grounds for suspecting that any future terrorist act could occur in the next 14 days (or so occur if the suspect is released); and
- the extension will substantially assist in responding to or preventing the terrorist act concerned.

The maximum detention period of 14 days reflects the complex investigation techniques that may be required to protect the community from terrorism.

Detention warrants may only be issued by an "eligible Judge". This refers to a judge of the Supreme Court authorised to issue a covert search warrant under the Terrorism (Police Powers) Act. The eligible judge is acting as *persona designata*, rather than sitting as a court. Whilst this necessarily involves the eligible judge in the investigative process to some degree, this is the approach regularly taken in New South Wales for the grant of warrants.

Clause 25I of the bill expressly provides that an eligible judge who deals with an application for a detention warrant in relation to a person is to disqualify him or herself from presiding over any subsequent trial of the person in relation to the same matters.

Whilst detained, terrorist suspects may be questioned in connection with the terrorist act for which the person was arrested, or in connection with any other terrorist act that occurred within the last 28 days or that could occur in the next 14 days. A detained person may also be questioned about another offence where there are reasonable grounds for suspecting the person has committed the offence and that the offence is related to the terrorist act, or that postponing the investigation may jeopardise it.

The bill requires that a suspect be given the opportunity to rest for a continuous period of 8 hours in any 24 hours of detention, and to have reasonable breaks during any period of questioning.

Clause 25K of the bill establishes a mechanism to protect sensitive criminal intelligence relied on by police to inform detention applications. This includes information the disclosure of which would prejudice investigations, reveal a confidential information source, reveal confidential police investigative techniques or endanger a person's life or physical safety. The bill allows an eligible judge the discretion to determine that information is criminal intelligence. Criminal intelligence may be relied on by the eligible judge without disclosing it to the suspect or their legal representative. The eligible judge must make a record that criminal intelligence was relied on. If the eligible judge declines to determine that information is criminal intelligence, police are entitled to withdraw the information as grounds for issuing the warrant, rather than risk having the information disclosed to the suspect.

Clause 25M of the bill permits access to a lawyer and a support person for the suspect, with the capacity for police to seek a direction prohibiting contact with a specified lawyer or support person. A prohibited contact direction may only be issued where the eligible judge is satisfied that the direction is reasonably necessary to achieve the purposes of detention of the suspect.

Police may monitor the contact the suspect has with family members and others while in investigative detention. Contact with the legal representative of the suspect may not be monitored.

The bill provides legislative safeguards to protect detained persons, including additional safeguards for young persons and other vulnerable persons, as does the comparable scheme in the United Kingdom.

The special safeguard provisions contained in Division 3 of Part 3 of the Law Enforcement (Powers and Responsibilities) Regulation 2005 apply to young persons aged 14 to 17 years of age and other vulnerable persons who may be detained under the bill. These special safeguard provisions include the entitlement to have a support person present during any investigative procedure.

The bill extends the sunset provision of the New South Wales offence of membership of a terrorist group in section 310J of the Crimes Act 1900 (NSW) from September 2016 to September 2019. There is a similar offence under Commonwealth laws contained in section 102.3 of the Criminal Code of the Commonwealth. This amendment will ensure that suspects may continue to be arrested for the New South Wales version of the offence until the extended sunset date.

The Attorney General will review the operation of the bill as soon as possible after the period of three years from its commencement. A report on the outcomes of the review is to be tabled in Parliament. In addition, the Commissioner for Police must report annually on the exercise of powers under the bill. The Police Commissioner's report is to be tabled in Parliament by the Attorney General.

The Solicitor General has advised that the bill does not give rise to any inconsistency with Federal legislation. He is also of the view that there is a good argument that the bill is constitutionally justified as protective of the community, particularly in the context of recent terrorism events in Australia and in other parts of the world.

We are taking every possible action we can to protect our community and to protect our youth. These powers enable the NSW Police Force to undertake appropriate actions in order to keep our community safe. They provide a necessary complement to efforts being made in communities to prevent engagement in all forms of violent extremism.

I commend the bill to the House.

The Hon. ADAM SEARLE (11:56): I lead for the Opposition on the Terrorism (Police Powers) Amendment (Investigative Detention) Bill 2016. The Opposition does not oppose the bill. The object of the bill is to amend the Terrorism (Police Powers) Act 2002, the principal Act, to authorise the arrest, detention and questioning of a person who is suspected of being involved in a recent or an imminent terrorist act for the purposes of assisting in responding to or preventing the terrorist act. Additionally, the bill extends by three years the sunset date until which membership of a terrorist organisation is also a State criminal offence.

New South Wales already has a regime of detention without charge. It is set out in the principal Act and has existed for more than a decade. It has been used very sparingly and the Ombudsman suggested not long ago that the provisions be rescinded as they had never been used. However, more recent events have meant that that suggestion has not been explored further.

This bill proposes two major differences to the current regime. One is not to restrict the regime to those aged 16 years and over. If this bill is enacted the regime will apply to those aged 14 years and over. The proposal for extension has been supported by Bret Walker, the former Independent Monitor of National Security Legislation, someone whose views on these issues the Opposition takes very seriously. The second major change is to allow suspects to be questioned while being detained. The bill does not simply amend the principal Act by altering the regime but inserts a new Part 2AA into the principal Act entitled "Investigative detention powers". New section 25A provides:

The object of this Part is to authorise the arrest, detention and questioning of a person who is suspected of being involved in a recent or imminent terrorist act for the purposes of assisting in responding to or preventing the terrorist act.

The powers are directed against a terrorism suspect. A terrorism suspect is defined widely and extends to a person who possesses a thing that is connected with the commission or preparation of or planning for a terrorist act. It extends to a future terrorist act, even if the identity of the person committing the terrorist act, the kind of act or timing or location of the act has not been established.

New section 25C defines investigative detention as:

... the detention of a terrorism suspect for investigation into a past or future terrorist act for the purposes of assisting in responding to or preventing the terrorist act.

New section 24E deals specifically with the power to arrest. Arrest without warrant for investigative detention may occur if the relevant terrorist act has occurred within the past 28 days, or if the police have reasonable grounds to suspect the terrorist act could occur at some time within the next 14 days. The suspect must be advised at the time of the arrest that he or she is arrested for the purposes of investigative detention. A senior police officer must review every 12 hours whether the detention should be continued.

New section 25F provides that a person under 14 years of age cannot be arrested or kept under investigative detention. This is a departure. Persons under the age of 16 years can already be charged with terrorism offences and detained if bail is refused. The evidence that might lead to preventative detention might well be enough to ground criminal charges. There is then a sense in which the investigative detention for under 16-year-olds allowed by this bill is not such a dramatically different path granted the capacity for those persons to be charged already. I have noted the comments of Bret Walker on radio on 4 May in support of this position.

The other departure is new section 25C, which allows suspects to be questioned while detained. That is not allowed in the current regime. New section 25G (4) provides that questioning may occur only if the suspect is given the opportunity to rest for a continuous period of at least eight hours in any period of 24 hours of detention. The suspect must also have reasonable breaks during any period of questioning; however, I note the caveat in section 25G (4) that:

This subsection does not prevent questioning that a senior police officer determines is necessary and reasonable because of the exceptional circumstances of the case.

The maximum period of detention without a warrant is four days. With a warrant the maximum is 14 days. Warrants are obtained by application to an eligible judge in the capacity of being a *persona designata*—that is, someone not acting in a judicial capacity but an administrative capacity or as part of the executive. A detention warrant may extend the maximum period of investigative detention by a period not exceeding seven days. This

may be extended by a detention warrant on more than one occasion, providing the total period does not exceed 14 days. The eligible judge must be satisfied that the investigation is being conducted diligently and without unnecessary delay, that there are reasonable grounds for suspecting that the person continues to be a terrorism suspect, that there are reasonable grounds for suspecting that any future terrorist act concerned should occur in the next 14 days or occur if the suspect is released, and that the extension will substantially assist in responding to or preventing the terrorist act concerned.

An application for a detention warrant can be made in person or by phone. The application by phone is only if the warrant is required urgently and it is not practicable to do it in person. An affidavit must follow within one day. The judge must cause a record to be made if an application for a warrant is refused. The police may request that the judge determine some material criminal intelligence, which means it can be withheld from the suspect. The police can monitor all contact between the suspect and his or her family and others, but not including legal practitioners. The police can request a prohibited contact direction in the warrant. That may include a prohibition on contacting a particular legal representative.

The provisions come from a Council of Australian Governments process, with agreement finally being reached in April. When originally floating legislation of this kind the Premier talked about providing for detention of up to 28 days, which has not emerged in this bill. The maximum periods remains 14 days. At the time that the 28 day proposition was floated the Labor Opposition expressed its scepticism about its necessity. That seems to have been borne out in the contents of the bill. The final provision in this bill is to extend the sunset clause for the offence of section 310J of the Crimes Act—being a member of a terrorist organisation. This is done by amending section 310L of the Crimes Act so that the sunset clause is extended by three more years—from 13 September 2016 to 13 September 2019. I note that in his second reading speech the Premier said:

This amendment will ensure that suspects may continue to be arrested for the New South Wales version of the offence until the extended sunset date.

That seems to imply that people have in fact already been arrested and charged under section 310J. We ask the Government to clarify in reply how many people have been charged with that offence. As at September 2015 there had been no convictions in New South Wales under section 310J. Likewise there have been no convictions in New South Wales under the counterpart Commonwealth legislation. We would appreciate a reply from the Government on that point. The Opposition has received a letter from the Law Society of New South Wales dated 10 May raising some issues that the Government should address in its reply. The opening paragraph of the letter reads:

The Law Society of NSW writes to you to raise serious concerns in respect of the Terrorism (Police Powers) Amendment (Investigative Detention) Bill 2016 ... While some safeguards have been built into the Bill, the Law Society does not consider them to provide a sufficient safeguard of individual rights and freedoms.

...

The Law Society notes that the legal profession has not been consulted on this Bill prior to its introduction.

I regard that as unfortunate. As we noted last week in this place during debate on serious crime prevention orders and public safety orders issued by police, this Government appears to be establishing a pattern of embarking upon serious law reform that is impacting upon the democratic rights and freedoms that people used to have in New South Wales without engaging with expert legal bodies. I think that is regrettable. Whatever course of action the Government chooses to take should be informed at least by the technical competence of those expert bodies.

As I said, the Law Society has raised a number of concerns. Some of them are matters of principle opposing preventative detention but others are specific concerns that it would seem appropriate to address. One is a concern that the preventative detention framework has no exemption for persons with cognitive impairments. The Law Society notes that the powers of arrest under new section 25E are extraordinary "in that they may be exercised by any police officer (rather than those defined as 'senior police officers') and they do not require the approval of a judicial officer unless the police seek to detain the person for more than four days."

We would welcome an explanation by the Government as to why the power rests with all police officers rather than with senior police officers. That seems to us to be a reasonable point for the Government to address in reply. We also note that the Law Society is concerned about the provision relating to lawyers. In part the letter states:

In relation to lawyers, it is very concerning that the framework does not provide for alternative arrangements to be made to enable the terrorism suspect to access legal representation.

We would welcome the Government's response on this matter. The final point on which we seek a response from the Government about the Law Society's submission relates to the portion of its letter that reads:

Clause 25P provides for the Commissioner of Police to provide annual reports on the exercise of power by police officers. Clause 25P(4) outlines the matters that should be included in these reports. The Law Society considers that additional matters should be included in this list, including:

The age of the individuals detained under these provisions;

The number of no contact orders made under the provisions, and whether or not they were applied to minors; and

The number of times a terrorism suspect was denied access to his or her lawyer under the provisions.

It seems to the Opposition that clarification on those points would be of assistance. With those observations, the Opposition will not be opposing the legislation.

Mr DAVID SHOEBRIDGE (12:07): On behalf of The Greens I indicate our strong opposition to the Terrorism (Police Powers) Amendment (Investigative Detention) Bill 2016. Before I became a member of this Chamber I was of the belief that there existed some pretty much fundamental principles that every political party and elected representative in Australia had signed on to. One of them was article 9 of the International Covenant on Civil and Political Rights, which provides as follows:

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

Each of those provisions of the International Covenant on Civil and Political Rights [ICCPR], which is a fundamental benchmark of a civilised standard adopted by the United Nations and in large part drafted by a notable Australian, is grossly breach by this bill. Perhaps I did not observe closely enough the way that this place operated before being dragooned in here, but I thought that we observed some fundamental principles about the rights of the child. Australia signed on to the United Nations Convention on the Rights of the Child, but this bill grossly breaches Article 37 of that convention. I will not read it in its entirety, but paragraph (b) states:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time

That article is ignored and trashed by this bill. Paragraph (d) states:

Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

That has been ignored and flouted by this bill, and sheered through by the Labor Opposition, The Nationals and the Liberal Party. As I understand, it will be sheered through by the Christian Democratic Party and likely by the Shooters, Fishers and Farmers Party, although its members may not even appear.

How did we get to the point in civil discourse in Australia at which such an overwhelming majority of elected representatives think it is acceptable to arrest, detain and interrogate a 14-year-old child for up to four days with no access to a court or the right to legal review? They will be able to be interrogated unambiguously for 16 hours straight. If a senior police officer, not a court, thinks it is appropriate, that interrogation can go on endlessly for four entire days. During that time, that 14-year-old child will have no access to their family. In addition, that detention and interrogation will be conducted on the basis of secret evidence that the child has never seen and the child will have no right to go to court to challenge it. How have we fallen so low?

I will spend a little time outlining exactly what this bill does. It creates a new scheme of investigative detention that will allow the police to detain people suspected of terrorism offences for up to 14 days and to question or interrogate during that time. The bill amends the Terrorism (Police Powers) Act 2002 to insert proposed new part 2AA, which deals with investigative detention. Let us be clear: We are talking about the stuff they do at Guantanamo Bay and did at Abu Ghraib. We are now talking about doing that in New South Wales. The object of this part of the bill allegedly is to authorise the arrest, detention and questioning of a person who is suspected of being involved in a recent or imminent terrorist attack for the purpose of assisting and responding to or preventing that terrorist attack.

A person is said to be a terrorism suspect under the legislation if the police believe there are reasonable grounds for suspecting that the person is involved in a terrorist act, or will be, or if the person possesses a thing connected with the commission of or planning of a terrorist act. There is no requirement for there to be criminal intent. A person can be simply in possession of something that may be connected with a potential terrorist attack. There is no necessity to identify those future acts, the identity of those involved, the kind of act involved, or the location or the time of the alleged attack. The legislation also operates retrospectively. Police officers also will not be required to take the terrorism suspect under investigative detention before a court for four days. That is done entirely on the say of the police. They can be whisked off the street and be allowed monitored access only to a lawyer. They will be prevented from accessing their family and friends. They will be whisked off the street and interrogated for four days without troubling a court. They will not be brought before a magistrate, nor will they be charged with any offence.

To arrest a person to be held under investigative detention, police officers must satisfy themselves that they have reasonable grounds to suspect that the terrorist act concerned could occur at some time during the next 14 days. They do not need to know where it will occur, when it will occur, who will be involved or the nature of the terrorist act. How on earth could they have reasonable grounds? They do not need to prove that they have reasonable grounds because they can whisk people off the street for four days and not be required to trouble a court. They do not have to prove to anyone that they have reasonable grounds. That is how this legislation is designed. There is a complete lack of legal oversight and an extraordinary empowering of the police.

The initial arrest allows police detention for up to four days, and that can be extended to 14 days if a detention warrant is obtained from an authorised justice. Such warrants require an application to an eligible judge by phone or in person—they will not be required to rock up—and proof that the officer has reasonable grounds to suspect that the person continues to be a terrorism suspect and believes that the extension will substantially assist in responding to or preventing a terrorist attack. Let us be clear, we are not talking about a judge in the traditional sense sitting in his or her capacity as a Supreme Court judge, but in an administrative capacity as what is called an "eligible judge". It is a fiction of judicial coverage. The person concerned is not acting as a judge but as an arm of the Executive to allow for ongoing detention, arrest and interrogation of someone who has not been charged with an offence. The first warrant can extend the period of detention by not more than seven days, and second or subsequent warrants can extend the detention to 14 days.

Under proposed new section 25K, if the judge identifies any of the material presented as criminal intelligence, that is not even presented to the suspect's legal representative, let alone the suspect. The grounds on which the warrant was issued also will not be disclosed in the record. The warrant can also include a prohibited contact direction. That is, it can prohibit the person from contacting anyone while they are in investigative detention, and that can include any legal representative. A 14-year-old child could be whisked off the street by the police and the police could immediately get on the phone to someone who is a Supreme Court judge or an eligible judge but who is acting as an extension of the Executive. That could be done on the basis of secret evidence that the child has never seen and that the child's lawyer has never seen. That child can then be held in incognito and prohibited from contacting their parents, family members or a lawyer for up to 14 days while they are peppered continuously with questions and interrogated by the police. Laws of this kind have no place in New South Wales.

If the police or a judge allow the person to have some contact with their family or their lawyer while they are in detention, that contact will be monitored. There is an exclusion in terms of contact with a lawyer, which is not monitored unless, of course, an eligible judge so orders. The eligible judge can exclude contact with a lawyer. Proposed new section 25N contains what are called "additional safeguards for detained persons". When I saw that heading I had a quick look at the provision to see what it provides in terms of additional safeguards for detained persons. It provides nothing at all, not a single legislative protection. However, it does include a regulation-making power. If having successfully managed the passage of this legislation through this Parliament the Government decides that it wants some additional safeguards for detained persons, it can make a regulation. When asked during a crossbench briefing what additional safeguards were envisaged, the Government said there were none, it had no plans to provide any more safeguards. Proposed new section 25Q provides that the legislation will be reviewed by the Minister for Police three years after its commencement and that a report must be tabled within 12 months.

What do we do when we are confronted with a piece of authoritarian, reactionary and regressive legislation like this? There is only one thing we can do—that is, to oppose it. The Greens strongly oppose this bill. It is an affront to democracy. As I said, if it is passed we will have a piece of legislation that is far more in keeping with what happens in Guantanamo Bay, Cuba, than in Sydney, Bryon Bay or Tamworth. Whenever a bill is introduced that has "police powers" in its title we can be sure that the Government is once more expanding police powers and discretion and removing rights and liberties. It is happening, as it does so often, at the behest of the Commissioner of Police Andrew Scipione, and with little, if any, consideration of the impact the changes will have on traditional rights and liberties.

Why is this the fourth one of these bills criminalising protest, expanding police move-on powers and massively ramping up police powers in relation to terrorism? They seem to be coming in a wave at the moment. Why are they coming in a wave from the Coalition Government at the moment? I suggest one of the principal reasons is there is a deep structural flaw in the Coalition Cabinet. That deep structural flaw is, for reasons that are a mystery to anyone who is interested in the Constitutional traditions of a liberal democracy based on the Westminster model, that the police Minister, Nationals MP Troy Grant, has been elevated above the Attorney General and is in fact the justice Minister in New South Wales and sits in a more senior place in the Cabinet than the Attorney General.

The Attorney General, who has traditionally been the first law officer, designed to protect our liberties, has been reduced to the police Minister's poodle and has no power in Cabinet and clearly has no capacity to stop this never-ending expansion of police powers—these reactionary, right wing, anti-liberty laws that are being passed time after time. This latest expansion coming notionally from the Premier is said to be in the name of fighting terrorism. These laws go far beyond existing laws whereby a terrorism suspect can be detained to prevent an immediate threat to the public. These laws will see people imprisoned and interrogated based on secret hearsay evidence and unverified police reports in what is truly an unprecedented expansion of police powers in this country.

The idea that 14-year-olds who have not been charged with any offence could be subject to two weeks of intensive police questioning without contact with their families and excluded from contact with a lawyer if an eligible judge says so is utterly obscene. It is utterly obscene to be jailing and interrogating children without charge. We have seen such schemes overseas create extreme human rights violations with no substantial impact on preventing or uncovering terrorism. No-one has given an example in which the police had intelligence and if they had access to these powers they would have been in a position to prevent any identified terrorism event.

New South Wales seems determined to lead the way in the race to strip human rights and civil liberties by a continued expansion of punitive police powers. This is the latest and one of the ugliest versions of that. The New South Wales Parliament should be protecting our basic freedoms in a liberal democracy, not surrendering them each time the police or the *Daily Telegraph* demand it. We are not made safer by cravenly surrendering our freedoms in the name of fighting terrorism. There is a reason we oppose terrorism. There is a reason we oppose the thought that goes behind terrorism. It is because we believe in a liberal democracy.

When we destroy our liberal democracy in order to fight the threat that we see, we are delivering what the terrorists want, we are delivering what those opposed to our freedoms want and we are handing the victory the terrorists want on a platter, which is the destruction of the traditional freedoms in our Western liberal democracy. It is an appalling surrender of those fundamental principles and it goes to show absolutely why we need a bill of rights in this country and why we need a bill of rights in New South Wales. It is not just The Greens saying this. The Law Society of New South Wales raised serious concerns in respect of this bill. They said:

In the Law Society's view, the Bill continues a concerning trend of a marked expansion of police powers, with a corresponding erosion of the rights of individual, including vulnerable individuals such as children and people with cognitive impairments. For the reasons set out below, the Law Society is unable to support the passage of this Bill in its current form.

One of the concerns raised by the Law Society is that the definition of a "terrorism suspect" is extraordinarily broad. They reference proposed section 25B of the Act. Someone can be found by a police officer to be a terrorism suspect if the police officer believes:

... there are reasonable grounds for suspecting that:

- (a) the person has committed or will commit a terrorist act, or
- (b) the person is or has been involved in preparing or planning for a terrorist act, or
- (c) the person possesses a thing that is connected with the commission of, or the preparation or planning for, a terrorist act.

But what is a terrorist act? They then make it clear:

- (2) This section extends to a future terrorist act even if any of the following has not been identified—

—and this is a remarkable list. The police do not have to identify:

- (a) the identity of the persons who will commit the terrorist act,
- (b) the kind of terrorist act that will be committed,
- (c) the place where or the time when the terrorist act will be committed.

But it still gives them reasonable grounds, apparently, to arrest somebody. They do not know who, they do not know what, they do not know where and they do not know when, but they will be whisking people off the street and interrogating them for up to four days without any court oversight. We then get to the proposed safeguards in

the bill. One of the proposed safeguards in the bill is about questioning, and it is in proposed section 25G. The Government says, "Do not worry. There are safeguards built in. People will not be interrogated endlessly." And what are the safeguards that stop someone having a lamp in their face and being interrogated for four days straight without rest, without sleep and without a piss break? Section 25G (4) states:

A terrorism suspect may be questioned during investigative detention under this Part only if the person is given the opportunity to rest for a continuous period of at least 8 hours in any period of 24 hours of detention and to have reasonable breaks during any period of questioning.

So the basic plan is the police can have a go at you for 16 hours straight. You might be allowed to have a break to go to the toilet, perhaps, if the police officer thinks it is reasonable, but they can have a go at you for 16 hours straight. They are then meant to give the suspect eight hours rest. But read on, because 25G (4) then states:

This subsection does not prevent questioning that a senior police officer determines is necessary and reasonable because of the exceptional circumstances of the case.

They do not even have to stop at 16 hours. If a police inspector thinks that it is necessary and reasonable to just keep going and going for up to four days straight without court oversight or, if a warrant has been granted by a court, for up to 14 days straight, they can. A 14-year-old child can be interrogated endlessly for four days without a break and the Government thinks that is reasonable and necessary. This is the latest tranche in a movement that is seeing New South Wales go from being a liberal democracy to being a police state.

Most of the laws that have been passed in the last five years have not been given a full run by the police. They have not been issuing the move-on orders, shutting down protests, jailing people, ripping them off the street, doing it all without charge—it has not been happening across society in general. One might have a different view of it if one came from the Muslim community in Australia, but as a general rule it has not been happening. But the machinery is in place, the laws are in place and the liberties are primed to be infringed. This Government that calls itself conservative has torn away the basic principles of freedom in New South Wales. Of course we oppose this bill.

The Hon. DANIEL MOOKHEY (12:27): I judge the Terrorism (Police Powers) Amendment (Investigative Detention) Bill 2016 a successful law if it is never used. This is not the test we use to appraise the bills a government introduces. The usual test is the magnitude of impact a proposed law will have and whether alternate laws can do more good. But in respect to the nexus between radicalisation and terrorism, if the extraordinary powers established in this bill—the extension of New South Wales' preventative detention regime to children as young as 14 and the ability to question a terror suspect subject to a detention order—are ever needed, that signals failure.

Having to use these powers means the atavistic, evil, "us versus them" mentality that drove the horrible killings in Paris, Brussels, Beirut and Utoya is present in our State. It means that our unbridled success in welcoming people of all colours and religions to the rights and responsibilities of citizenship is faltering. No matter how proficient a law, how efficient an enforcement agency or how effective a supervising authority, laws like this are not our best defence against terrorism. Our best defence against radicalisation is as immutable as it is unsophisticated: It is to avoid it; to stop it from emerging in the first place; and to show terrorists and extremists the lethal effect of people living together in harmony—proving wrong their theory that the world is divided between those who are unimpeachably good and those who are irredeemably bad and that society is pitted towards unending conflicts between ethnic and religious tribes. Make unity our response to those who crave alienation and division.

This strategy is simple, but it is not easy. It requires Parliament to judge correctly the real cause of extremism; and to accept that radicalisation is not a variation of criminality and, therefore, it cannot be beaten by crime-fighting tactics alone. Instead, it is the result of a distinct ideology that is pursued through the tactics of terror, which has the purpose of polarising and provoking fear to create division, breed alienation and stoke social exclusion. This is the contest we are in. It is a competition over culture between extremists and their hateful preferences for exclusion and our hopeful habit of pluralism and welcome.

To prevail in this contest we must use bills such as the one before the House to reconsider our wider strategy, starting with the guidance that we provide to law enforcement officers. We must abandon the idea that the road to extremism is akin to a universal conveyor belt on which a person prone to extremist behaviour passes through a four-stage process, starting with pre-radicalisation before moving to self-identification and indoctrination, and finally ending with extremism and terrorism. This conveyor belt metaphor is how we try to spot those who are most likely to fall within the scope of the law. When it fails to result in early detection, we assume that the failure resulted from intelligence errors when, in fact, the failure resulted from the strategic error of misjudging the path that a person walks towards extremism.

In reality, detecting extremists is hard. Extremism is far more likely to take root amongst highly educated people. Women are just as prone as men to engaging in extremism and terrorism, and excessive religiosity is never a clue. Fifteen years of studies have proven that religiosity does not lead to terrorism. Rather, terrorism leads to religiosity, which brings me to a harder set of changes that we require. The first is cultural change. The same studies that have proven correlation and not causality between terrorism and religion have also proven that an extremist is more likely to fall prone to a hateful ideology in search of their personal identity, meaning and self-worth. It is those emotions that are manipulated by extremist recruiters.

They also signal the culture needed to combat extremism, which is a culture of welcome, the showing of brotherhood and sisterhood, and the practice of solidarity. Displaying that culture is our collective responsibility and it is a responsibility that can be easily discharged because there are plenty of opportunities to practice a culture of welcome. We can show this practice of welcome in sport. For example, when Usman Khawaja is chosen to bat for Australia, we can cheer him. We can show it in trade: when the National Australia Bank plans to expand into Shariah-compliant finance, we can applaud it. We can show it in media: when Waleed Aly wins a Gold Logie, we can congratulate him as we did Kylie Minogue when she won many Gold Logies in the 1990s. We can also show it in politics. Sadiq Khan was elected as the Mayor of London and we should honour him for breaking a glass ceiling.

The point is to show the practical meaning of pluralism and that it allows all people to flourish. For the full effect to be released, we must be equally clear and eloquent about calling out those who respond to division with more division. That means denouncing those who say that slaughtering animals in accordance with religious law is a threatening act; denouncing the Australian Liberty Alliance, which stands for public office on a platform of hate; and saying to our friends in the United States that if they elect a person to the office of President whose explicit policy is to discriminate against a specific faith, it will affect our bilateral relationship.

The point is that to accept the best way to combat extremism is to first combat it culturally before resorting to the use of laws such as this one. This means maximising our cultural differences with extremists, not minimising them, and acting proportionally, not irrationally. We must always remember that our cosmopolitanism, as well as our criminal justice system, are not inconveniences in our struggle against radicalism and extremism. Indeed, they are our best weapons.

Reverend the Hon. FRED NILE (12:33): On behalf of the Christian Democratic Party, I speak in support of the Terrorism (Police Powers) Amendment (Investigative Detention) Bill 2016. The bill amends the Terrorism (Police Powers) Act 2002 to authorise the arrest, detention and questioning of terrorism suspects for the purpose of assisting in responding to or preventing terrorist acts. The bill permits a police officer to arrest and detain a person if there are reasonable grounds for suspecting that the person has committed a terrorist act, is involved in planning a terrorist act, or possesses a thing connected with a terrorist act. A relevant terrorist act must have occurred in the last 28 days or a police officer must have reasonable grounds to suspect that it could occur within the next 14 days.

Mr David Shoebridge stressed how unusual the bill was and how it seemed to be going against the trend of legislation enacted in this House previously. He has the right to say so, but he places no importance on the current unique situation we are facing in Australia and across the world. It is hard to think of parallel situations where children as young as 14 to 17 years of age are being mobilised for terrorist acts. We have already experienced a terrorist act carried out by a 16-year-old at Parramatta. This behaviour has brought this legislation before the House.

No-one is enthusiastic about facing this situation, which is not of our making. It has been created by those who are prepared to use children to promote their terrorist causes. I have studied a lot of material and I have seen Middle Eastern children from the age of 14 up to 17 in military uniforms being trained with automatic rifles. In Australia we have the Boy Scouts, which provides harmless activities for boys. Other countries have a totally different culture to ours and that can include militarising children. We wish this legislation was not necessary but, sadly, it is.

The bill allows for the detention period to be extended by an eligible judge in increments of seven days up to a maximum total period of detention of 14 days. The bill limits the circumstances by which the period of detention may be extended by providing that a warrant to extend detention may not be issued unless an eligible judge is satisfied that an investigation is being conducted diligently and without necessary delay; that there are reasonable grounds for suspecting that the person continues to be a terrorism suspect; that there are reasonable grounds for suspecting any future terrorist act could occur in the next 14 days, or so occur if the suspect is released; and that the extension will substantially assist in responding to or preventing the terrorist act concerned.

Police and others who monitor potential terrorist attacks are concerned about the wide use of social media. The ISIS organisation in the Middle East is in daily contact with children aged 14 to 17 years of age in

New South Wales and Australia. As members know, ISIS posted on social media that it planned to commit a terrorist act in Sydney. The plan was to video the kidnapping of a person in Martin Place, to behead that person, to wrap them in an ISIS flag, and to use video footage of the act to show the power and success of its terrorist campaign. The police face a dilemma when monitoring communications because one plan could fizzle out and amount to nothing while another plan could lead to a genuine terrorist attack.

Another challenge for the police is whether or not to disclose the source of their information. Democratic countries such as Australia, the United States, the United Kingdom and others share their intelligence. A dilemma may be created by revealing the source of the information because it may alert the people responsible that the police have identified them, are monitoring their communications and are attempting to counteract their actions.

The police do not wish to alert these organisations to the fact that they are able to monitor them and are monitoring individuals and organisations. The bill protects criminal intelligence from inappropriate disclosure. It also ensures that there are safeguards in place for detained persons, including extending protections in the Law Enforcement (Powers and Responsibilities) Act 2002. These provisions include special safeguard provisions for vulnerable persons. Children under the age of 14 years may not be detained under this bill.

Some time ago the upper House debated the age at which a "child" was defined in law. I believe the age stipulated in the law should be lower than 18 years. However, the wisdom of the majority was to retain the age of 18. I believe that is an artificial age as it would mean that a person who is 17½ is considered a child. A person of that age is not a child; he is a young man or she is a young woman. Given the current situation, the Parliament may have to review the age definition. The Christian Democratic Party is pleased to support this bill and we hope that it achieves its aim of reducing terrorism acts in our State and our nation.

DEPUTY PRESIDENT (The Hon. Trevor Khan): Before I call upon the Parliamentary Secretary to give her speech in reply, a matter was raised during debate this morning in relation to an imputation about or reference to the Attorney General. I bring to the attention of all members the rules of debate, particularly Standing Order 91 (3), which provides

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

I also bring to the attention of members the rulings of President Harwin given on various dates, including 4 May 2011, that it is disorderly for members to make personal reflections on members of the other House except by way of substantive motion. If a point of order had been taken on the reflection that the Attorney General is the Minister's poodle, I would have ruled the remark as disorderly.

The Hon. CATHERINE CUSACK (12:42): I thank honourable members for their contributions to the debate, in particular the Hon. Adam Searle, Mr David Shoebridge, the Hon. Daniel Mookhey and Reverend the Hon. Fred Nile. The Government has a responsibility to take effective measures to counterterrorism, and it is a responsibility that we take very seriously. The bill reflects a necessary and proportionate response to the threat of terrorism, particularly in the context of recent events in Australia, specifically Sydney, and other parts of the world. This bill will help to ensure that the NSW Police Force will have the powers it needs to respond to and prevent terrorist attacks, while at the same time ensuring appropriate safeguards are in place.

These powers complement the efforts being made in communities to prevent engagement in all forms of violent extremism. The Government makes no apology for taking strong action to keep our community safe. I would like to correct some of the comments made by Mr David Shoebridge about the bill. The bill is administered by the Attorney General, not the Minister for Police. It is the Attorney General who will oversight the exercise of powers under the bill and provide to the Parliament a report on the outcome of the statutory review.

Mr David Shoebridge: We know who drove it through Cabinet.

Mr Scot MacDonald: Point of order: The Deputy-President (The Hon. Trevor Khan) just made a ruling about casting aspersions on a member of the other place. Mr David Shoebridge, in his interjections, is casting aspersions on other members. I ask that the Deputy-President's ruling be upheld.

DEPUTY PRESIDENT (Reverend the Hon. Fred Nile): Order! Mr David Shoebridge will refrain from making comments relating to Government members.

The Hon. CATHERINE CUSACK: Mr David Shoebridge has made additional inaccurate claims about this bill. It is not the case that the police have no legal oversight. It is not the case that the judiciary is not acting independently. The bill makes clear all judges involved in decisions in this bill cannot be involved in any—

Mr David Shoebridge: They are eligible judges. They are not there in their capacity as a judicial officer.

The Hon. Duncan Gay: Point of order—

DEPUTY PRESIDENT (Reverend the Hon. Fred Nile): Order! Mr David Shoebridge will not debate issues during a speech in reply. The Government is providing a response to the member's comments during the second reading debate.

Mr David Shoebridge: They are false and misleading.

DEPUTY PRESIDENT (Reverend the Hon. Fred Nile): Order! It is the Government's right to reply to the debate. The member will not interrupt the Parliamentary Secretary while she is replying to the debate.

The Hon. CATHERINE CUSACK: The bill makes clear all judges involved in decisions connected to this bill cannot be involved in any subsequent decisions relating to the cases. It is not the case that detained people between the ages of 14 and 18 years do not have access to lawyers and family members. On the contrary, they cannot even waive the right to have a support person present at all times during questioning. Mr David Shoebridge has absolutely understated the thresholds for detention. We are talking about terrorist incidents that have occurred in the past 28 days or are about to occur, and the police must be satisfied that detaining the suspect will substantially assist in responding to or preventing the terrorist act. The Government thanks the members who have supported the proposals in this bill. I commend the bill to the House.

DEPUTY PRESIDENT (Reverend the Hon. Fred Nile): Order! The question is that this bill be now read a second time.

The House divided.

Ayes33

Noes5

Majority.....28

AYES

Dr Phelps	Mr Ajaka	Mr Amato
Mr Blair	Mr Borsak	Mr Brown
Mr Clarke	Mr Colless	Mr Donnelly
Mr Farlow	Mr Franklin	Mr Gay
Mr Green	Mr Khan	Mr MacDonald
Mr Mallard	Mr Mason-Cox	Mr Mookhey
Mr Moselmane (teller)	Mr Pearce	Mr Primrose
Mr Searle	Mr Veitch	Mr Wong
Ms Cotsis	Ms Cusack	Ms Houssos
Ms Maclaren-Jones (teller)	Ms Mitchell	Ms Sharpe
Ms Taylor	Ms Voltz	Reverend Nile

NOES

Dr Faruqi (teller)	Mr Buckingham	Mr Pearson
Mr Shoebridge (teller)	Ms Barham	

Motion agreed to.

In Committee

The CHAIR: There being no objection, the Committee will deal with the bill as a whole.

Mr DAVID SHOEBRIDGE (12:56): I move The Greens amendment No. 1 on sheet C2016-050:

No. 1 **Removal of Bill's application to children under 18 years**

Page 5, Schedule 1 [5] (proposed section 25F), lines 22, 23 and 28. Omit "14 years" wherever occurring. Insert instead "18 years".

The amendment seeks to ensure that this new investigative detention regime cannot apply to children. I want to be clear about it: The Greens believe as a matter of principle that children should not be subject to arbitrary detention and should not be subject to intensive police interrogation without charge. Children should be expunged from this bill. That is why we propose that wherever the age "14 years" appears in this bill it should be deleted and replaced with the words "18 years". That is our amendment. The Law Society of New South Wales has raised extremely cogent concerns about the expansion of the investigative detention framework to include children. One small part of what the Law Society says in that regard is:

The Law Society is particularly concerned that the investigative detention framework would apply to children as young as 14 years old. The Convention on the Rights of the Child requires that the child's best interest be the primary consideration in all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.

That is Article 3 of the convention. The Law Society continues:

We do not consider that the Government has adequately demonstrated why these extraordinary provisions should apply to minors, nor that it has given sufficient consideration to the potential psychological impact that such detention could have on them, including if they are subject to non-contact orders with family members.

The Greens wholly endorse and support those observations. Whenever a legislative body—that is, this Chamber, the other place or any part of government—is considering laws affecting children their best interests must be our primary concern. This bill has not put the best interests of children in second place; it has utterly ignored them. The legislation makes no reference to the best interests or the specific interests of the child. Regardless of the interests of children, if the police believe that a child may be involved with, have some knowledge of, or have an item that could be used in connection with a terrorist event—they do not need to know where it will happen, when it will happen or who will be involved—they can whisk a child off the street and subject them to this preventative detention regime. The best interests of the child are not even referenced in the bill. That is a gross breach of our obligation to look after children consistently with established international norms.

This legislation not only breaches article 3 of the Convention on the Rights of the Child but it also grossly breaches article 37. Perhaps it is becoming unfashionable in the age of Donald Trump, the dictator-elect in the Philippines, and the expansion of police powers in New South Wales to talk about international human rights laws. The Government has not mentioned them either in the other place or in this Chamber. They were obliquely referenced by the Opposition, but they were ignored when it determined how it would vote on this legislation. I will read article 37 of the Convention of the Rights of the Child on to the record so that every member is aware of the internationally established rights and principles that are being trashed. I can count and it appears that an overwhelming majority of members will reject this amendment and will agree to the preventative detention, jailing and interrogation of children without charge. Article 37 states:

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

Paragraph (b) is extremely pertinent. It states:

- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

That principle is trashed by this legislation. The convention continues:

- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

But there are no special protections for children in this legislation once they are the subject of interrogation. They may have a support person with them.

The Hon. Catherine Cusack: Rubbish! That is just rubbish.

Mr DAVID SHOEBRIDGE: They can be interrogated for 16 hours non-stop.

The Hon. Catherine Cusack: You are outrageous!

The CHAIR: Order! The Parliamentary Secretary will cease interjecting, and Mr David Shoebridge will direct his remarks through the Chair and calm down.

Mr DAVID SHOEBRIDGE: Article 37(c) further states:

In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

This legislation allows the Supreme Court to make orders that remove that right entirely. It may be uncomfortable for the Parliamentary Secretary to understand the extent to which this legislation breaches the internationally accepted rights of the child, but it does so in unambiguous terms. It flouts the internationally accepted norms that we have agreed to as a nation because we once thought that the rights of children mattered. We once thought that jailing children in overseas jails without any recourse to Australian laws was offensive, but that no longer appears to be true. We once thought that putting 14-year-olds behind bars and subjecting them to police interrogation without charge and without knowing the evidence against them was offensive. It seems that that also is no longer

true. We have degraded the discussion of civil liberties and traditional freedoms to such an extent that we are willing to apply these exceptional and offensive anti-liberty laws to children as young as 14 years of age. Article 37 also states:

- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

However, a child has no recourse to the courts to challenge police detention for up to four days. There is no obligation on the police to trouble a court when they arrest a child for up to four days. If the police want to extend the arrest for up to 14 days, they are not required to go to a court. Let us be clear about this: They go to a judge who is not sitting in his or her capacity as a judge because it would be offensive to the Constitution to allow a judge to do that because of the extraordinary anti-liberty nature of this legislation.

The CHAIR: Order! The member is straying from his amendment.

Reverend the Hon. Fred Nile: He is making a second reading speech.

The CHAIR: Reverend the Hon. Fred Nile is correct. Mr David Shoebridge is straying into a second reading contribution. He should address his amendment.

Mr DAVID SHOEBRIDGE: The judge is an extension of the Executive. That is why the legislation uses the term "eligible judge". The fact that this legislation removes the rights of children will ensure that it almost inevitably will be subject to a constitutional challenge. I hope that the High Court finds a shred of a right in our Constitution that will allow it to strike down this excess of legislative power. I commend the amendment to the Committee.

The Hon. CATHERINE CUSACK (13:06): The Government opposes this amendment. It would prevent persons aged 14 to 17 years from being arrested under the legislation. The Terrorism (Police Powers) Act 2002 currently excludes children under 14 years of age from its provisions. No child under 14 years of age will be detained under this legislation. Applying the provisions in the legislation to individuals 14 to 17 years of age aligns with the proposed changes to Federal counter-terrorism control orders. A person can be subject to a control order if it substantially assists in preventing a terrorist attack, or if the person has trained with a listed terrorist organisation.

The Commonwealth Government has introduced legislation to allow a control order to be imposed on a person aged 14 or more. It is a sad fact that individuals aged 14 to 17 years may be at risk of engaging in terrorist activities. It is therefore necessary to extend the legislation to young persons in this age group. The legislation applies special safeguard provisions to young persons. The provisions in division 3 of part 3 of the Law Enforcement (Powers and Responsibilities) Regulation 2005 apply to young persons 14 to 17 years of age and other vulnerable persons who may be detained under the legislation. These safeguards include giving special assistance to young persons when they are in custody. The police custody manager must, as far as practicable, assist them in exercising their rights under the Law Enforcement (Powers and Responsibilities) Act. This includes helping them to make a telephone call to arrange for a lawyer or support person to be present and to ensure that they understand any caution that is given to them.

Young persons and other vulnerable persons are entitled to have a support person present during questioning and other investigative procedures. The police custody manager is required to identify and contact the persons responsible for the welfare of a young person who is kept in custody. Contrary to the assertions made by Mr David Shoebridge, this legislation does not allow arbitrary detention, nor does it contain oppressive detention conditions. It contains clear limits, protocols and safeguards.

The Hon. ADAM SEARLE (13:08): The Opposition will not support The Greens amendments. As I stated in my second reading contribution, the former Independent National Security Legislation Monitor, Bret Walker, has indicated that in his view these laws are appropriate, and, in particular, that the age threshold of 14 years is not too low. I refer to an ABC News report of 4 May in which he stated:

"I'm satisfied from my researchers and from looking at international comparators that the safeguards in these laws are at least as good, arguably better, than most of those that exist elsewhere," he said.

"Unless we persuade ourselves that 14-year-olds do not commit such offences, then we really do, however reluctantly with whatever sorrow, we really do need to have to confront the possibility of laws to permit this."

That is an important consideration, and that is the position that we are in.

Mr DAVID SHOEBRIDGE (13:09): The Parliamentary Secretary in reply makes the assertion, without any authority behind it, that this preventative detention regime does not amount to the arbitrary deprivation of liberty. It is a matter with which the Law Society engaged directly in its submission, which I know the

Parliamentary Secretary would have been given by those who were briefing her. It is a brief part of the Law Society's submission but it is worthy of going on the record. It says:

When the bill refers to arrest it applies this concept to people who have not necessarily already committed a criminal offence. Traditionally arrest is the first step in detaining a person to take them before an independent court to be charged with a criminal offence based on past conduct. However, the proposed investigative detention framework conflates the detention of individuals for the purpose of charging a person with a criminal offence based on past conduct with detention for the purpose of investigation of past or future conduct as well as prevention of future conduct. This framework is outside the usual criminal justice framework and creates difficulties in respect of usual common law and human rights protections in respect of the right not to be subject to arbitrary detention, the right to be brought before a court without undue delay and the right to a fair hearing. To the extent that the bill allows detention of a person for purposes other than being charged the Law Society considers that it involves arbitrary detention and would likely be a breach of article 9(1) of the International Covenant on Civil and Political Rights.

They are observations of the Law Society which The Greens wholly endorse. They accurately and pertinently make it clear that this bill allows for the arbitrary detention of people in breach of long-established international human rights.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 1 appearing on sheet C2016-050. The question is that the amendment be agreed to.

The Committee divided.

Ayes5
Noes33
Majority.....28

AYES

Dr Faruqi (teller)
Mr Shoebridge (teller)

Mr Buckingham
Ms Barham

Mr Pearson

NOES

Dr Phelps
Mr Blair
Mr Clarke
Mr Farlow
Mr Green
Mr Mallard
Mr Moselmane (teller)
Mr Searle
Ms Cotsis
Ms Maclaren-Jones (teller)
Ms Taylor

Mr Ajaka
Mr Borsak
Mr Colless
Mr Franklin
Mr Harwin
Mr Mason-Cox
Mr Pearce
Mr Veitch
Ms Cusack
Ms Mitchell
Ms Voltz

Mr Amato
Mr Brown
Mr Donnelly
Mr Gay
Mr MacDonald
Mr Mookhey
Mr Primrose
Mr Wong
Ms Houssos
Ms Sharpe
Reverend Nile

Amendment negatived.

The Hon. CATHERINE CUSACK (13:20:3): I move:

That the Chair now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

Motion agreed to.

Adoption of Report

The Hon. CATHERINE CUSACK (13:21): I move:

That the report be adopted.

Motion agreed to.

DEPUTY PRESIDENT (Reverend the Hon. Fred Nile): I will now leave the chair and the House will resume at 2.30 p.m.

The PRESIDENT: According to sessional order, business is now interrupted for questions.

*Questions Without Notice***NATIONAL DISABILITY INSURANCE SCHEME**

The Hon. ADAM SEARLE (14:30): My question without notice is directed to the Minister for Ageing, Minister for Disabilities, and Minister for Multiculturalism. Given late yesterday afternoon the Office of Social Services Minister Christian Porter confirmed that there had been a \$66 million cut to the information campaign of the National Disability Insurance Scheme [NDIS], why did the Minister tell this Chamber on 4 May that that was absolute nonsense? Did the Minister mislead the House?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:31): First, I did not mislead the House. I strongly suggest that the Leader of the Opposition has a close look at what I said. There were aspects of his question that were nonsense.

The PRESIDENT: Order! The Leader of the Opposition has asked the question. Members will listen to the answer in silence. I call the Hon. Penny Sharpe to order for the first time. I call the Hon. Sophie Cotsis to order for the first time. I call the Hon. Daniel Mookhey to order for the first time.

The Hon. JOHN AJAKA: I also recall saying that approximately \$66 million of the advertising budget would not be utilised and, in fact, it would go into the future fund being set up by the Commonwealth Government. What those opposite tried to imply, which was nonsense and incorrect, was that that \$66 million—

Mr Adam Searle: Point of order: I am trying to listen to the Minister's answer but the Leader of the Government keeps interjecting.

The PRESIDENT: Order! I note the point of order. Members will to come to order.

The Hon. JOHN AJAKA: What I made clear was that what was being implied by those opposite was incorrect. They tried to imply that \$66 million was being taken away from people with disability and that is not correct because that same \$66 million is going into the future fund of the NDIS. The money is being utilised for services and other aspects of the NDIS through the National Disability Insurance Agency—through the future fund. There is no reduction of \$60 million for people with disability through the NDIS. There is no reduction whatsoever. I agree with Christian Porter. If there is a choice to use \$66 million for advertising or \$66 million to place in the NDIS future fund to provide services for people with disability, I would support that. Christian Porter had to do this because the Federal Labor Government had created a blackhole when it came to ensuring that there were sufficient funds to meet all aspects of the NDIS budget.

When I last spoke on this subject, I mentioned that the blackhole was \$5 billion. Those opposite can actually state that I was wrong in that figure, because it is \$6 billion. I apologise to the House for saying that there was a \$5 billion blackhole created by the Labor Government when, in fact, it is \$6 billion. Thank you, Christian Porter, for ensuring that the funds are now available, as budgeted, to be placed in the future fund to ensure that all moneys necessary for the NDIS are now available. Members opposite are upset because this Federal Government has done the right thing. The former Labor Government failed. We all know there is an upcoming Federal election. If members opposite think they are winning points for their Federal Labor colleagues— [*Time expired.*]

The PRESIDENT: Order! I call the Hon. Sophie Cotsis to order for the second time.

The Hon. ADAM SEARLE: I ask a supplementary question. Will the Minister elucidate his answer and explain whether the content of the answer given to the House is confirmation that New South Wales taxpayers are footing the bill for Turnbull Government cuts?

The PRESIDENT: Order! The Leader of the Opposition is asking a new question. The question is out of order.

ROAD AND RAIL INFRASTRUCTURE

The Hon. SARAH MITCHELL (14:36): My question is directed to the Minister for Roads, Maritime and Freight. Will the Minister inform the House on the Government's plan for critical road and rail infrastructure in New South Wales?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:36): I thank the member for her question. Last week I was invited by the Committee for Economic Development of Australia [CEDA] to detail the New South Wales Government's historic infrastructure plan for dramatically enhancing road and rail in this State. The leasing of mature Government assets and the recycling of the proceeds of those leases into new projects has allowed us to deliver critical infrastructure that was long neglected by Labor. This approach was not possible under former State governments, which were beholden to the vested interests of powerful unions. This approach is now being mimicked around the world. We have done

this at a time when global capital has been searching for a safe port of call in a world post the global financial crisis.

New South Wales represents a low-risk environment for investors. Also, we have not displayed the sovereign risk problems that we have seen south of the border with the Victorian Labor Government. The leasing of our ports in our first term of government gave us the ability to invest billions in the next generation of infrastructure, including critical rail and road projects, such as WestConnex, NorthConnex, Bridges for the Bush, Fixing Country Roads, rail, Western Sydney growth roads and Australia's largest public transport project, the Sydney Metro.

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

The Hon. DUNCAN GAY: In our second term, the leasing of poles and wires will help to deliver thousands of projects across the State, including continued upgrades to major regional freight corridors such as the Newell, New England and Golden highways. For the information of the Hon. Shaoquett Moselmane, those highways are not in Sydney. We will also continue to invest historical levels of funding to repair and improve our network of country rail lines, which help to move grain from paddock to port, which is an area long neglected by Labor because of their cynical policy of not closed, but not operational.

Our efforts in the infrastructure space have again been rewarded with the Federal budget confirming more than \$2 billion in additional funding being allocated to New South Wales via the Federal asset recycling initiative. Impressively, this is the first of many payments to this State by this new initiative.

This additional funding was made possible because New South Wales has done its homework in submitting high-quality business cases for major projects—

The Hon. Penny Sharpe: You haven't released any of them.

The Hon. DUNCAN GAY: —not to mention working hard to get projects shovel-ready. The great untold story of our approach to recycling capital is how the leasing of public assets has also stimulated increased public sector investment in the freight infrastructure space. Those opposite mentioned non-release. "Me too," they say. "We're going to do it—

The Hon. Walt Secord: Point of order: Mr President, I draw your attention to the fact that the Opposition was sitting in silence while the Minister picked phantom interjections and was misleading the House.

The PRESIDENT: Order! There is no point of order. The Minister has the call.

The Hon. DUNCAN GAY: The Hon. Penny Sharpe did say that those opposite released business cases. They have promised to match us on the M4 and the new M5, but where is their business case for where the money is coming from? They should tell us when they will put on the tolls and how much the tolls will be. If they are not putting on tolls, which schools will they cut from funding or which ambulance stations or hospitals will they not build? [*Time expired.*]

SYD EINFELD DRIVE FLOODING

The Hon. WALT SECORD (14:41): My question without notice is directed to the Minister for Roads, Maritime and Freight. Given freedom of information documents released to the Opposition show that between August 2014 and April 2016 Syd Einfeld Drive in Sydney's east was flooded on at least 31 occasions in a 20-month period, when will the Minister respond to community concerns and provide a long-term and permanent solution?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:41): I thank the Hon. Walt Secord for his question. I have to say that he is very hard of hearing and has trouble absorbing information. This is not the first time I have talked about Syd Einfeld Drive in this House. The name would tell members that this is not a road that this Government built, but it is an important piece of infrastructure. There are problems and one of the few things the Hon. Walt Secord has been accurate about in the time he has been in this House is that Syd Einfeld Drive has flooded on a great number of occasions. The fact is that the drains have been blocking up—

The Hon. Shaoquett Moselmane: Fix them.

The Hon. DUNCAN GAY: Here he is, the man who knows everything. He might go out one night with the Road and Maritime Services [RMS] staff and a shovel—Sharkie and the Shovel, out there cleaning the drains. Yes, we did fix the drains, but it turns out that the problem is not in the drains off the freeway. Admittedly, the drains needed some work and we said we would do the work. We cleaned out the accesses and the drains directly off Syd Einfeld Drive. But the problem was that the blockage was from the drains that go further in the council area. We are not blaming the council. We said that this is a whole-of-government problem and we are going to do

further remedial work on those drains as well. The local member, the Attorney General, has been outstanding. She has been on my wick just about every week trying to find out—

The Hon. Walt Secord: Not a single piece of correspondence from her.

The Hon. DUNCAN GAY: I hear screaming, like tinnitus in my ears.

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

The Hon. DUNCAN GAY: The fact is that things are underway and once again a good government is fixing the problems that were inherited from the Labor Party.

ENVIRONMENTAL GROUPS FUNDING

The Hon. ROBERT BORSAK (14:44): My question without notice is directed to the Minister representing the Minister for the Environment. Is the Minister aware that nine environmental groups have joined together for the purposes of preventing the Government's proposed biodiversity reforms: the Nature Conservation Council, WWF, the Total Environment Centre, the Colong Foundation for Wilderness, The Wilderness Society, the National Parks Association of NSW, the Humane Society International, and Sydney Wildlife? Will the Government provide the House with how much government funding each of these groups has received in the past budget year from all sources?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:45): I thank the Hon. Robert Borsak for his question seeking extensive information from the Minister for the Environment. I will take the question on notice, refer it to the Minister and come back with an answer.

MULTICULTURAL NSW REGIONAL ADVISORY COUNCILS

The Hon. DAVID CLARKE (14:45): My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is the New South Wales Government doing to engage the religious leaders in our State?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:45): I thank the Hon. David Clarke for his question. I am very pleased to advise the House that I recently met with members of the Multicultural NSW Religious Leaders Forum. The aim of the meeting was to build on our well-established relationships to discuss the issues affecting diverse religious communities. Religious leaders from all faiths play an important role in many of our culturally diverse communities.

The Religious Leaders Forum was established by this Government in 2014 as part of Multicultural NSW's strategic plan, Harmony in Action. The Religious Leaders Forum provides advice to the New South Wales Government on issues of interest and concern to the religious communities of New South Wales and strategies to support community harmony across religious differences. The Religious Leaders Forum delivers a different approach to engagement that actively builds and maintains relationships between the New South Wales Government and religious leaders from all faiths; keeps lines of communication between members open and accessible; provides input for policy development in relevant areas; and enables different religious groups in New South Wales to better support each other when responding to emerging issues and at times of crisis.

I am proud to say forum members signed a joint statement of unified commitment to community harmony at the inaugural meeting. The forum was further strengthened after the Lindt Cafe siege in December 2014, when members were involved in an interfaith prayer service coordinated by the Catholic Archdiocese of Sydney. The Multicultural NSW Act recognises that the people of New South Wales are of different religious backgrounds and free to profess, practise and maintain their own religious heritage. The legislation also promotes community harmony across faiths and recognises the enormous value in diversity and the myriad benefits it offers our society.

For a long time now religious differences have frequently been at the forefront of debates about multicultural harmony and social cohesion. The issues range from local level disputes about religious developments to more global concerns about religious extremism and the fundamental human right to freedom of religious expression. To keep abreast of the issues to enable a more proactive approach from government, the Religious Leaders Forum provides a direct consultation mechanism with local religious organisations and leaders. Members help us to understand the issues, opportunities and aspirations of their communities from their perspective.

More importantly, through the forum members are able to proactively contribute to building and maintaining social cohesion and community harmony for all the people in New South Wales. The Religious Leaders Forum supplements the existing suite of community-focused events and consultation that the Government undertakes to draw relevant community information and perspectives. I look forward to continuing to convene

the Religious Leaders Forum on behalf of the New South Wales Government and I take this opportunity to thank each and every member for their time, effort and energy in ensuring that New South Wales remains the most harmonious State in Australia.

BIODIVERSITY PROTECTION LEGISLATION

The Hon. ROBERT BROWN (14:48): My question without notice is directed to the Minister for Primary Industries and follows on from a question that my colleague, the Hon. Robert Borsak, asked earlier in question time regarding the alliance of nine environmental groups opposing the Government's proposed biodiversity reforms. Is the Minister aware that in response to this alliance NSW Farmers has launched "The Whole Picture" campaign in a move that it says will help fill the knowledge gaps that exist around the Government's proposed biodiversity reforms? Does the Government support this campaign, and will the Government commit funding equal to any funding that has been provided to the alliance of nine environmental groups opposing the Government's reforms?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:49): I thank the member for a very detailed question. Am I aware of the campaign launched by NSW Farmers in relation to the Government's release last week of the biodiversity framework for public consultation? Yes, I am aware of that public awareness campaign. I must say I found it to be a very good campaign. The centrepiece to "The Whole Picture" message is about utilising farmers as part of the solution to increase biodiversity outcomes for this State. Members on my side of the Chamber have been calling for that for a long time.

I have noted some of the commentary around the campaign in the media. The president of NSW Farmers, Mr Derek Schoen, has said that farmers are not desktop environmentalists; they are frontline environmentalists who deal with the environment every day. That is a refreshing statement. We know that our farmers have been dealing in land management for generations. We also know that good natural resource management by our farmers benefits not only the public through increased biodiversity but also farmers through increased productivity. We have been very clear all along that we understand that farmers in New South Wales are part of the solution to land management, particularly on private property.

I congratulate NSW Farmers on the release of its campaign. Its members have been consistently calling for changes on this from members with carriage of the matter even before I became the Minister. When Government members were in opposition the Hon. Duncan Gay, who had shadow responsibility for the Primary Industries portfolio, did a great job in trying to prosecute the case. The Hon. Rick Colless, who is Parliamentary Secretary for Natural Resources, has been a constant and consistent campaigner on this matter. Other members of The Nationals have also played a role in different ways.

Matching of funding to NSW Farmers is not something that the Government is considering at this stage. What we believe we can do to support farmers is have a system that is based on modern natural resource management practices and aligns with modern farming practices to engage our farmers as part of the solution. We believe we can work together to increase the economic and biodiversity outcomes for our regional communities and to understand the social impacts and benefits that those changes will bring to them. That is how we will support farmers. That is how we do it on this side of the Chamber—we bring real solutions. [*Time expired.*]

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. SOPHIE COTSIS (14:53): My question without notice is addressed to the Minister for Disability Services. Given the Minister's previous answer about the \$66 million cut, if it was not a cut why did he tell the *Sydney Morning Herald* that he would develop a State-based information campaign for people with disabilities and their carers wanting to access the National Disability Insurance Scheme [NDIS]? Will this State-based campaign fully replace the \$66 million Federal information campaign cut by the Federal Government?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:54): Clearly, the shadow Minister for Disability Services has absolutely no idea how the National Disability Insurance Scheme works. She also has no idea how we are transitioning to the NDIS, notwithstanding the fact that we keep supplying her with that information. The State Government and I as Minister have a responsibility to ensure that we advise people with disabilities about the NDIS. It is part of our agreement with the Commonwealth. It is what we have been doing since the day we signed the memorandum of understanding and the bilateral agreement. We are continuing to provide information to people with disabilities, their families, carers, non-government organisations and community organisations. That is what we do. That is what we are obliged to do. We will continue to do that.

That is why we funded the Industry Development Fund. It is why we funded the Consumer Development Fund. It is why we have been ensuring that Ageing, Disability and Home Care [ADHC] staff are holding forums across the State. I congratulate the ADHC staff who have been working tirelessly with the non-government sector

to ensure that the information goes out. It is why we will hold information seminars and we will also forward information to relevant stakeholders. We will use the appropriate venues to ensure that the information goes out.

It is part of our budget, because we will ensure that people with disabilities have the best possible information. I made a commitment to people with disabilities that we would ensure that the transition would be seamless and they would be provided with the best information. For that reason we formed Ability Links and ensured that we had linkers to provide that information.

The PRESIDENT: Order! I remind the Hon. Sophie Cotsis that she is on two calls to order. I call the Hon. Walt Secord to order for the second time. I warn him that he is on two calls to order.

The Hon. JOHN AJAKA: I wanted to ensure that this Government did not make the same mistakes that members opposite continued to make when they were in government. As the Leader of the Government continually reminds us, when members opposite were in government they failed, failed, failed.

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

The Hon. JOHN AJAKA: They failed to consult with communities.

The PRESIDENT: Order! I call the Hon. Daniel Mookhey to order for the second time.

The Hon. JOHN AJAKA: They failed to deliver. The Leader of the Government has said on many occasions that members opposite were great at issuing glossy brochures, but that was all they were good at.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the second time. I remind five members of the Opposition that they are on two calls to order.

The Hon. JOHN AJAKA: I make no apologies for the fact that I will continue to go out there with staff from my agency and ensure that the appropriate information reaches people with disabilities.

BIODIVERSITY PROTECTION LEGISLATION

The Hon. BEN FRANKLIN (14:58): My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on reforms to biodiversity legislation in New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:58): We are now just over a week into an eight-week consultation period on the package that was released publicly last week dealing with reform of biodiversity laws in this State. We have an historic opportunity to have a discussion in this State based upon evidence, not ideology. The reform package will implement the recommendations of an independent review that the Government commissioned into biodiversity legislation in New South Wales. That report is well balanced and evidence based, and it is supported by all sides in this discussion. To that end, members of this House may be surprised to learn that The Greens and the Government agree on many fronts in relation to biodiversity. I have taken the liberty of finding a few statements made in this place by Dr Mehreen Faruqi that illustrate this point. On 25 June 2015, Dr Mehreen Faruqi told this House:

The Queensland reforms go a lot further than the recommendations of the biodiversity review.

We agree. The Government's reforms, which will implement the recommendations of that review in full, are also different from the Queensland reforms. On that same day, Dr Mehreen Faruqi also said:

Setting aside \$3 million to fund land acquisitions ... is woefully inadequate.

Again, the Government agrees. This Government's reforms will protect and enhance our rich natural environment with an historic investment of \$240 million over five years in private land conservation, \$70 million in each following year, and \$100 million dedicated over five years to the Saving Our Species program. On 11 November 2014, Dr Mehreen Faruqi said in this place that:

... with the current Native Vegetation Act, biodiversity has remained on the decline.

On that point, we could not agree more. The Greens agree that the case for change has been made.

The PRESIDENT: Order! The Minister does not need any help from the Hon. Matthew Mason-Cox.

The Hon. NIALL BLAIR: On that same day, Dr Mehreen Faruqi said:

The Government must act as a partner with farmers, providing environmental protections and support so that together we can build a sustainable system benefiting farmers, our environment and the future of New South Wales.

I can honestly say—hand on heart—that that is exactly what the Government is doing. Given how much we agree on with regard to biodiversity, I was disappointed to read the media release that Dr Mehreen Faruqi issued on

3 May. Has Dr Mehreen Faruqi read the materials we have put out for public consultation? If she had, she would know that the Government is doing all of the things that she has said need to occur. First, the Government's reform package is nothing like the reforms implemented in Queensland.

Secondly, it is investing hundreds of millions of dollars in private land conservation. Thirdly, the Government will repeal the Native Vegetation Act and replace it with a statute that actually improves the State's biodiversity. Fourthly, it will absolutely work with our farmers. Despite her earlier comments in this place, Dr Mehreen Faruqi made no mention of working with farmers in her media release. Our farmers are not desktop environmentalists who preach knowledge from Sydney without having actually set foot on a farm. They are on-ground conservationists who are out there every day managing their land.

The PRESIDENT: Order! I call Mr Jeremy Buckingham to order for the first time.

The Hon. NIALL BLAIR: As custodians of the vast majority of private land in this State, our farmers must be part of the solution, not demonised as part of the problem, as laws in this State have done for decades.

The PRESIDENT: Order! I call Dr Mehreen Faruqi to order for the first time.

The Hon. NIALL BLAIR: They are laws that Dr Mehreen Faruqi herself has admitted have failed to improve our biodiversity. The Greens have a real opportunity to demonstrate that their views are evidence based, rather than ideological, as well as to be consistent with their past public statements.

The PRESIDENT: Order! I call the Hon. Ben Franklin to order for the first time. There is far too much noise. We can sit here until there is quiet. At which time we will proceed.

PRIMARY INDUSTRIES SEASONAL WORKERS

Mr JEREMY BUCKINGHAM (15:03): I direct my question to the Minister for Primary Industries, and Minister for Lands and Water. Does the Government support the National Farmers Federation's call for the Federal Government to scrap its plan to tax backpackers at 32.5 per cent from 1 July given the impact that that will have on the farm workforce of New South Wales, and especially horticultural producers?

The PRESIDENT: Order! Members of the Government backbench will come to order.

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:04): The member obviously was not here yesterday when the Hon. Mick Veitch got the jump on him by asking a similar question about a national body making comments on a decision made by the Federal Government. Unfortunately, that is out of my area of expertise and something upon which I cannot comment.

The PRESIDENT: Order! I call the Hon. Jeremy Buckingham to order for the second time.

M5 EAST

The Hon. LYNDA VOLTZ (15:05): I direct my question to the Minister for Roads, Maritime and Freight. Given that on 24 February the Minister told the media that the Government must do better by alerting motorists to roadworks on the M5 East, why are variable message signs on South Dowling Street and Southern Cross Drive continuing to fail to alert motorists about current closures of the M5 East, forcing motorists to travel through Brighton-Le-Sands?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:05): I thank the member for her question, which is good in part. Sadly, she has it all wrong, which is not unusual. She could not locate the F5; she is confused about the road that was the subject of her question.

The Hon. Lynda Voltz: Point of order: My point of order relates to relevance. Mr President, I ask you to direct the Minister to return to the question, which relates to variable message signs on South Dowling Street and Southern Cross Drive alerting motorists travelling on the M5 East.

The PRESIDENT: Order! The connection was not immediately apparent. The Minister has the call, and I remind him of the question asked.

The Hon. DUNCAN GAY: My comments about the need for the Government to do better related to what happened on Sydney Harbour Bridge. There was a real problem that day. Once again, the member is wrong. She has not done her homework. She is lazy and loose with the truth.

The Hon. Penny Sharpe: Point of order—

The PRESIDENT: Order! I presume the multiple jumps for the call relate to the standing order about reflecting on other members. All members are reminded that it is contrary to the standing orders to make reflections about other members while they have the call.

The Hon. Greg Donnelly: Point of order: My point of order is slightly related but separate. The Minister is attacking the Hon. Lynda Voltz's character and questioning her integrity. He said that she was loose with the truth. Mr President, I ask that you instruct the Minister to withdraw that statement.

The PRESIDENT: Order! I note that the phrase "loose with the truth" has on a number of occasions been ruled as unparliamentary by previous Presiding Officers. I ask the Leader of the Government to withdraw that phrase.

The Hon. DUNCAN GAY: I withdraw. However, the statement I made related to what happened on the Sydney Harbour Bridge. Therefore, the statement in the member's question was wrong. I stand by the statement; I did make it. The fact is that we did not do the job well enough that day. It was the day on which the police investigation squad was due into the city. We did not alert people as well as we should have, and we took much too long to deal with that situation. Variable message signs have been placed on the M5. In fact, last Friday I made a number of announcements near Camden Valley Way, and when I approached the intersection of the M7, the M5 and the F5—that is the road the Hon. Lynda Voltz cannot locate—on my way back to the city—

The Hon. Greg Donnelly: Point of order: The Minister is once again reflecting on the member.

The PRESIDENT: Order! I apologise to the Hon. Greg Donnelly that I did not hear the Minister's remark. I remind all members of my earlier ruling on that matter.

The Hon. Lynda Voltz: Point of order: My point of order is relevance. I asked the Minister specifically about alerting motorists to works on the M5 East via the variable message signs on South Dowling Street and Southern Cross Drive. I ask that you bring him back to the relevant question.

The PRESIDENT: Order! The Minister is being generally relevant in respect of the material he is providing in his answer.

The Hon. DUNCAN GAY: What I am doing is giving firsthand knowledge on variable message signs [VMSs] on the M5. Last Friday as I approached from Camden Valley Way—most of the Opposition would not know where Camden Valley Way is; they do not go into Western Sydney, nor do they care about Western Sydney—the VMS said, "Accident ahead on the M5. Slow traffic."

The PRESIDENT: Order! I call the Hon. Greg Donnelly to order for the first time.

The Hon. DUNCAN GAY: And we took their advice. So we turned left, went along the M7 and came in along the M4. That is what lots of people do and that is why we are putting more and more VMSs out there. We use them on weekends to let people know when there may be problems with queuing out at the airports. There are more VMSs in this city than there ever have been. The communications with the people who use our roads are quite exceptional. They are our customers. We need to give them good advice as soon as we possibly can. With respect to the particular spot that the Hon. Linda Voltz indicated, we will take that on notice and come back. I hope that it is more accurate than some of the other information.

The Hon. Dr Peter Phelps: Point of order: Pursuant to Standing Order 197, I draw your attention to the fact that a member of the gallery for the past 40 minutes has been continually interjecting and heckling. He should be asked either to withdraw from the Chamber or to be silent.

The PRESIDENT: Order! I think the situation may have resolved itself. He has removed himself. The problem was drawn to my attention earlier in question time. It would have been more apparent to the member than to me because of his proximity. Hopefully the issue has been resolved.

The Hon. Ben Franklin: Point of order: My point of order is pursuant to Standing Order No. 83. On two occasions in this question time the Hon. Lynda Voltz has not observed Standing Order No. 83, which says that when the President rises during debate, all members including the member speaking must sit down. The member has not done that.

The PRESIDENT: Order! While the requirements of Standing Order 83 (2) were not triggered by me standing up, nevertheless I would caution all members that it is inappropriate for them to interject or interrupt while the President is making a ruling.

The Hon. LYNDIA VOLTZ (15:14): I ask a supplementary question. Could the Minister elucidate his answer in regard to media statements on 24 February when he said:

It is totally unacceptable that people are missing flights or are sitting in traffic for way too long trying to get in and around Sydney Airport.

He said an airport traffic coordinator would manage traffic flows while electronic signs on Southern Cross Drive and South Dowling Street would guide motorists.

The PRESIDENT: Order! I rule the supplementary question out of order as it is a new question. It is not seeking an elucidation of an aspect of the answer that was given by the Minister.

NEPEAN RIVER BRIDGE

The Hon. SCOTT FARLOW (15:15): My question is directed to the Minister for Roads, Maritime and Freight. Could the Minister please update the House on the progress with the construction of the Nepean River Bridge?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:15): I thank the member for that question. Earlier this week I was thrilled to be able to announce the preferred tenderer for the Nepean River pedestrian and cycleway bridge with my colleague and friend the local member for Penrith, Stuart Ayres. Seymour Whyte Constructions was chosen to deliver the 257 metre shared path crossing after a competitive tender process. Nepean River Bridge is a win for Western Sydney. It will be a magnificent piece of infrastructure, which is an important investment for the fast-growing Penrith and wider Nepean and Blue Mountains areas.

The community has lobbied for this bridge for years, as it will provide a safe crossing for the existing bridge-to-bridge 6.5 kilometre loop of the much-loved Great River Walk. The new bridge being built over the iconic Nepean River is the longest shared-path bridge in Australia, with a massive 200 metre main span to accommodate river users such as rowers—this year it is 50 years since I last rowed on the Nepean, but I have to say the last time I rowed there it was with success.

The Hon. Greg Donnelly: Duncan, we don't really care about you.

The Hon. DUNCAN GAY: Well, I do. It is all about me. No, it is not.

The PRESIDENT: Order! The Minister will ignore interjections from Opposition members.

The Hon. DUNCAN GAY: There will be canopy covered viewing platforms along this bridge for walkers and spectators to take in the picturesque views of the Nepean River, Blue Mountains and in the other direction the historic Victoria Bridge. The existing Victoria Bridge crossing has a narrow, unprotected walkway for pedestrians and cyclists which poses serious safety concerns, making the new bridge a great road safety win. The artist's impression of the new bridge looks pretty good. The detailed plans look even better. It is going to be a real gem on this popular tourist walk and cycleway destination.

The Hon. Walt Secord: Tell us the dollar figure—how much, Duncan?

The Hon. DUNCAN GAY: I will come to that. This local landmark is something we promised in the lead-up to the 2011 election. After extensive consideration we are now doing what this Government does best: getting on with the job of building the bridge, which is expected to be completed in 2018. The New South Wales Government will fund the full cost of the bridge, which is expected to be about \$49 million. We have been through a number of designs and changes to the original plan, but this extensive process was important for the community. The Government is about proper planning. That is exactly why we have taken this amount of time to make sure we get the project right. Following proper planning, the new bridge will have a longer span on a different route, it will need power lines relocated and it has an increased steel truss cost because of the fact that we want to free up the river for the pursuit of leisure activities. I look forward to turning the first sod when major work starts on this bridge in the second half of this year.

NEWCASTLE LIGHT RAIL

Dr MEHREEN FARUQI (15:19): My question without notice is directed to the Minister for Roads, Maritime and Freight, representing the Minister for Transport. The review of environmental factors for the Newcastle light rail reveals that the journey time on the proposed light rail between Wickham and Newcastle is at least three times that of the now shut down intercity rail service and there will be overall patronage losses. Why is the Government persisting with a transport plan that is bound to fail?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:20): I look forward to coming into this place one day and finding something that The Greens like. For the life of me, I cannot work it out. They were the greatest cheer squad for light rail. I have heard the Hon. Mehreen Faruqi say in this House that she wants to build light rail down the middle of Parramatta Road.

She did not consider where cars would go or what would happen to the infrastructure that is already there. We have to love The Greens. They are against everything.

There is not anything that is happening anywhere in the world that they are in favour of; they are against everything. They are even against Albo. There is probably a little bit of shared ground there, but how could they take on an icon of a defeated Labor Party? They were the greatest cheer squad for light rail in this State. The Greens did not find anywhere in the State that they did not want to build light rail, but because this Government—which they have never been part of and never wanted to be part of because their natural affinity is to be in Government with the Labor Party—is building things they have now decided that they do not like light rail. I do not think there is anything I could say to The Greens that would satisfy them or make them happy. Frankly, there is not anything that they really like.

GREEK FESTIVALS FUNDING

The Hon. COURTNEY HOUSSOS (15:22): My question without notice is directed to the Minister for Ageing, Minister for Disabilities and Minister for Multiculturalism. Given the Baird Government has cut funding to the annual Greek festival at Darling Harbour, will you now provide funding for the upcoming Let's Go Greek festival, which attracts 30,000 people to Parramatta?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:22): When the Leader of the Opposition asked me that question he accused Multicultural NSW of spending funding on events. He asked how we could possibly spend funding on multicultural events? They attacked Multicultural NSW. On the one hand they ask me if I will seek funding for a particular event and, on the other hand, they attack me.

The Hon. Shaoquett Moselmane: Point of order: The Minister knows full well that he should not debate the question; he should answer the question.

The PRESIDENT: Order! I remind the Minister to answer the question he was asked.

The Hon. JOHN AJAKA: This Government will continue to spend money on multicultural events through Multicultural NSW.

The PRESIDENT: Order! I remind the Hon. Daniel Mookhey he is on two calls to order.

The Hon. JOHN AJAKA: In 2015-16 the New South Wales Government provided more than \$1 million to support initiatives that promote cultural harmony and social cohesion through the Multicultural NSW grants program, notwithstanding those opposite do not want us to spend any funding through Multicultural NSW. The grants program consisted of unity, celebration support, and partnership categories to help build and maintain a harmonious multicultural society that benefits all people of New South Wales. Again, notwithstanding those opposite do not want us to spend the funding, we will continue to spend the funding. Unity grants of up to \$30,000 each are available for cross-community engagement projects; celebration grants of up to \$5,000 to fund events and festivals that celebrate cultural diversity; support grants of up to \$10,000 to support individuals and communities to fully take part in community life and build capacity; and partnership grants of up to \$150,000 are available for significant projects that will have a real impact on long-term outcomes for our State. We will continue to fund projects, notwithstanding that those opposite have asked Multicultural NSW to stop funding projects.

DRIVERS WITH DISABILITY

The Hon. SHAYNE MALLARD (15:25): My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is the New South Wales Government doing to assist drivers with disabilities?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:26): I thank the member for his question. Participation in social and economic life is a fundamental human right. The New South Wales Government is the only Australian jurisdiction to give effect to the United Nations Convention on the Rights of Persons with Disabilities in legislation. I am proud that as Minister I was part of the Government that embedded those rights in law under the New South Wales Disability Inclusion Act 2014. As I have mentioned previously in this House, the Disability Inclusion Act includes measures to improve access for people with disability to all aspects of the community. For many people with disability, having access to a modified vehicle is the single most important enabler to participating in society and getting a job.

On 11 April 2016 I proudly launched Get into Gear, which is a guide to vehicle modifications for people with disability and for car dealers. For the first time, people with disability have the information they need at their fingertips. Get into Gear includes information on driving instructors who specialise in modified vehicle training, getting your licence and buying or accessing modified vehicles. Get into Gear was developed following research

by the University of Technology Sydney. The research focused on what would make a difference to people with disability and what would get them into the driver's seat. The research also showed the strong link between accessing a modified vehicle as an independent driver and getting a job. Many people with disability can drive, they just need access to the right vehicle modifications.

When I launched Get into Gear I was privileged to speak to Mr Andrew Meddings, who is a family man, a motorcycle enthusiast and the successful owner of a swimming pool installation business. Andrew has been in a wheelchair since 2000. He has rebuilt his career since his accident. He drives a modified truck that has a built-in lift to the cabin, which Andrew designed. For Andrew, getting back into the driver's seat has given him independence, fulfilment and financial security. I was impressed to see Andrew, in his wheelchair, roll up to his truck, operate the lift, get into his cabin, take his wheelchair apart and put it into the cabin, and drive his truck. It is an incredible feat, all because he wanted to get into the workforce. When I spoke to Andrew, he said that when he drives he is like anyone else. He drives his kids to sport and participates in all the usual activities. Andrew is a great example of how driving is often critical to getting and keeping a job or running your own business. Being able to drive may be a condition of employment. We simply need a car to get to work. When I met him, he was going from the launch to install a new swimming pool that was on the back of a trailer on his truck.

The Baird Government wants to make this journey easier for people with disability who want to drive. The NDIS will help to create a new market for accessible vehicles and Get Into Gear will influence online car sellers to respond to these new opportunities by integrating disability access into mainstream service delivery. This year the priority for government action and broader business and community mobilisation is building meaningful employment opportunities for people with disability. Get Into Gear will assist in the realisation of new employment opportunities for people with disability. In times like this I am very proud to be the Minister for Disability Services and see firsthand the impact of the work of this Government.

The Hon. DUNCAN GAY: It is with great regret that I indicate that the time for questions has expired.

Deferred Answers

WATER DIVINER

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:30): In response to the Hon. Greg Donnelly's question regarding the use of a water diviner at Wagga Wagga, I can advise the House that neither my department nor the New South Wales Government paid \$30,000 for the services of a water diviner. The water diviner did not charge for his services. I am aware of the challenges facing Wagga Wagga's popular Lake Albert and I can advise the House that funding was sourced from a number of areas to complete the installation of a bore.

The funding was sourced from a number of areas to continue the bore past 109 metres to secure a reliable water source to sustain the popular lake and protect the aquatic environment of Lake Albert. Riverina Water, the local council and the New South Wales Government, through the Department of Premier and Cabinet, jointly funded the project with the New South Wales Government contributing \$16,500 to complete the project.

Bills

EMERGENCY SERVICES LEVY INSURANCE MONITOR BILL 2016

CRIMES (HIGH RISK OFFENDERS) AMENDMENT BILL 2016

First Reading

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

The Hon. DUNCAN GAY: I move:

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour/the next sitting day.

Motion agreed to.

TERRORISM (POLICE POWERS) AMENDMENT (INVESTIGATIVE DETENTION) BILL 2016

In Committee

Mr DAVID SHOEBRIDGE (15:34): I move The Greens amendment No. 2 on sheet C2016-050:

No. 2 **Period of questioning of terrorism suspects**

Page 6, Schedule 1 [5] (proposed section 25G). Insert after line 11:

- (5) Any additional period of questioning that a senior police officer determines under subsection (4) because of the exceptional circumstances of the case cannot be longer than 1 hour in any period of 48 hours.

This amendment would insert a new clause into the proposed section 25G in the bill which would read as:

Any additional period of questioning that a senior police officer determines under subsection (4) because of the exceptional circumstances of the case cannot be longer than 1 hour in any period of 48 hours.

I will endeavour to explain why The Greens believe that this amendment is necessary. The general structure of the bill is that individuals in the first four days are brought in without having to trouble a judge and if the detention extends beyond four days then a judge needs to be brought in, not sitting in a judicial capacity but as an eligible judge, to sign an extension once a person has been brought in under the provisions, having been arrested by the police. Previously the preventative detention regime was that they were held to prevent an imminent terrorist event, which was the argument for preventative detention.

This has gone well beyond that and is now called investigative detention. The whole purpose of arresting the person and bringing them into a police station is to hold them in custody and, for the first four days, prevent them from going before a judge so that they can be peppered with questions. They can be interrogated, and that purpose of the bill is not controversial. The purpose of the bill is to hold persons and interrogate them for up to four days without troubling a judge and up to 14 days after troubling a judge. The Government said there were checks and balances in section 324G so detention would not be like Guantánamo Bay where people are held for 24, 48 or 72 hours straight for the purpose of being interrogated. What are these checks and balances? Subclause (4) gives the appearance at first blush of some kind of protection:

A terrorism suspect may be questioned during investigative detention under this Part only if the person is given the opportunity to rest for a continuous period of at least 8 hours in any period of 24 hours of detention and to have reasonable breaks during any period of questioning.

This sounds as if there is a regime in place that ensures that even if a person has been arrested without charge to be interrogated and they cannot see the evidence before them although they may not be considered to have been knowingly involved in a terrorism event but might just be in possession of something, at least they will get an eight-hour continuous break every 24 hours. If that were where the clause ended, that would mean that the prospect of their being the subject of 72 hours of straight interrogation could not be made, but the clause goes on:

This subsection does not prevent questioning that a senior police officer determines is necessary and reasonable because of the exceptional circumstances of the case.

That means that when a senior police officer, an inspector or above, thinks it is reasonable and necessary to allow questioning to go beyond 16 hours—and there is no time limit on it—perhaps because the interrogator thinks the suspect is about to break and the police can keep on hammering the suspect with questions then the questioning could go on for as long as the senior officer thinks it is reasonable and necessary because of the exceptional circumstances of the case.

We are dealing with terrorism here. We can see how a senior officer might say that he or she thinks there are exceptional circumstances because of the nature of the terrorism event. The reasons may not be articulated. They do not have to know what the event is, when it will be, who is doing it or what is the nature of it. But the police officer might say, "I think the person's about to break and we're just going to keep hammering until they do because of the exceptional circumstances." Ultimately, there is no protection at all for individuals. It is literally Guantánamo Bay style questioning: They can just keep going indefinitely. Sixteen hours is no limit. Twenty-four hours is no limit. In fact, the only real limit is four days when they have to go before a judge and tell them what is happening. They can then get the two extensions from the judge for seven and 14 days. However, if a senior police officer thinks the questioning should go for 48 hours straight there is nothing to prevent that happening. The Greens believe that is fundamentally unfair and open to abuse.

The bill will not even require a judge—one of those eligible judges who is not really a judge when they are acting as an administrative judge—to sign off on it. It is not as though the police will have to go to a judge and say, "We really need the questioning to continue. Here are the reasons why and here is an independent check and balance." It is not decided by a judge; it is decided on the call of a senior police officer who almost certainly would be involved in the investigation. They can say that they want this guy to break and the police will keep questioning, peppering and demanding an answer for as long as the senior police officer thinks is reasonable and necessary in what the police officer thinks are exceptional circumstances.

That is no check and balance. That is no guarantee of a humane outcome, even within this bizarrely inhumane structure that has been put forward. That is why we say that any additional period of questioning that a senior police officer determines under new subsection 4 because of the exceptional circumstances of the case cannot be longer than one hour in any period of 48 hours. We have not done that because we think it is right that

they should have the seventeenth hour but because we wanted to put some reasonable constraint on this. We thought this was a reasonable constraint.

In the course of the crossbench briefing we asked what kind of thing would trigger these exceptional circumstances and what would be reasonable and necessary. The answer was along the lines that the police might be on a line of inquiry and in just five more minutes they would get the answer. Or something fresh might have turned up and they just need to put something quickly to the suspect. It might be within that eight-hour period but they just need to do something quick and fresh for which they will need a little extension. If that is the case there should be no problem at all with The Greens amendment because it would allow that to happen. But, of course, if they want to keep the option in their back pocket to just go on and on at the say so of an inspector with no oversight by a court no doubt the Government will oppose this amendment. We commend it to the Committee.

The Hon. CATHERINE CUSACK (15:42): The Government opposes The Greens amendment. It would place an absolute prohibition on the questioning of a terrorism suspect after the time limit has been reached. This may have devastating consequences for the protection of the community—not that Mr David Shoebridge would care, but certainly the Government cares.

The Hon. Greg Donnelly: Point of order: The statement about a member of this House not caring in the response from the Parliamentary Secretary to a submission made by a member of this House is not appropriate. A member cannot say another member does not care. That statement is completely unreasonable and I ask you to call the member to order.

The Hon. Dr Peter Phelps: To the point of order: Suggestions that members of Parliament do not care about an issue or a person are routine in this place. We have heard on numerous occasions that members do not care about this particular social issue or that particular person. The implication that a person does not care about something is hardly unparliamentary given its constant usage in this place.

The Hon. Adam Searle: To the point of order: The way in which the Parliamentary Secretary made the observation amounted to a reflection in the context of the debate. I think it was therefore a breach of the standing orders.

The Hon. CATHERINE CUSACK: To the point of order: The Hon. Greg Donnelly and the Hon. Adam Searle are making debating points in the guise of a point of order. If they wish to refute my statement and argue that Mr Shoebridge does care they have ample opportunity to do that in debate. Trying to do it by way of a point of order is inappropriate.

The Hon. Greg Donnelly: To the point of order: The Leader of the Opposition was far more precise than I was in my objection. It was a clear reflection on the member. Putting aside this person's views on the bill, to say that the member does not care is unreasonable and reflects on the member.

The CHAIR: Order! The reflection that is referred to is not simply that he does not care. As I understood what was put, it was that he does not care about terrorism.

Mr David Shoebridge: She said I did not care about community safety.

The CHAIR: I think it was higher than that, Mr Shoebridge, but I do not need your assistance. My view is that was a reflection on the member and in that respect the comment is disorderly. I invite the Parliamentary Secretary to withdraw that observation.

The Hon. CATHERINE CUSACK: I withdraw as directed. The bill as it is currently drafted provides that a terrorism suspect may be questioned only if the person is given the opportunity to rest for a continuous period of at least eight hours in any period of 24 hours of detention and to have reasonable breaks during any period of questioning. That provision does not prevent questioning that a senior police officer determines to be necessary and reasonable because of the exceptional circumstances of the case. A senior police officer is a superintendent or above, not an inspector as Mr David Shoebridge has stated. In fact, the bill refers to a commissioner, deputy commissioner, superintendent or above.

These exceptional circumstances might relate to the fact that the terrorism suspect is currently providing information that will directly prevent an imminent terrorist attack. I have to accept that Mr Shoebridge cares about that. Police have a clear incentive not to misuse this provision. If the evidence is obtained improperly or unfairly the court will have a discretion to exclude the evidence in accordance with the provisions of the Evidence Act. That could affect the ability of the police to secure a conviction for a criminal offence. The bill currently strikes the right balance between protecting the community and ensuring the welfare of the terrorism suspect.

The Hon. ADAM SEARLE (15:47): The Opposition will not be supporting The Greens amendment for the reasons outlined by the Parliamentary Secretary.

Mr DAVID SHOEBRIDGE (15:47): I listened carefully to the Parliament Secretary's reasons. It is important to note for the record that she did not seek to cavil with the proposition that absent some limitation the questioning can go on indefinitely. To not engage with or acknowledge directly a genuine civil liberties concern that has been raised, particularly when you are talking about the potential questioning of a 14-year-old child—

The CHAIR: Order! The member will direct his comments through the Chair.

Mr DAVID SHOEBRIDGE: The member did not acknowledge the defect that we say is inherent in the bill that allows questioning to continue well beyond 16 hours. In fact, questioning is allowed for as long as an officer at the rank of superintendent or above seeks because the superintendent—without any oversight by a court—thinks it is reasonable and necessary in the exceptional circumstances. As I said, it is not hard to imagine a superintendent thinking, "We'll it's terrorism so it's exceptional, let's keep going." For the member to not even address the primary concern that the questioning can continue not indefinitely but for up to four days and beyond that is deeply unfortunate.

We must by all means protect community safety. The Government says that it wants to protect community safety, but where do we draw the line? It says that 16 hours straight questioning is acceptable. I ask members to imagine undergoing 16 hours of questioning in a police cell without, according to an order from the court, a lawyer present. How would they feel being in such a situation by themselves for 16 hours? What would that be like for only one day, two days, three days, four days? Even if the limit were just 16 hours, we are talking about deeply aggressive questioning while surrounded by police in a police cell with no-one to talk to, and no family members visiting for four or 14 days on end. Is that not enough? The ultimate answer from the Parliamentary Secretary is that enough is when the police decide it is enough. They can keep going as long as they want.

In the Government's view, community safety trumps every other even legal right. Traditionally in our system, we have said that we need to balance the rights and liberties of individuals against some sort of higher unitary state or society that trumps the individual in every case. We have a system that is meant to respect individuals as having inherent worth, inherent dignity and inherent rights that cannot be trumped simply because the State thinks the State's interest is supreme. In this case, the thought that there might be some inherent dignity, right or respect due to an individual is completely ignored. The Government has said unambiguously, "We don't care about the individual. We don't care about their rights because they are a suspect." Once an individual is a suspect and the subject is terrorism, whatever the police want to do for as long as they like is okay by the Government. It is a blank cheque. It should be an affront to anyone in this Chamber who has a sense of traditional rights, liberties and freedoms.

This Greens amendment does not kill the entire bill. It simply provides that once the 16 hours is up, the police will have one shot in 48 hours to get an additional hour. However, seven hours later they can roll back on the 16 hours again. There is no balance in this legislation. I commend the amendment to the Committee.

The Hon. CATHERINE CUSACK (15:52): I can only repeat my earlier statement that this amendment may have devastating consequences for the protection of the community. I have been urged by the Opposition to say that The Greens obviously care about that, despite the fact that they have moved this amendment.

The Hon. Greg Donnelly: Point of order—

The CHAIR: Order! I ask the Parliamentary Secretary to address her remarks through the Chair. I will deal with any other point of order later. This is not a contest between two members. There are rules for parliamentary debate and remarks should be addressed through the Chair. I make that point to Mr Shoebridge all the time, so it is only fair that I do the same to other members.

The Hon. CATHERINE CUSACK: I make the point when accused in the course of moving—

Mr David Shoebridge: Point of order—

The CHAIR: I invite the member not to cavil with my ruling.

The Hon. CATHERINE CUSACK: I am not.

The CHAIR: You are. Please address your remarks through the Chair and proceed.

The Hon. CATHERINE CUSACK: I am confused.

Mr Adam Searle: That is obvious, Catherine. Please be a bit orderly. This bill has bipartisan support and you are trying to create divisions. Just get on with it.

The Hon. CATHERINE CUSACK: The bill as drafted provides that terrorism suspects may be questioned only if the person involved is given the opportunity to rest for a continuous period of at least eight hours in any period of 24 hours' detention, and to have reasonable breaks during that period of questioning.

Mr DAVID SHOEBRIDGE (15:53): "Unless" is the word at issue.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 2 appearing on sheet C2016-050. The question is that the amendment be agreed to.

The Committee divided.

Ayes5
Noes32
Majority.....27

AYES

Dr Faruqi
Mr Shoebridge

Mr Buckingham (teller)
Ms Barham (teller)

Mr Pearson

NOES

Dr Phelps
Mr Blair
Mr Clarke
Mr Farlow
Mr Green
Mr Mason-Cox
Mr Pearce
Mr Veitch
Ms Cusack
Ms Mitchell
Ms Voltz

Mr Ajaka
Mr Borsak
Mr Colless
Mr Franklin
Mr MacDonald
Mr Mookhey
Mr Primrose
Mr Wong
Ms Houssos
Ms Sharpe
Reverend Nile

Mr Amato
Mr Brown
Mr Donnelly
Mr Gay
Mr Mallard
Mr Moselmane (teller)
Mr Searle
Ms Cotsis
Ms Maclaren-Jones (teller)
Ms Taylor

Amendment negatived.

The CHAIR: The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. CATHERINE CUSACK: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. CATHERINE CUSACK (16:03): On behalf of the Hon. Duncan Gay: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. CATHERINE CUSACK (16:03): On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a third time.

Motion agreed to.

SUPERANNUATION ADMINISTRATION CORPORATION (PILLAR) (AUTHORISED TRANSACTION) BILL 2016

Second Reading

Mr SCOT MacDONALD (16:05): On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The New South Wales Government is pleased to introduce the Superannuation Administration Corporation (Pillar) (Authorised Transaction) Bill 2016 which enables the Superannuation Administration Corporation, otherwise known as Pillar, to move from public to private ownership.

The Government believes the time is right and the conditions are right to deliver this key piece of reform for the State. Over the past decade both current and previous New South Wales governments have considered this reform in depth. Starting with a 2009 report by Goldman Sachs for the former Labor Government, numerous reviews have been undertaken to consider the best option for the future of Pillar and its members. The overwhelming consensus from these reviews was that Pillar should not remain in government ownership over the long term. By acting now, the Government will be delivering on this key reform, ensuring the new owner will have greater capacity to invest in the new and necessary IT platform.

Pillar is currently one of the largest superannuation administration businesses in Australia. It administers approximately \$100 billion in funds for around 1.1 million superannuation members. The business's client base largely consists of public sector super funds. Most of its employees are based in the Illawarra region which is also where Pillar's headquarters are located.

Pillar operates in a highly competitive market for superannuation administration services. Margins are low and scale is critical to a firm's survival. Further, many of Pillar's competitors operate diversified business models beyond just superannuation administration services. While the business has worked hard to meet the needs of its clients, unfortunately a number of them have ended arrangements with the firm in recent years.

For this reason, ongoing public ownership of Pillar is not in the best interests of New South Wales taxpayers, Pillar's clients or the Pillar business.

Pillar has underperformed under State ownership, paying a dividend in only four of the last seven years.

Currently, the business is a consumer of funds, with the State investing nearly \$20 million into an ongoing business transformation process to update Pillar's IT systems. It is not reasonable to expect the Government to continue to underwrite this degree of capital investment, in what is, fundamentally, a non-core Government business. Further, a responsible program of transacting non-core assets strengthens the State's financial position. It also reduces taxpayers' exposure to commercial risks. This is especially so considering how low Pillar's financial returns have been. Simply put, no State-owned corporation is immune from commercial reality.

A private owner would also have scale and expertise to grow the business and provide greater opportunities for both its clients and for its staff. Private owners can provide a level of industry and market expertise which the public sector does not have. The private sector also has a greater capacity to invest in the future of Pillar. Ongoing private sector investment will put Pillar in a stronger position to pursue growth opportunities and improve the business's long-term financial viability. In turn the transaction allows the Government to focus on putting its limited funds into critical road, school, hospital and other vital infrastructure projects across New South Wales.

The Government recognises the significance of Pillar's operations in the Illawarra and its status as a major employer in the region. Maintaining employment and investment in the Illawarra region is one of the Government's key objectives in transacting Pillar. Accordingly, the Government will seek commitments from bidders which guarantee Pillar's continued presence in the region.

Under the commitment the new owner must guarantee that the existing operations of Pillar associated with the delivery of member services to existing clients will continue to be located in the Illawarra after the authorised transaction is completed.

The regional commitment is for a period of 10 years and commences after completion of the transaction.

In addition to this regional commitment, the bill will strengthen and reinforce protections for current award employees as Pillar transitions from public to private hands. These provisions are consistent with other Government transactions.

Part 4 of the bill provides permanent employees with up to a two year employment guarantee period after transferring their employment to the new owners. For temporary employees the employment guarantee is the remainder of their current term of employment immediately before the transfer date or the period of two years after the transfer date, whichever period ends first. For transferring staff who are contract employees, their contract of service continues to govern their employment.

Transferring employees will also have continuity of entitlements, including those relating to superannuation, sick leave, annual leave and long service leave. These protections provide employees with greater certainty, especially during the transaction.

Both of these protections are designed to ensure that Pillar maintains a long-term presence in the Illawarra. In light of this requirement it would be in a future buyer's interest to look at expanding its business in the Illawarra.

The rest of the bill is very similar to other transactions bills which have passed through this Parliament. It includes provisions which allow the Treasurer to take the necessary steps to facilitate the transaction, including arrangements for the transfer of assets and functions.

This transaction is the best outcome for all concerned. That is for Pillar's clients, for Pillar staff, for the Illawarra and ultimately for the New South Wales taxpayer.

I commend the bill to the House.

The Hon. ADAM SEARLE (16:05): I lead for the Opposition on the Superannuation Administration Corporation (Pillar) (Authorised Transaction) Bill 2016. The Opposition does not support the legislation.

The Hon. Dr Peter Phelps: Shame!

The Hon. ADAM SEARLE: I acknowledge that interjection. We oppose the legislation. I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to General Purpose Standing Committee No. 1 for inquiry and report".

With that I also flag that, should we be unsuccessful in moving this legislation into a committee to be examined in more detail at a more leisurely pace, we will be moving some amendments to the bill, in particular around increasing the commitment to the Illawarra region and the continued location of the Pillar operations in that region and also directed to providing greater protection to employees of Pillar. These are the same amendments that were prosecuted by the Opposition in the other place. Notwithstanding the fact that the amendments were not successful in the other place, we will again submit them to this House of review in order that all honourable members from a broader range of parties have the opportunity of examining them and adopting them, which would improve the legislation.

Pillar Administration is a New South Wales State-owned superannuation member administrator. In particular it is a Wollongong based company with about 700 employees. It has two main clients are First State Super and State Super. Approximately 1.5 million people have their superannuation funds administered by Pillar. Pillar has a chequered history in which governments, including the previous Labor Government, have considered selling or offloading responsibility for Pillar at one time or another. It was found at that time that it was not going to return a significant amount of money and that was not proceeded with. In November 2013 Deutsche Bank was asked by the current Premier to complete a scoping study into the potential sale of Pillar after the company put up its hand for a \$30 million cash injection to fund a technology upgrade. The scoping study was completed. As at December 2015 the State provided \$12 million to improve the platform. That scaled back program is now apparently half complete.

There was no mention of the privatisation of Pillar prior to the 2015 State election, but now it is up for sale to the private sector. The New South Wales Treasurer has said that a condition of the sale would be that Pillar would be required to stay in the Illawarra for another 10 years, whoever buys the business. Some of the provisions in this bill include giving an employment guarantee of two years for existing staff. As I indicated, the Labor Opposition will be moving a number of amendments to address the situation in the Illawarra region. First of all we want to ensure that the private sector entity that becomes the owner of Pillar pursuant to the authorised transaction provides a guarantee that Pillar's existing operations immediately before the completion of the transaction will continue to be conducted in the Illawarra for at least 20 years after the completion of the authorised transaction.

In addition to this commitment to the region, we will also be seeking an amendment that the Treasurer of the day, whoever he or she may be and whichever political party he or she is from, will submit a report to Parliament each year, updating the House on the status of those operations in the Illawarra region. We are pursuing those amendments in relation to regional commitment and employment commitment because a number of specific factors are occurring in the Illawarra economy that must be addressed.

There are significant issues facing the region. A loss of hundreds of jobs has occurred in the past few years in key industries, such as manufacturing, heavy industry and the mining sector. We are seeking to reinforce the relocation of Pillar to the Illawarra, which was instigated by the former Labor Government. We want to ensure it remains a permanent part of the social and economic fabric of that region. We want to make sure, given the uncertainty of jobs and the big transition that the region is experiencing, that there is more certainty around the longevity of that organisation and its operations in the region. As I indicated, it was a Labor Government that relocated Pillar to the region. We want to extend the regional commitment that the Government is making from 10 years to 20 years. We also wish to make sure there is a proper monitoring system. We want to ensure that existing employees are given an employment guarantee of more than two years. We say five years is a more appropriate length of time if this Parliament is to approve this legislation.

The reason we seek the more extensive commitments is because this Government in the past promised that the region would receive \$100 million from the sell-off of Port Kembla. The region is still awaiting that \$100 million, notwithstanding the fact that that authorised transaction, the sale of Port Kembla, has well and truly been exercised—

Mr Scot MacDonald: Point of order: I understand wide latitude is extended in debate, but the Hon. Adam Searle is talking about a completely different fund, which is a completely different issue and has nothing to do with this bill.

The Hon. ADAM SEARLE: To the point of order: I was expounding that one of the reasons we are seeking those guarantees is because of our concern about what has happened in the past. It is elucidating a key aspect of our approach to the bill.

DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! There is no point of order.

The Hon. ADAM SEARLE: The Illawarra is still waiting for the \$100 million from that other authorised transaction. We seek the additional guarantees for the region in this transaction, if it is to go ahead, which we oppose. One example is the Bulli Hospital. That was said to be funded under the Illawarra Infrastructure Fund, and it has not occurred. We will also seek to move an amendment to clause 17 and the transfer of staff from the public sector to the private sector. Under the proposed amendment we have lodged with the Clerks, a transfer of employment would require a transfer payment of 30 weeks, although it would still not require the consent of the employee. The employment of a transferred employee with a new employer would be on the same terms and conditions as applied under the relevant award enterprise agreement or contract of employment that a Pillar employee had immediately before the transfer of employment.

In addition, under part 4, clause 17 (6) (a), for permanent employees we propose that the employment guarantee be lifted from two years to five years, and under clause 17 (6) (b) for temporary employees we propose that employment should be guaranteed for the remainder of the employee's current terms of employment as specified in the arrangements under which the employee was engaged as a temporary employee immediately before the transfer date, or the period of five years after the transfer date, whichever period would end first.

At the moment the Illawarra, through no fault of its own, is going through an economic transition similar to that which has occurred in Newcastle over the past 12 or 13 years. It is shifting from a manufacturing and heavy industrial base to a more services, health and education base. During that transition, the region is trying to retain persons in employment so that the regional economy does not feel the shock of so many job losses. We do not want to see a large number of workers lose their jobs and for those wages go out of the local economy. The knock-on effect would have a tragic effect on the economy, which would lead the region into a downward spiral of economic activity.

I remind members that the Labor Opposition fought hard to secure the future of BlueScope Steel in the region. On behalf of the Labor Opposition, I propose that we will increase the certainty and the fairness for workers by ensuring that Pillar remains a strong presence in the regional community in the longer term. We want to ensure that the workers that members on this side of the House have advocated and fought hard for receive the protections they need to secure their long-term future. We think these measures are sensible and balanced. They are in the same vein as those contained in the bill, although they do not quite go sufficiently far enough. We think the appropriate course of action is for General Purpose Standing Committee No. 1 to inquire into and report on the subject matter of this bill in more detail. If we are not successful on that front, we urge members to support the amendments that I have foreshadowed and lodged with the clerks.

Mr DAVID SHOEBRIDGE (16:15): On behalf of The Greens, I indicate that we oppose the proposed privatisation of Pillar and we oppose the Superannuation Administration Corporation (Pillar) (Authorised Transaction) Bill 2016. The object of the bill is said to authorise and facilitate the transfer to the private sector of the assets, rights and liabilities of the Superannuation Administration Corporation, which is a State owned corporation that operates the business of providing superannuation scheme administration and related services, trading under the name Pillar Administration. It covers First State Super and most of the large public superannuation funds.

The Government has said that Pillar is not making enough money and that it has to chip in more money for its information technology system every so often. It does not think it is one of the leading providers and that it cannot stand on its own two feet. The Government wants to flog it off to make a quick buck and to not have to put any more money into it. The fact that it provides hundreds of jobs in the Illawarra and the fact that it has been an extraordinarily successful administrator of some of the most successful superannuation funds providing extremely strong returns well above the market norm does not play a factor in the Government's decision.

The Government says Pillar is not big enough and the assets that it administers are not sufficient, and that it has to keep tossing in money, which is why it wants to sell it off. One should ask Pillar about this. It is a State owned corporation. It has integrity in its business model. It would be telling the truth about its business services. Pillar says:

Pillar Administration is one of Australia's leading superannuation administration providers, with more than \$100 billion under administration across 1.1 million member accounts. We are passionate about superannuation and helping to protect the retirements of millions of Australians.

We are recognised for our experience, developed over 100 years of service to our community. We aim to provide flexible services that meet the particular needs of our clients, today and into the future. We specialise in administering the entire range of superannuation products, including complex defined benefits schemes, accumulation, pension and income streams across industry, corporate and retail funds.

Pillar is big. It administers across 1.1 million member accounts. It is not a small player; it is a substantial player. When we think about the number of superannuation accounts across working Australians, 1.1 million is a large chunk of them. On the face of it, the Government does not have a defensible argument when it says, without any

credible basis, that Pillar is not big enough, that it does not have a critical mass, that it does not have a market-wide mass and that it wants to flog it off.

The bill covers not just the corporation, but also all its related entities. It has some provisions and no doubt we will talk about them in greater detail in Committee in relation to employment protection. I can indicate that The Greens will support Labor's efforts to increase the employment protection for employees of Pillar and also provide greater assurance to the Illawarra that this business will not just disappear. Fundamentally, we oppose this privatisation. The bill also contains some provisions about the proceeds of the sale being redirected into Restart NSW.

Pillar is a government-owned superannuation administration corporation. It held superannuation assets of over \$100 billion as at 2015 and primarily manages the superannuation of New South Wales public servants and employees of public corporations. Members would be familiar with First State Super and State Super. I do not have a conflict of interest because my superannuation is not with First State Super or State Super but is in fact with CBUS, the construction industry superannuation fund.

Pillar employed over 700 people in the Illawarra before a round of voluntary redundancies in late 2015. It was one of the Illawarra's largest employers. The Illawarra, wonderful place that it is, is unfortunately an area with substantially higher youth and regular unemployment than Sydney and faces real economic uncertainty. In 2015 Pillar returned a before-tax profit of \$3.5 million to the people of New South Wales. It was not costing the people of New South Wales money but was returning profits to Treasury. It has required major upgrades to its information technology [IT] systems, calling for approximately \$30 million in capital.

The New South Wales Government did not want to contribute anything to the upgrade, but as I understand was required to put in \$12 million, primarily because you occasionally need to make an investment into entities that are making money and employing people while providing first-class services, as Pillar does. The Government claims that that shows a level of liability in the corporation that should be borne by the private sector. I assume that the Government has someone lined up to buy Pillar that can roll out some financial services software to suck up Pillar into yet another amorphous for-profit superannuation entity.

Pillar cannot be privatised by Executive decision alone. It requires this legislation to provide for the sale. There is a reason for this check and balance. It is because traditionally the people of New South Wales have spent years, decades or sometimes a century or more building up amazing public assets and institutions that are run by state-owned corporations, and before they are sold off there is meant to be a check and balance so that the Parliament has a say before the assets and liabilities of such businesses are privatised. That is what we are doing now.

Many members of The Greens in the Illawarra have expressed real concerns about this privatisation, as have ordinary members of the community. I note that many families in the Illawarra have depended upon Pillar for employment and the kind of high-quality service and financial services jobs that should be the future growth for employment in the Illawarra. But rather than ensuring the continuation of a strong pool of finance expertise in the Illawarra, the Government is proposing to rip out its support and privatise Pillar, which will inevitably lead to job losses. It is likely that the thinking jobs will be contracted out to some generalised head office in a major city, or potentially overseas. The Illawarra would inevitably be drained of high-income, skilled jobs to the detriment of the economy of the Illawarra.

The Public Service Association has made several representations to all members of this Chamber regarding this privatisation. The association pointed out the job losses and the effect on the broader economy if Pillar is privatised. The Greens do not support this bill. We are philosophically opposed to the privatisation of core public assets. The justification for the privatisation is flimsy. Pillar can access the capital required for upgrades through the State Government—indeed, by using the State Government as a source of funding it would have access to cheaper capital than the private sector would have. Far from being a limitation on Pillar's business, having access to capital through the State Government would give access to capital at a lower cost than the private sector has. That is an uncomfortable reality for the Government of New South Wales.

The external costs of cuts to Pillar would be substantial in the Illawarra. Potentially it would also mean a loss for the members of the superannuation accounts because Pillar has provided market leading—and above market leading in many regards—returns for members through the way it has managed the superannuation assets of First State and State Super.

The so-called guarantee of keeping jobs in the Illawarra is, to say the least, vague. There are a limited terms for keeping some form of the operation in the Illawarra for a maximum of 10 years. Any new operations of the business can be moved out entirely from the area or offshored after that 10 years. As I said before, it is likely that some of the high-wage, high-skilled jobs will be sucked out of the Illawarra within that period. There are no

penalties put in place for breaches of the clause anyhow. If Pillar is sold and the entity moves out of the Illawarra, what is the penalty? I have asked the Parliamentary Secretary to tell us what prevents a corporation that buys Pillar from shutting down the business in the Illawarra and moving the funds. What is the penalty? Where is the provision in this bill that would prevent that from happening?

This is another ideologically driven privatisation from the Coalition. The one silver lining in terms of the privatisation agenda of the Coalition is that it has pretty much sold everything it can. But whenever I think that suddenly some new asset is being privatised.

The Hon. Greg Pearce: We are nowhere near the steak knives yet.

Mr DAVID SHOEBRIDGE: I note the interjection. The sewer system of the water system will be privatised next. No doubt in the next few years more bits of the rail sector will be privatised. Perhaps that silver lining does not exist for either the people of the Illawarra or the rest of the State.

The Hon. SOPHIE COTSIS (16:27): Pillar Administration is a New South Wales State-owned superannuation member administrator. It has two main clients: First State Super, which most people would be very familiar with, and State Super. Approximately 1.5 million people have their superannuation funds administered by Pillar. Importantly, it is a Wollongong-based company with about 700 employees. A Labor Government relocated Pillar to the Illawarra, and it was Labor members of Parliament from the Illawarra who fought to have it moved there. As the Liberal member for Davidson said during debate on this bill in the other place on 10 May 2016:

I have no qualms in acknowledging the role of the member for Wollongong and former Premier Bob Carr, who made that change ... It was a good example of decentralising government functions.

The fact is that Australia is increasingly a service-based economy. Australia's \$2 trillion superannuation industry is a vital part of the modern Australian economy. Labor is proud to have created Australia's \$2 trillion superannuation through the reforms of the Keating Government. However, we believe that service industries—including superannuation—should not lead to a concentration of jobs only in capital cities. We believe that services industries should be located throughout Australia, including in regional centres such as the Illawarra. Creating regional jobs requires conscious actions by government. We must avoid allowing Sydney to become a congested and unaffordable centre, while our regions are hollowed-out of their industries and populations.

The bill puts 700 jobs in the Illawarra at risk. It is one thing for the Illawarra to be facing job cuts in so-called old industries such as steel manufacturing. Those job losses are real and they are too easily dismissed by Liberals as being part of a transition to a new service-based economy. Yet this bill shows that the new jobs of the service economy are no more secure for regional areas such as the Illawarra. Indeed, the people of the Illawarra have been here before. This Government has previously privatised Port Kembla, with a promise to reinvest the proceeds back in the Illawarra. The privatisation went ahead but the promised infrastructure and services have yet to materialise. When this Government makes promises about Pillar staying in the Illawarra, the people of the Illawarra are entitled to regard those promises as being worth less than the paper they are written on. Put simply, this transaction is just the latest cash grab by this Sydney-centric Liberal Government that is more interested in selling assets than creating jobs.

This Government has repeatedly ignored the Illawarra—just as it has ignored the Hunter, the Central Coast, the Central West, Western Sydney, the North Coast and every other region where job creation is a pressing concern. Members who do not believe me can look at the Australian Bureau of Statistics figures on unemployment and youth unemployment in rural and regional areas. I note the Opposition will be moving amendments to this bill to try to provide job security for the people of the Illawarra and to ensure that the region actually receives some benefits from this Government as a result of it. I acknowledge our shadow Treasurer Ryan Park, who is also the shadow Minister for the Illawarra. I also acknowledge member for Wollongong Noreen Hay, who is our Chief Whip in the Legislative Assembly, and member for Shellharbour Anna Watson. Those members have been working hard and advocating strongly for their communities. I urge the Government to adopt Labor's amendments, stop selling out our regions and start creating jobs in regional New South Wales.

The Hon. PAUL GREEN (16:31): On behalf of the Christian Democratic Party I speak in debate on the Superannuation Administration Corporation (Pillar) (Authorised Transaction) Bill 2016. The object of the bill is to authorise and facilitate the transfer to the private sector of the assets, rights and liabilities of the Superannuation Administration Corporation. This corporation is a statutory State-owned corporation that operates the superannuation scheme administration and related services under the trading name Pillar Administration. The bill requires the new private sector owner of Pillar to give a regional commitment to the Illawarra region under which the guarantees that the existing operations of Pillar that are associated with the delivery of member services to existing clients will continue to be located in the Illawarra for 10 years after completion of the transaction.

On its website Pillar Administration states that it is one of Australia's leading superannuation administration providers, with more than \$100 billion under administration across 1.1 million member accounts. It is recognised for its experience, developed over 100 years of service to its community. It specialises in administering the entire range of superannuation products, including complex defined benefits schemes, accumulation, pension and income streams across industry, corporate and retail funds. This Government and previous governments have deeply considered reform to Pillar with numerous reviews. Just to survive in its current form Pillar requires significant levels of ongoing capital investment. The Government has stated:

It exposes taxpayers to commercial risks in what is, fundamentally, a non-core Government business ... A private owner can provide a level of industry and market expertise which the public sector does not have. A private owner would have the scale and expertise to grow the business and provide greater opportunities for both clients and staff.

Pillar Chief Executive Officer Peter Brook stated:

Private ownership presents a stronger future for Pillar Administration. It will provide a level of capital investment that it is not reasonable for us to expect the Government to make in what is, ultimately, not core Government business ...

The pace of change is exceptional. If Pillar is to be a real competitor in the marketplace and—ultimately—employ more people, we need to grow. The best way to do that is to provide a modern technological platform and a superior and relevant service to our clients and their members.

Mr Brook also reinforced that Pillar has a bright future in the Illawarra, which we are happy to hear. He said:

We have a dedicated and very experienced workforce here, and we expect to be part of the Wollongong community for many years.

When discussing this bill I find it significant to consider Pillar's regional employee job commitments in the Illawarra. Pillar employs more than 700 people. Its headquarters are at Coniston. I am pleased that the Government has ensured as a condition of the sale that the new private owner keeps Pillar in the Illawarra for 10 years. The bill also aims to include a two-year employment guarantee for existing award employees. I have spoken to the Illawarra Business Chamber about this bill. They have welcomed the sale of Pillar and the guarantee of Pillar remaining in the Illawarra for 10 years. Policy Adviser for the NSW Business Chamber Rebecca Burdick stated:

By moving to private ownership, Pillar will have the flexibility it needs to compete in the growing superannuation market and transform itself into a successful business. This will give certainty to Pillar, its employees, clients and business community in our region. The proceeds of the sale should return to the region. This would be a windfall which could go toward key transport priorities such as the 60 minute commute for Wollongong—which is long overdue. Reinvesting the Pillar sale in this way will support jobs and growth in the Illawarra in the long term.

I asked the Minister a question yesterday about that. Here we are talking about it today.

Mr Adam Searle: He said you were dreaming.

The Hon. PAUL GREEN: I am not dreaming. I put on record we will achieve that sometime soon. If we are really to decentralise the Sydney population to Wollongong and Newcastle we will need to have twenty-first century roads and rail infrastructure as well as maritime and air services. That will ensure that we can distribute the population to those areas and continue to achieve strong business growth. We have put so much of our faith and energy into the revitalisation of Newcastle through the proceeds from the lease of the port. Newcastle has a plan for the future. Now it is Wollongong's turn.

We have some great momentum in Wollongong but there is no doubt that if we do not commit to a 60-minute commute from Wollongong to Central in future years the area will be forever incapacitated and unable to reach its full potential. Better transport and infrastructure to speed up the trip is imperative. We would like a commitment from the Government at least for a feasibility study by the end of the year into reaching the goal of a 60-minute commute. We would like the results of that study to be reported to this Chamber as well as the business chamber and other sectors that are interested in doing business in the Illawarra but that need the reassurance that initiatives such as a 60-minute commute are viable and an ongoing priority for the Government.

I would never use props but if I were going to they would look something like what I am holding. They would have headlines that read "It's super!" or "Pillar decision a win for jobs in the Illawarra". Since I am quoting from them they are not props. Those sorts of comments in the newspaper add momentum and investment opportunities. It creates a culture for other businesses to think that it looks like Wollongong's best days are ahead and maybe we need to be there to feed off the subsequent opportunities for ancillary businesses that come with that. This really is a win for the Illawarra in those terms. On 4 May 2016 the *Illawarra Mercury* reported in its editorial section:

Jobs and job security is a huge issue in this region as it is in many parts of this country, particularly where some of the traditional industries of regions are being challenged like never before.

We know BlueScope steel is facing that challenge, which is a bit like the challenge faced in Newcastle. We know that will need fertile ground for that transition to succeed. We will need innovation and research services and all sorts of other initiatives if Wollongong is to make the transition into providing the jobs of the twenty-first century.

Last year we saw the challenges facing a regional job provider—BlueScope Steel. The Christian Democratic Party, the Opposition and other crossbench members worked to preserve the BlueScope mill at Port Kembla by supporting a bill that deferred the repayment of its payroll tax liability to the value of \$60 million for 10 years, starting from 2020. Being able to deliver legislation like that will allow us to transition those economies, and hopefully by 2020 the Wollongong economy will be well and truly stabilised. The Minister said that the Government recognises that it is important to keep jobs in the Illawarra, and that is why it included the guarantees in this legislation.

I spoke with Lord Mayor Gordon Bradbury, and he was very excited about this opportunity being available. The 10-year commitment, which is designed to secure employment in Wollongong, provides the certainty that the local economy needs. As I said, the economy will be transitioning and diversifying for years to come. The comment was made that it would be great if some of the proceeds of the sale could be returned to Wollongong. One obvious recipient would be the Wollongong Entertainment Centre, which is playing a part in Wollongong's strategy to diversify its economy.

If the Government achieves more than it expects from the sale, we encourage it to spend some of that money refurbishing the Wollongong Entertainment Centre. That would not only strengthen the economy but also job-proof the area. That would be a triple-bottom line result. The Christian Democratic Party does not oppose the bill. We hope that the Government does well out of the sale because there is no doubt that initiatives like this and a different business model will secure at least 10 years of work and job security for the Illawarra—a region that has employment challenges, specifically youth unemployment. I commend the bill to the House.

The Hon. GREG PEARCE (16:43): When the Coalition came to office in 2011, Pillar Administration was a basket case, after years of union rorting, featherbedding and domination. It had multiple legacy systems, it was overstaffed and it had embarked upon what could only be described as a couple of loony acquisitions. In the year before the takeover it had lost \$7 million, and one of the options—which could have been taken—was to put the company into administration. It could have been closed down and all those jobs would have been lost. Instead, the Government set about fixing the business and ensuring that those jobs were kept in the Illawarra.

The Government has renewed the board, improved the management, revised procedures and made investments in the company, particularly in its systems. The organisation has about 1.1 million superannuation legacy members, who are predominantly members of State Super and First State Super. If the Government had not cleaned up the business, those groups would also have been at risk. If one of them had left, the business would have been devastated. When members of the Opposition and The Greens talk about the success of this business, they do not understand that as long ago as 2009 the then Labor Government was considering the sale of Pillar Administration for the same reasons that this Government is considering it now. However, because of union influence and rorting, the Labor Government could not proceed with the sale and move forward.

We have heard a number of ill-informed claims. I was surprised to hear the Leader of the Opposition and the shadow Minister, who are normally well informed, mislead the House deliberately or, perhaps, accidentally. They should have a chat to their colleagues who represent the Illawarra. Following the Port Kembla transaction, the Government allocated \$100 million from Restart NSW to the Illawarra Infrastructure Fund. The assessment process was overseen by Infrastructure NSW, and the successful applicants were announced in December 2013. All projects are jointly funded by the Government and local proponents. The Government's \$100 million Restart NSW investment supports 12 projects. While I would not normally read out a list, I will on this occasion because the House has been misled by two members of the Opposition.

The money was allocated to an integrated aged health care project at Kiama Hospital to undertake \$8 million of work; \$17 million was allocated for the construction of a 128-bed aged care facility at Shell Cove; \$1.4 million was allocated to Noah's Shoalhaven, an early intervention family support centre; \$1.1 million was allocated to the South Nowra Employment Precinct; \$7.5 million was allocated to the Bowral distributor bypass road project; \$900,000 was allocated to provide assisted accommodation for the disabled at Mittagong; \$22.5 million was allocated to the West Dapto Road link project; \$5 million was allocated to the first stage of the Grand Pacific Walk project; \$14.5 million was allocated to the Centre of Excellence for Aged Care at Bulli Hospital; \$16.5 million was allocated to the University of Wollongong iAccelerate business incubator; \$2.9 million was allocated to the Bald Hill improvement project; and \$3 million was allocated to the care and community centre for the aged with disability in Kanahooka. If members of the Labor Party want to look at some of those projects, they are welcome to do so.

We were also subjected to another version of The Greens economic policy. As usual, Mr David Shoebridge made a number of stupid claims. First, he talked about Pillar Administration receiving above-average market and market-leader returns on its investments. Pillar does not do the investing. State Super, First State Super, the Treasury Corporation and various other professionals do the investing. Pillar administers; it sends out reports, receives claims, and writes cheques and mails them. That was Mr David Shoebridge's first mistake. His

second mistake was to lecture the House about how the Government can borrow more cheaply. But we are not talking about borrowing. Mr David Shoebridge said that Pillar's profit was \$3 million-odd in 2015. He then said that the Government had invested \$12 million in systems upgrades. However, \$12 million minus about \$3 million represents a \$7 million loss, so it is not a borrowing proposition.

Reverend the Hon. Fred Nile: That's why David Shoebridge doesn't belong.

The Hon. GREG PEARCE: That is a good interjection; I would not want the Construction, Forestry, Mining and Energy Union anywhere near my superannuation. As Mr David Shoebridge said, The Greens love amazing institutions; but the institution he was describing is not the one we are dealing with today. I am thrilled that the Government has made a 10-year commitment to keep Pillar Administration in the Illawarra. That commitment builds on the work that the Government has done over the past five years to ensure that those jobs are maintained in the local area.

It is a very unusual commitment. It is a fantastic commitment, in fact. Let us just reflect on another point that Mr David Shoebridge made. Whilst the business had more than 600 employees in the Illawarra, when voluntary redundancies were offered, they stampeded out the doors and collected their cheques. So we now have a business that is viable and with people who want to be there, and I am sure that it will be a success in the hands of the private sector. I commend the bill to the House.

Mr SCOT MacDONALD (16:49): On behalf of the Hon. Duncan Gay, in reply: I thank the members who contributed to the debate: the Hon. Adam Searle, Mr David Shoebridge, the Hon. Paul Green, the Hon. Sophie Cotsis and, last but certainly not least—and he was on fire today—the Hon. Greg Pearce. It was good to get that history straightened out. The Superannuation Administration Corporation (Pillar) (Authorised Transaction) Bill 2016 will allow Pillar to move from public to private ownership. Starting with a 2009 report by Goldman Sachs, commissioned by the former Labor Government, numerous reviews have been undertaken to consider the best option for the future of Pillar and its members. The overwhelming consensus from these reviews was that Pillar should not remain in government ownership over the long term. The Government believes the time is right to deliver this key piece of reform.

Pillar faces a highly competitive marketplace where margins are low and scale is critical. Many of Pillar's competitors operate diversified business models beyond just superannuation administration services. Unfortunately, this has meant some of Pillar's clients have ended arrangements with the firm in recent years. Just to survive in its current form, the business currently consumes taxpayer funds to underwrite a capital investment and to update Pillar's information technology systems. It exposes taxpayers to commercial risks in what is, fundamentally, a non-core government business. A private owner can provide a level of industry and market expertise which the government sector does not have. A private owner would have scale and expertise to grow the business and provide greater opportunities for both its clients and its staff. Ongoing private sector investment will put Pillar in a stronger position to pursue growth opportunities and improve the business's long-term financial viability.

The Government also recognises the significance of Pillar's operations in the Illawarra region. Indeed, maintaining employment and investment in the Illawarra is one of the Government's key objectives in this bill. To that end, the Government will seek commitments from bidders to continue Pillar's existing operations in the Illawarra for at least 10 years. In addition, the Government will provide protections for current employees as they transition from public to private hands. Permanent employees will receive up to a two-year employment guarantee period after transferring to the new owners. For temporary employees the guarantee is for the remainder of their current term of employment immediately before the transaction date, up to a period of two years.

These protections will ensure that Pillar maintains its long-term presence in the Illawarra. They ensure that the transaction will deliver the best outcome for Pillar's clients, for Pillar's staff, for the Illawarra community and for the New South Wales taxpayer. In answer to Mr David Shoebridge's query regarding a potential breach of the required undertaking to continue operating in the Illawarra for 10 years from the date of transaction, I am advised this would be a contractual breach on which the Government would seek a remedy through the courts. I commend the bill to the House.

DEPUTY PRESIDENT (The Hon. Paul Green): The question before the House is that this bill be now read a second time, to which the Hon. Adam Searle has moved an amendment. I will put the question on the amendment moved by the Hon. Adam Searle.

Amendment negatived.

DEPUTY PRESIDENT (The Hon. Paul Green): The question is that this bill be now read a second time.

The House divided.

Ayes21
Noes15
Majority.....6

AYES

Dr Phelps	Mr Ajaka	Mr Amato
Mr Blair	Mr Borsak	Mr Brown
Mr Clarke	Mr Colless	Mr Farlow
Mr Franklin (teller)	Mr Gallacher	Mr Gay
Mr Green	Mr MacDonald	Mr Mason-Cox
Mr Pearce	Ms Cusack	Ms Maclaren-Jones (teller)
Ms Mitchell	Ms Taylor	Reverend Nile

NOES

Dr Faruqi	Mr Buckingham	Mr Donnelly (teller)
Mr Mookhey	Mr Moselmane (teller)	Mr Primrose
Mr Searle	Mr Shoebridge	Mr Veitch
Mr Wong	Ms Barham	Ms Cotsis
Ms Houssos	Ms Sharpe	Ms Voltz

PAIRS

Mr Mallard	Mr Secord
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Motion agreed to.

In Committee

The CHAIR: There being no objection, we will deal with the bill as a whole. I have one sheet of objections, being Opposition amendments on sheet C2016-045B.

The Hon. ADAM SEARLE (17:02): By leave, I move Opposition amendments Nos 1 to 5 on sheet C2016-045B in globo.

No. 1 **Regional commitment**

Page 3, clause 6, line 38. Omit "10 years". Insert instead "20 years".

No. 2 **Transfer payments**

Page 9, clause 17. Insert after line 25:

- (3) The Treasurer cannot transfer the employment of a Pillar employee under this section unless at the time of transfer the transferred employee is paid a transfer payment equivalent to 30 weeks of pay at the rate of the employee's base salary (that is, salary less any allowances).

No. 3 **Employment guarantee period**

Page 9, clause 17, line 41. Omit "2 years". Insert instead "5 years".

No. 4 **Employment guarantee period**

Page 10, clause 17, line 1. Omit "2 years". Insert instead "5 years".

No. 5 **Other entitlements of transferred employees**

Page 11, clause 19, lines 15–20. Omit all words on those lines.

The reasons underpinning each of the amendments were elaborated in my second reading speech. Amendment No. 1 would lift the regional commitment from 10 years to 20 years, requiring the private sector purchaser of Pillar to keep the Pillar operations in the Illawarra region for two decades rather than for one decade. The second amendment would mean that no transfer of a Pillar employee to the private sector employer could occur unless there was a transfer payment equivalent to 30 weeks pay.

Amendments Nos 3 and 4 lift the employment guarantee period from two years to five years, which is a more prudent course of action given the economic uncertainty in the Illawarra region in recent times. It will not

only secure the livelihood of those individual employees and their families, but it will secure the underpinning economic effect of keeping those wages and salaries in the regional economy. Amendment No. 5 reinforces amendment No. 2. These amendments are moving in lock step with some of the protections provided for in the legislation but they increase them in a way that we think is prudent, given the economic uncertainty facing the Illawarra region.

Mr SCOT MacDONALD (17:05): The Government does not support Opposition amendments Nos 1 to 5 on sheet C2016-045B. The Opposition amendments relate to employee protections. As outlined by the Treasurer in the Legislative Assembly, the Government will not support the amendments because the bill already provides unprecedented protections in terms of a 10-year regional guarantee for the Illawarra. The Government recognises the significance of Pillar's operations in the Illawarra region. Through this legislation, the Government will seek commitments from bidders to maintain Pillar's existing operations in the Illawarra region for at least 10 years.

The bill also provides permanent employees with a two-year employment guarantee period after transferring to the new owners. Transferring employees will have continuity of entitlements, including those related to superannuation, sick leave, annual leave and long service leave. Those protections provide employees with greater certainty, especially during the transaction. The protections are designed to ensure that Pillar maintains a long-term presence in the Illawarra. In light of this requirement, it would be in the interests of a future buyer to look at expanding its business in the Illawarra. This transaction is the best outcome for all concerned—Pillar's clients, Pillar's staff, the Illawarra and ultimately the New South Wales taxpayer.

Mr DAVID SHOEBRIDGE (17:06): On behalf of The Greens I indicate that we support Opposition amendments Nos 1 to 5. Opposition amendment No. 1 seeks to extend what is called the regional commitment from 10 years to 20 years. We support extending it to 20 years, although I note that the Parliamentary Secretary in his speech in reply made it quite clear that there are no statutory protections for the regional amendment and that, at best, this law requires the Government to put in some kind of contractual protections. As I understand it, the Government thinks that if it has a contractual provision and if the new buyer seeks to move out of the Illawarra that it might be trying to seek specific performance under a breach of the contract. The capacity to achieve specific performance is an extremely hard remedy. In the absence of specific performance, the Government would only allow damages and the damages would be next to nothing in these circumstances because the Government has already achieved its sale.

Whilst we support extending the regional commitment to 20 years, we think it is a hollow commitment. We support the increase in the base level of transfer of payments because it is only fair that if someone is losing their continuity of employment with a public enterprise, there should be some kind of protection when undertaking employment with a private enterprise. As members of this House know, often people are willing to accept a slightly lower rate of pay to work for a public enterprise for the public good and with the security that is attached to public employment. That should be recognised when their employment is being transferred from a public enterprise to a private corporation.

We strongly support the extended employment guarantee period in amendments Nos 3 and 5. We cannot work out why the Christian Democratic Party has not supported this. They made much of an extended employment period for those who worked in the electricity sector. In those circumstances, they thought five years was the correct period. Why is it less for workers in the Illawarra who also are facing the privatisation of their employment? Whether they are white-collar or blue-collar workers, they are public sector workers who should be looked after by this Parliament. For those reasons, The Greens support the Opposition amendments.

The CHAIR: The Hon. Adam Searle has moved Opposition amendments Nos 1 to 5 appearing on sheet C2016-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes15
Noes21
Majority.....6

AYES

Dr Faruqi
Mr Mookhey
Mr Searle
Mr Wong
Ms Houssos

Mr Buckingham
Mr Moselmane (teller)
Mr Shoebridge
Ms Barham
Ms Sharpe

Mr Donnelly (teller)
Mr Primrose
Mr Veitch
Ms Cotsis
Ms Voltz

NOES

Dr Phelps	Mr Ajaka	Mr Amato
Mr Blair	Mr Borsak	Mr Brown
Mr Clarke	Mr Colless	Mr Farlow
Mr Franklin (teller)	Mr Gallacher	Mr Gay
Mr Green	Mr MacDonald	Mr Mason-Cox
Mr Pearce	Ms Cusack	Ms Maclaren-Jones (teller)
Ms Mitchell	Ms Taylor	Reverend Nile

PAIRS

Mr Secord Mr Harwin

Amendments negatived.

The CHAIR: The question is that the bill as read be agreed to.

Motion agreed to.

Mr SCOT MacDONALD: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.**Adoption of Report**

Mr SCOT MacDONALD (17:16): On behalf of the Hon. Duncan Gay: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

Mr SCOT MacDONALD (17:17): On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a third time.

Motion agreed to.**NATIONAL PARKS AND WILDLIFE AMENDMENT (ADJUSTMENT OF AREAS) BILL 2016****Second Reading****Debate resumed from 4 May 2016.**

The Hon. PENNY SHARPE (17:19): I lead for the Labor Opposition in debate on the National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016. I indicate that Labor does not oppose the bill but will be seeking to move two amendments in the Committee stage, which I will outline in this contribution. In New South Wales we have a wonderful national parks estate. Our national parks estate protects 877 areas covering seven million hectares, or around 9 per cent of our land. In addition, 66,000 hectares of marine waters are protected, which covers around 6.5 per cent of the coast. Our parks are made up of rainforests, deserts, mangrove swamps, eucalypt forests, alpine herb fields, coastal heaths and grasslands. They are places of immense diversity and value to our community and they are important for the biodiversity of New South Wales.

Labor is tremendously proud of its record on increasing the national parks estate in New South Wales. Former Labor Premier Bill McKell created the Kosciuszko National Park in 1944. Neville Wran's Government saved the northern rainforests, expanded the Blue Mountains national park system, created the Wollemi National Park and banned sand mining in coastal national parks. Wran also introduced Australia's first wilderness parks. Bob Carr's Government saved the coastal forests in the State's north-east and south-east, created over one million hectares of new parks in western New South Wales and banned large-scale clearing of native vegetation. Labor protected the river red gums, and the cypress forests of the south-west region.

Labor is committed to further building the national parks estate of New South Wales. Between 1995 and 2011 Labor added 3.07 million hectares to the national parks estate. That is roughly 190,000 hectares per year,

every year for 16 years and is made up of 123 new national parks. We are very proud of that work and know it is valuable legacy for the people of this State. In contrast, since coming to office in 2011 the Coalition Government has added 55,000 hectares, which is around 14,000 hectares per year. Labor's record is 190,000 hectares per year. The Coalition's is 14,000 hectares per year. At that rate it will take this Government 219 years to match Labor's achievement. Labor remains disappointed at the slow growth of the estate under this Government.

The Hon. Dr Peter Phelps: We'll all be dead from global warming by then anyway.

The Hon. PENNY SHARPE: You don't believe in global warming.

The Hon. Dr Peter Phelps: That is correct. I don't.

The Hon. PENNY SHARPE: So you shouldn't care, but you should care about animals and national parks. This Government has not delivered a new National Parks Establishment Plan. That was promised by mid-2014 but we are still waiting. Without an updated plan Labor remains committed to the priorities identified in the New South Wales National Parks Establishment Plan 2008. They include commitments to target unrepresented ecosystems and habitats, particularly those most under threat from climate change, future development pressures or loss of natural river flows, and to focus on critical landscape corridors which facilitate the daily and seasonal movement of animals across the landscape and the intergenerational translocation of plants and animals in response to gradual environmental changes, such as climate change.

The Hon. Dr Peter Phelps: Like bandicoots in Marrickville.

The Hon. PENNY SHARPE: You should be looking after the bandicoots too. In addition, the commitments are to include lands within important water catchments that protect important downstream aquatic ecosystems, such as high conservation value coastal lakes, wetlands, streams, estuaries and coastal near-shore marine environments, and to protect culturally important places with aesthetic, historic, scientific or social value, with particular focus on places of cultural importance to Aboriginal people. There are also commitments to protecting places of geological significance and areas important for effectively and efficiently managing existing reserves as well as areas that buffer reserves from surrounding land uses and climate change. Labor remains opposed to commercial logging, amateur hunting and grazing of hooved animals in our national parks. Labor in office delivered six marine parks covering roughly 345,000 hectares. The missing link remains the Hawkesbury Shelf bioregion. This is currently under consideration by the Government and we urge it to support the creation of a Sydney marine park.

I now turn to the key elements of the bill. The National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016 will amend the National Parks and Wildlife Act 1974 to facilitate a range of park reclassifications and boundary adjustments. The boundary adjustments that the bill proposes include 141 hectares from Kosciuszko National Park to enable realignment of the existing Snowy Mountains Highway with a new road reserve. We welcome that Roads and Maritime Services has voluntarily provided 71.8 hectares as an offset. Another adjustment is 18.5 hectares from Morton National Park to remove sections of Bugong Fire Trail, Bugong Road and Tallowa Dam Road to ensure appropriate ownership and management. I am aware that some private landowners in that area have been isolated by the park and that this adjustment will assist them.

The adjustments include 0.34 hectares from Middle Brother National Park to correct an inadvertent boundary encroachment, which occurred during Pacific Highway upgrade works, 0.04 hectares from Lane Cove National Park and 0.1 hectares from Royal National Park to deal with boundary errors associated with Waterfall station car park. I make the point that there remains a significant and ongoing issue with Royal National Park. It has been promised time and again that a parcel of land will be put back into the national park but it remains in limbo. The Spring Gully Group has been active on this issue. I said that I would raise it on their behalf during this debate. I would like the Government to deal with the matter. Royal National Park is a special park and we do not want an important piece of land sold off for development. The piece of land which until recently was thought to be part of the park should be formally included within it.

The adjustments also include 0.1 hectares from Jervis Bay National Park, 0.1 hectares from Yaegl Nature Reserve and 1.6 hectares from Wollemi National Park to enable the transfer of a sporting oval. The ownership of sporting ovals in Royal National Park is being transferred to Sutherland Shire Council. In addition, 86.31 hectares from Macquarie Pass State Conservation Area is being returned to Aboriginal ownership, which is appropriate, and Labor supports the return of 88.42 hectares from Gwydir Wetlands that was incorrectly reserved over an Aboriginal land claim.

I will move amendments during the Committee of the Whole to delete two of the revocations. The first is the Khappinghat Nature Reserve recategorisation. Labor does not support downgrading environmental protections on land that is already protected and we remain concerned about horseriding in national parks. This has been a longstanding issue about which I know members on the other side of the House have a very different

view. Labor has been clear about this and we will seek to remove that downgrading through our amendment No. 1. Our second amendment relates to the revocation a small section of Penrith Lakes Regional Park, which was established by the Labor Government. We take very seriously the need for parkland in Western Sydney. We are unclear about why this little piece of land needs to be removed.

I note that the Government finally gave us some maps late yesterday. I make the point that it is very difficult for members to engage on these matters with a lack of maps. However, this Government is getting pretty good at it given the difficulties we have had with mapping. Labor wants to remove the provision relating to Penrith Lakes Regional Park. It is my understanding that it is surrounded by Crown land reserve. We are concerned about what is happening with Crown lands and we remain concerned about what revocation of that piece of land will mean for future development in the area. I ask the Parliamentary Secretary to provide advice on that in his reply if he is able.

Beyond those matters, this is a fairly straightforward tidying up bill. I have spoken about the importance of national parks and I know that everyone in this Chamber enjoys national parks in various ways. We have many differences about how that should occur—I am looking at you, Mr Brown—but national parks are an incredible public asset. This bill is about tidying up some errors of the past and returning land to native titles owners, which of course Labor supports. It is also about facilitating solutions to some issues that have arisen over time. We think those things are reasonable; however, we will seek to remove two parts from the bill.

Dr MEHREEN FARUQI (17:29): I speak on behalf of the Greens in debate on the National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016. This bill contains a list of lands to be revoked, reclassified or adjusted, and it affects 16 national parks up and down the State. When the Minister gave his second reading speech last week, the Government provided no maps to clarify the proposed changes. We were given only references to different maps. Yesterday, at about 12.45 p.m., we were given the maps indicating what land is to be excised by this bill, and we are debating it now, just one day later. Members have had little opportunity to talk to community groups or local environment groups about what this bill means or to show them the maps. The maps we received are small black and white, A6 sized maps with virtually no detail. Initially, members received no information about the environmental values of the land being excised from parks.

This morning when I found out that the bill was not to be debated today, I thought the Government had seen some sense. However, the debate was on again, off again, and now it is on again. Apparently we are just schmucks and are meant to trust the Minister's second reading speech, which provided no details. Last night some additional paragraphs of information were forthcoming. However, again, it was too late for it to be verified or shared with community groups. This demonstrates the contempt this Government has for our democratic processes. It also demonstrates the contempt that the Government has for the community. Members of community groups are either completely unaware that this bill is being debated or have no idea what it might mean. What possible reason could there be for withholding the maps, despite being asked for them a week ago, and then to release them and demand that the bill be debated a day later? The Government wonders why people are losing trust in it.

This may be only a minor example, but I can think of many others of the Government failing to consult, from the botched light rail project to the privatisation of our train network in Sydney, and the broader transport system in the Hunter. Genuine consultation is not simply about calling for submissions, wasting everyone's time and then completely ignoring them. Community consultation involves engaging with people, building trust, releasing details, providing sufficient time to have proper conversations, and taking and giving feedback.

How quick this Government is to revoke parts of national parks and how reluctant it is to add to them. The New South Wales State of the Environment 2015 report states that 8.9 per cent of New South Wales was protected under the national parks and wildlife system, which was an increase from just 8.83 per cent in 2012. That is an increase of an anaemic 0.07 per cent over the past three years at a time when the impacts of climate change are taking hold and increasing and when we need to protect more and more of our biodiversity. We already know that the New South Wales reserve system has inadequate coverage, especially west of the Great Dividing Range. Given that, this is very disappointing.

I will now deal with some of the specifics of the bill. Part of this bill will revoke land from Ku-ring-gai Chase National Park to increase the land allocated to the St Ives Pistol Club. We are told that the club is bursting at the seams. Why would the Government gift public national parks land to a pistol club? We were told that the land is very degraded land, so it does not matter, and that the offset is much bigger and has rich biodiversity. However, it all made sense a little later yesterday afternoon when we received a media release from the Hon. Robert Borsak claiming success in resuming 1.25 hectares of national park land for the pistol club. That was probably the result of another grubby, behind closed doors deal. The Shooters, Fishers and Farmers Party have recently voted with the Government to strip the rail corridor from the people of Newcastle, and opposed a sensible coal seam gas moratorium bill. I wonder what the deal was this time.

The Hon. Dr Peter Phelps: Point of order: Pursuant to the earlier ruling given by the Deputy President, the Hon. Trevor Khan, the member is imputing bad motives on the part of members of this place. Mr Deputy President, I ask that you instruct that she withdraw that comment.

DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! I caution the member about reflecting on individual members. The member made a general reflection on Government members, so there is no point of order.

Dr MEHREEN FARUQI: My colleague Mr David Shoebridge will move an amendment to remove this part of the bill—specifically proposed new section 28 (1) (a). National parks like Ku-ring-gai Chase National Park and other parks within or on the edges of Sydney are already under pressure from development. That is why we must be very careful about chipping away at them. There is simply no more land to add to them. Ku-ring-gai Chase National Park, for example, is bounded on almost all sides by developments. Is a pistol club really essential infrastructure that requires revocation of national park land?

The only information we have about the offsets is that the Government intends to offset the loss of land with the addition of high conservation value land to the national parks system in southern Sydney. That is it; that is as much as we know. If members were to take a magnifying glass to look at the small insert on the map provided, they would see that it probably lies somewhere on the edge of the Heathcote National Park, about 60 kilometres from the site of the revocation. Therein lies one of the problems with offsetting. If the Government is holding on to 140 hectares of high conservation land, why on earth is it not already in the national park estate instead of being held as a bargaining chip and an offset? There is no net increase in biodiversity in this situation. The principle of incorporating new areas into the national park system, which I mentioned earlier, is moving at a glacial pace. This Government should not be holding on to land in order to offset; it should be preserving that land as soon as it is identified as having high conservation value. The same goes for the offsets for the upgrade of Mona Vale Road. Two hectares of land, which apparently has critical value, is being held by Roads and Maritime Services as a bargaining chip.

Concerns have been raised with me by the Spring Gully Protection Group specifically regarding the proposed transfer of the sporting fields at Loftus, Heathcote and Grays Point from national parks to Sutherland Shire Council. The Greens have been particularly interested in this issue and it has been the subject of many letters and questions. My understanding is that there was an agreement between the Government, Sutherland Shire Council and the community that, as compensation for the revocation of the sporting fields, the council's Gibbon Hill land and the so called unmade "paper roads" would be brought into the Royal National Park. The Gibbon Hill land was gazetted into the Royal National Park in August 2015, as per that agreement. However, the three kilometres of paper roads issue remains unresolved. The Government should not be removing the sporting grounds until it has completely fulfilled its side of the agreement.

People are also asking why the National Parks and Wildlife Service and the Minister for the Environment have walked away from resolving this issue. When I asked about it during the crossbench briefing about this issue, there was no answer. No-one seemed to know anything about it. I ask the Minister to provide a response with regard to that issue in his reply. I also note that the Government is downgrading almost 60 percent of the Khappinghat Nature Reserve to appease horseriding interests because of a ridiculous memorandum of understanding that was signed 10 years ago when members opposite were desperate to form government. I understand the Opposition intends to move amendments to deal with this issue, so I will have more to say about it in the Committee stage.

There are some common-sense adjustments in this bill. For example, some boundary errors will be corrected and so on. I also appreciate the importance of the amendments to the Macquarie Pass State Conservation Area to release the land from the national park to the titleholders—the Illawarra Local Aboriginal Land Council. However, a grown-up and responsible government, knowing that people love their national parks and that they attract almost 40 million visitors a year would be giving the public an opportunity to examine the bill rather than rush it through in a day. It is difficult for The Greens to support this bill, especially given this process, which shows such contempt for the community. I urge the Government in the future to show some respect for members of this place and the community.

The Hon. PAUL GREEN (17:39): I speak for the Christian Democratic Party on the National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016. I know the previous speaker's party is very passionate about national parks but, because of what they did in the Federal Senate to grassroots communities and their ability to have their opinions heard there, I find it hard to believe that they really care about grassroots communities and their views. It was very hard to digest that. With that sort of approach it is also hard to digest that they are generally interested in everyone's situation. The National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016 will amend the National Parks and Wildlife Act. There are many reasons why this is happening—for instance, to

correct boundary areas, inappropriate tenure classifications and encroachments related to roads and sporting ovals; to facilitate the upgrade of Mona Vale Road West; to enable the expansion of St Ives Pistol Club—

The Hon. Robert Borsak: Hear, hear!

The Hon. PAUL GREEN: I note that interjection by the Hon. Robert Borsak. It is also being done to realign two reserve categories to reflect their current use; to reverse the reservation of two parks where there are undetermined and determined Aboriginal land claims; and to remove the inappropriate reservation of Penrith Lakes Regional Park. The background to the bill is that it proposes to revoke land to correct inaccurate boundaries between national parks and roads and other transport infrastructure and also to ensure that the most appropriate management authority owns and manages community assets.

Compensatory land has been arranged, pursuant to the National Parks and Wildlife Service revocation, recategorisation and road adjustment policy, for the proposals relating to the Snowy Mountains Highway, the Pacific Highway, and St Ives Pistol Club in terms of Ku-ring-gai Chase National Park and the Mona Vale Road West upgrade which is also connected with the Ku-ring-gai Chase National Park. Other proposals do not require compensatory land. I am not going to read through all of them, but hectares and hectares of different land has been given over to compensate for these changes.

That brings me to another issue I have with this. I was a mayor of a city that wanted to try to have some sort of compensation ratio for sporting fields and this got me really annoyed. I was mayor of a city in which there were very limited areas for sporting grounds. We wanted the opportunity to compensate some Crown lands and national parks to put a sporting field in for our kids. And what did they want? They wanted 16:1. It virtually sterilised council's opportunity to provide a sporting facility. We are one of the most obese nations in the world and there is a prevalence of heart disease and diabetes. And what do you get? You try to put a sporting field—

The Hon. Dr Peter Phelps: Not you, Paul—you are looking pretty good.

The Hon. PAUL GREEN: Thank you. I am very mindful of that television show on type 2 diabetes the other day—it has made me think I had better eat less sugar and drink a bit more water. When it comes to our kids, as a city we wanted to grow the sporting fields. The roster for the sporting fields between AFL, league and soccer, which is one of the fastest growing sports in Australia—and now there are girls' leagues too—meant we just did not have enough ovals. We were trying to push out that opportunity to use this land for our kids and they wanted 16:1. And there was no way on earth we were going to get any reduction of that. That is just plain stupid. Common sense has to come to this Chamber.

We have millions of acres of national park out there. We are not trying to destroy that. We are very mindful that we have to be good stewards of our national parks, our Crown lands and the many parks under our care. But stupidity cannot rule. We have to make sure that we are providing for our communities throughout New South Wales, particularly with local councils. We need industrial areas that can actually have jobs growth without being sterilised by huge ratios for substituting different lands. We have to manage these sorts of things. Some sporting fields in regional and rural Australia, and New South Wales particularly, are basically landlocked. Common sense has to come to the table—you actually cannot have a compensation of 16:1 if you have not got the ability to do that in that area. We have to make sure that we get a common-sense outcome. Does there really need to be such a high ratio if it is for sporting fields and it is going to help the general wellbeing of our kids?

In Australia the challenges of mental health issues are getting very bad. We want people to exercise. We need more sporting fields. We need people out there training people in these parks, whether they are on a football field or they are in a local park. We do not need to be hitting these people with a higher fee, for instance, to run their exercise programs. Come on—let us get serious. There has to be some give and take. And here is a bill that is doing exactly that—it is showing some common sense and providing some opportunity to realign some things while also providing some compensation in terms of other land. It looks like reasonable, thought-through compensation for the greater good of the general public.

It is no good having national parks if we do not have people enjoying the wonderful environment and ecology and the flora and fauna. Everything that is beautiful about national parks needs people, because that is how we appreciate it—that is how we enjoy what we believe is a God-given paradise of creation and of all things weird and wonderful in those ecologies that we get to discover. That is part of the beauty. It is no good locking people out of them. We want to get in there. We want to have tourism.

During the tourism inquiry some people wanted to keep people out of the national parks. They wanted the farmers to have the tracks on their land so that people could go along the boundary of the national parks. They were not allowed into the national parks. No! Let us let people in there in a responsible way. I am not talking about the people who do the wrong thing by national parks; I am talking about all the people that like to get into

them and enjoy them for all the right reasons. Those people look after them. Those people pick up their paper—the horse riders, the bike riders, the—

The Hon. Robert Brown: The shooters.

The Hon. PAUL GREEN: The—

Dr Mehreen Faruqi: Don't go there, Paul.

The Hon. PAUL GREEN: I am not going there. That is for other parties. But the campers, the fishing people, the trekkers—I live in hope that we will see a day in this State when we see our national parks appreciated like they are in America and that we have huts and different opportunities for people to travel up, down and across them. I hope people will be able to enjoy all the various aspects of these wonderful landscapes, that we do not lock them up and that we give the people of New South Wales access to them, because most people are doing the right thing by national parks. There is a handful of people that need to be pulled in and there are laws that exist to do that. The Christian Democratic Party commends the National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016 to the House.

The Hon. ROBERT BROWN (17:48): My colleague the Hon. Robert Borsak has taken the lead on the National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2016. In particular he will be talking about the "contentious issue", according to The Greens, of St Ives Pistol Club. But I want to talk to the bill generally. In fact, the impassioned speech by my colleague the Hon. Paul Green has given me an idea. After I get my Nurses in Aged Care Facilities Bill up I think the next thing I should run is a National Parks and Wildlife Revocation (Equity in Transfers) Bill. Sixteen to one—is that all? When the Hilltop range was revoked from the State conservation area—it was not at that time a national park—a thousand hectares were taken and 2,800 hectares were given back.

The real issue is that of the thousand hectares that were revoked, the range was 25 hectares. The rest was the same tiger country before the revocation as it was after. In other words, it was zoned E3. That caused a problem with planning and the Land and Environment Court action, so it was later rezoned to be part of RE2, which is private and recreational. One could argue that we had a 25 hectare area of undisturbed bush in return for 2,800 hectares of some valuable areas, such as the Scheyville swamps. Dural was also one of the areas that was handed back.

The Hon. Paul Green talked about the difficulty of being a mayor on a rural council in coastal New South Wales. They could not find a 16:1 ratio. The Eurobodalla Shire Council and the three Northern Rivers shire councils already have 85 per cent to 90 per cent of their local government areas in reserves. When Eurobodalla wanted to expand its waste management facility, all argued it was a public health issue, and when it wanted to expand its cemetery, all argued it was a social and public health issue. It ran into a brick wall because the biodiversity offsets were not 16:1, they were 40:1. How can a council that is already 85 per cent locked into reserves and national parks be forced to try to find offsets to carry out commendable work such as building playgrounds for kids or waste facilities and cemeteries? It is ridiculous and that particular provision of the National Parks and Wildlife Act 1974 needs to be looked at.

The Hon. Dr PETER PHELPS (17:51): If ever I become jaded with politics, all I need to do is listen to The Greens talk and I am reminded why I came into this place, which was to fight socialism in all its many and varied forms. The Hon. Mehreen Faruqi spoke about how she had been to Waterfall and that she had consulted with the local community. She is a local Green activist. It made me wonder how many Greens are in the Waterfall community. How many people are concerned about the revocation of this land, which is essentially an oval. I had a look at the New South Wales State Electoral Commission's website and went to the Waterfall Public School. I found that 296 votes were cast, of which the grand total of 30 were for The Greens. This massive groundswell of Green opinion, this tsunami of environmentalism which has swept inland over the escarpment and flooded through Waterfall is 30 people. In essence, that is The Greens. They cannot resist a bit of hyperbole to promote their case.

Essentially we have a machinery bill that recognises that certain events have taken place over a period of time. Roads have been built and they have slightly infringed upon the existing alignments or, alternatively, areas have been used for certain purposes over a period of time. This merely seeks to add de jure recognition to de facto activity.

The Hon. Daniel Mookhey: Say that again.

The Hon. Dr PETER PHELPS: De jure recognition of de facto activity. It is Latin.

The Hon. Penny Sharpe: We know.

The Hon. Dr PETER PHELPS: Apparently your backbench members do not know Latin.

The Hon. Daniel Mookhey: I appreciate literature in all its forms.

The Hon. Dr PETER PHELPS: Faber est suae quisque fortunae. I apologise. I am out of order. I should speak English in this Chamber and will continue to do so.

DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! The Hon. Dr Peter Phelps will direct his comments through the Chair.

The Hon. Dr PETER PHELPS: As an example of how mad The Greens are in this State, it has been brought to my attention—

Dr Mehreen Faruqi: Point of order: The Hon. Dr Peter Phelps is not speaking to the bill. He should be directed to speak to the content of the bill.

The Hon. John Ajaka: To the point of order: The Hon. Dr Peter Phelps was not only being generally relevant, he was responding to matters raised by the Hon. Mehreen Faruqi, who is now taking the point of order.

DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! I foresaw this point of order and sought advice. There is no point of order.

The Hon. Dr PETER PHELPS: How mad The Greens are is that the magnitude of land that is being offset for the revocations is of such a scale that one would think they would be walking through the streets cheering this Government, saying what a great job it is doing and that it is fantastic that it has come on board with the grand environmental schemes of The Greens. The grand environmental schemes of The Greens, I might add, not only occur at a State level but also at a national and local government level.

It has been brought to my attention that The Greens dominated council of Marrickville has issued a plan that includes a biodiversity corridor in Marrickville Council's local environmental plan that helps to protect bandicoots. Bandicoots in Marrickville. I would suggest that councillors may have seen a bunch of hipsters dressed up as furies running through the streets of Dulwich Hill and mistaken them for bandicoots. The idea that there would be a swathe of land that is a bandicoot reserve stretching all the way from the Canterbury local government area up through Dulwich Hill, past New Canterbury Road and as far away as Arlington Street may tend to lead some to believe that reality and The Greens may not have crossed paths in the application of this local environmental plan. On that happy note, I am happy to support the bill.

The Hon. ROBERT BORSAK (17:56): I acknowledge the major wilderness in the shire of Marrickville. I live in Ashfield and I see a lot of bandicoots running up and down the streets, especially Victoria Street. Those with ticks and fleas run regularly around Dulwich Hill.

The Hon. Greg Pearce: They outrun the cars.

The Hon. ROBERT BORSAK: Yes, they outrun the cars and they spend a lot of time walking up and down Canterbury Road. On behalf of the Shooters, Fishers and Farmers Party, I support the bill. The National Parks and Wildlife Amendment (Adjustment of Areas) Bill seeks to rectify a number of irregularities in the boundaries of national parks across the State. In this bill I am proud to see that years of negotiation have finally come to fruition. I note that the Hon. Mehreen Faruqi said earlier that the bill was done in the dead of night and that it is a flash in the pan. This bill took a long time to negotiate. We worked with the former Labor Government to get the swap done. It was this Government that realised the virtues of doing something simple—

The Hon. Trevor Khan: We bit the bullet.

The Hon. ROBERT BORSAK: I acknowledge that interjection. I am referring to the removal of 1.25 hectares of a clapped-out, weed-infested ex-quarry that is located in the Ku-ring-gai Chase National Park to facilitate the expansion of the St Ives Pistol Club. My Shooters, Fishers and Farmers colleague the Hon. Robert Brown and I have been working solidly for the past 8½ years to secure an outcome that would assist the St Ives Pistol Club with its expansion. There are more than 55,000 sporting shooters in the Sydney Basin and many of those will benefit from this initiative. Members who enjoy the sport of shooting will be aware that the St Ives Pistol Club is the only one of its kind between the Parramatta River and Palm Beach.

Other clubs in the area, such as Wakehurst Pistol Club, have closed in recent years due to issues with securing additional facilities or renewal of their existing ones. Unfortunately, the lure of Sydney land prices and other forms of development are often a temptation for government.

Despite these headwinds, the St Ives Pistol Club has gone from strength to strength. With over 400 members on the books, it is the site of choice for licensed pistol shooters across the region. The club also serves as a training ground for the Australian Federal Police and many of Australia's champion athletes competing in Commonwealth or Olympic Games events. It is high time, however, that the club was given the opportunity to

expand. Many more people are taking up target shooting as a sport. In recent years the St Ives Pistol Club has had to cancel some events due to decreased range capacity, and no longer accepts new members at International Practical Shooting Confederation events for this very reason, such has been its popularity.

Despite many misconceptions perpetuated by uninformed media, sporting shooting is one of the safest sports around. Honourable members may be surprised to learn that one insurer of several gun clubs across the State recently informed me that their insurance premiums for target shooting are among the lowest of any sport, especially ball sports.

The Hon. Dr Peter Phelps: Yes, that is absolutely true and always has been.

The Hon. ROBERT BORSAK: I acknowledge that interjection. In a recent program on SBS dedicated to firearms ownership, in which my colleague the Hon. Robert Brown appeared, the president of the NSW Amateur Pistol Association, Mr Brian Cheers, said that "ping pong would be more dangerous" than target shooting. The changes in this bill will allow target shooting to continue to take its hold as one of the fastest growing sports across the country and will secure the continuation of the St Ives pistol club for the next 200 years and beyond.

The Shooters, Fishers and Farmers Party has a proud 20-year history of delivering for target shooters. As recently as 2006 we secured removal of 1,000 hectares of land from the Bargo State Conservation Area to establish the Southern Highlands Regional Shooting Complex under the former Labor Government, an enlightened initiative of that Government.

Finally, I should add that the land being resumed for St Ives Pistol Club is of no biodiversity value whatsoever, and it makes sense for it not to be in the national park. It is a former quarry, full of weeds and still has remnants of its former use on the site. To continue to keep it classified as a national park would not only cheapen the intrinsic value of declared national parks but also prevent the growth of one of the safest sports available to the citizens of New South Wales. I commend the bill to the House.

The Hon. RICK COLLESS (18:02): On behalf of the Hon. John Ajaka, in reply: I am pleased to speak in reply on this important bill. As we have already pointed out, the proposals in this bill are sensible proposals that will lead to good outcomes for the people of New South Wales. Each of these outcomes is focused on the needs of local communities. The bill ensures roads and sporting facilities are managed by the appropriate authority and allows these assets to be upgraded and expanded in response to community need. The bill realigns reserve categories to reflect visitor use and community safety concerns. It recognises the importance of land claims for local Indigenous communities. It also ensures that appropriate reservations are corrected for the benefit of the broader community.

The bill proposes to amend the National Parks and Wildlife Act 1974 to remove land from the reserve system. This is required to correct boundary errors, encroachments and past policies that have resulted in small parts of road corridors, railway infrastructure and ovals from being reserved in national parks. Small sections of reserved land need to be revoked to facilitate an essential road upgrade as well as the expansion of a sporting facility on integrated parkland.

The bill enables land title to be transferred to ensure appropriate management and ownership of land. Land revoked from the Kosciuszko National Park, Middle Brother National Park, Yaegl Nature Reserve and Ku-ring-gai Chase National Park, where it relates to the Mona Vale Road West upgrade, will be transferred to Roads and Maritime Services. Gray's Point, Heathcote, Loftus and Bilpin ovals in the Royal National Park will be transferred to the local council that currently manages them. As small revocation of Ku-ring-gai Chase National Park will enable the expansion of St Ives Pistol Club, with a significant offset.

The proposals reversing the inappropriate reservation of determined and undetermined Aboriginal land claims recognises that this land does not belong in the reserve system and transfers ownership to the Illawarra Local Aboriginal Land Council and the Minister administering the Crown Lands Act 1989. The bill recognises the goal of the National Parks and Wildlife Service's policy is to achieve an overall public good outcome where park revocations are necessary. Where appropriate, the loss of land will be offset by adding new land to the reserve system. A total of 214 hectares of land has been offered in compensation. Much of this land has high conservation and cultural heritage value.

I thank honourable members who have contributed to the debate on this bill—the Hon. Penny Sharpe, Dr Mehreen Faruqi, the Hon. Paul Green, the Hon. Robert Brown, the Hon. Dr Peter Phelps and the Hon. Robert Borsak—for their constructive contributions. I look forward to the Committee stage of the passage of the bill. I commend the bill to the House.

DEPUTY PRESIDENT (The Hon. Paul Green): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR: Is leave granted to take the bill as a whole? There being no objection I will proceed accordingly. I have two sets of amendments, being Opposition amendments on sheet C2016-047A and The Greens amendment on sheet C2016-049. The Opposition amendments were received first so we will deal with those first.

The Hon. PENNY SHARPE (18:06): By leave: I move Opposition amendments Nos 1 and 2 on sheet C2016-047A in globo:

No. 1 Khappinghat Nature Reserve (part only) recategorisation

Page 3, Schedule 1 [1], proposed clause 13 of Schedule 1, lines 15–20. Omit all words on those lines.

No. 2 Revocation of Penrith Lakes Regional Park

Page 5, Schedule 1 [2], proposed clause 33 of Schedule 2, lines 11–15. Omit all words on those lines.

As I said in my contribution to the second reading debate, Labor has made clear its position on why we think that these areas should not be included in the bill. Khappinghat Nature Reserve was created in August 1993 and it is 300 kilometres north of Sydney, just south of Old Bar on the mid North Coast. It currently consists of around 3,514 hectares. As a nature reserve it has the highest level of protection. In New South Wales nature reserves are described as being areas that are in natural condition with high conservation value. The primary purpose of these lands is to protect their outstanding, unique or representative ecosystems.

The National Parks and Wildlife Service's website says that nature reserves are carefully managed to minimise disturbance. This revocation seeks to take 2,020 hectares of the Khappinghat Nature Reserve and reclassify that area as a national park. It is very good that it is a national park but this reclassification would mean a downgrade of the environmental protections currently in place. The Government has said that the revocation would allow horse riding in that area of nature reserve. Labor has a long-held position on our concerns about horse riding in national parks. There have been significant stoushes about this matter since 2006, when a memorandum of understanding was signed by the Liberal Party and The Nationals with horse riding associations to open up areas in national parks and, more controversially, some wilderness areas to horse riding. We have significant concerns about that, particularly the environmental impacts on fragile areas. We have concerns about hard-hoofed animals in parks and nature reserves because of the impact on soils and consequently weeds.

Given being downgraded from a nature reserve to a national park has a significant impact on protections, Labor would like to have a lot more information about the reasons for the inclusion of these reserves. We would like to see a proper environmental impact statement in relation to the assessment of opening up this part of the nature reserve to horse riding.

On that basis, we would seek to remove that from this bill. The second part of this bill is less controversial but is important to Labor nonetheless. It is the revocation of the Penrith Lakes Regional Park. At around 6,000 square metres, it is only a very small parcel of land and it is currently surrounded by Crown lands. Labor's concern is generally about the loss of parkland and what will happen to that land in the future. We are not interested in making it easier for the Government to open up that land for development. At this point we would rather keep it as it is, and that is why we are moving this amendment.

The Hon. RICK COLLESS (18:10): The Government opposes both amendments. I will outline our reasons for opposing amendment No. 1 relating to the Khappinghat Nature Reserve re-categorisation. A total of approximately 2,020 hectares, which is just over half the nature reserve, will change to national park. This is a commonsense proposal and will ensure that the reserve's values are appropriately managed. The National Parks and Wildlife Act 1974 provides management principles for each reserve category. The management principles for national parks include sustainable visitor use and enjoyment, whereas the management principles for nature reserves focus primarily on the protection of natural and cultural heritage values.

The need to change the category of just over half of Khappinghat Nature Reserve can be explained by its history. An area of 367 hectares was gazetted as the reserve in 1993, principally to protect environmentally sensitive lands around Khappinghat Creek on the lower North Coast. Another 3,147 hectares of State forest and Crown land were added in 1999, as a result of the Lower North East Regional Forest Agreement. The 1999 additions included an extensive network of trails and roads associated with prior timber harvesting uses. Many of those trails had long been used for recreational activities such as vehicle touring, access for fishing, cycling and horseriding. The additions also included powerlines, underground telecommunication cables, water reservoirs and pipelines, as well as softwood and hardwood plantations and through roads.

At the time of those additions, the management principles for reserve categories now contained in the National Parks and Wildlife Act 1974 had not been developed. This proposal will align management principles to park values. It will remove potential conflict between vehicles, horseriders and cyclists by clearly designating suitable tracks and enforcing rules for their use. It will ensure that ecological and cultural values as well as asset and infrastructure values are managed in a way that is consistent with the principles of nature reserves and national parks. Activities such as horseriding are generally permitted on management trails in national parks, subject to the relevant park's plan of management. Horseriding currently occurs in Khappinghat Nature Reserve on management trails. It is considered appropriate for that activity to continue. Hence, that part of the park should be a national park.

The least disturbed and most environmentally sensitive parts will remain as a nature reserve. Most of the horseriding and cycling routes are in the northern part of the nature reserve and in a small area in the south of the reserve near Diamond Beach. This proposal will ensure those recreational activities are concentrated away from the most environmentally and culturally sensitive areas of the reserve. Additionally, the proposal provides enhanced protection for the area around Khappinghat Creek, which holds significant cultural value for the local Aboriginal community.

The proposal does not merely reflect the interests of horseriders. It aims for greater protection of ecological and cultural values as well as more appropriate management of asset and infrastructure values. Both the National Parks and Wildlife Advisory Council and the Lower North Coast Regional Advisory Committee support the re-categorisation proposal. The committee had previously identified the need to resolve this issue in its recommendations on the draft plan of management. In relation to amendment No. 2, the revocation of Penrith Lakes Regional Park is urgently required to enable planned urban development under the Penrith Lakes Scheme by the Penrith Lakes Development Corporation.

The Hon. Penny Sharpe: Bingo.

The Hon. RICK COLLESS: Just wait. If this inappropriate reservation is not revoked it will hold up important infrastructure development. Penrith Lakes Regional Park is a small strip of land 10 metres wide and 660 metres long. It has no public access, no facilities and no recreational or conservation value and is no longer required. The small piece of land was originally reserved in 1998 to form the basis of a larger regional park, following the development of the Sydney International Regatta Centre in Western Sydney. Those plans were not pursued and the land has never been used for recreational purposes. There is no access to the park and it is entirely surrounded by lands managed for extractive material production by the Penrith Lakes Development Corporation.

Even though no conservation value is lost through removing this park from the reserve system, there will be overall community conservation benefits because the proposed development will be accompanied by large areas of parkland along the lake and pond foreshores. Removing Penrith Lakes Regional Park from the reserve system will tidy up management of the reserve system by ensuring only land with conservation value is the responsibility of the National Parks and Wildlife Service. It will correct a completely inappropriate and no longer required reservation. For those reasons, the Government will oppose both amendments.

Dr MEHREEN FARUQI (18:15): I support Opposition amendment No. 1. As I previously stated, the Government is proposing to downgrade a nature reserve to a national park. Nature reserves are very special and specific areas. The category describes land that is reserved in a predominantly untouched natural condition with high conservation values. The primary purpose is to protect and conserve an outstanding unique and representative ecosystem and Australian native plants and animals. What has suddenly happened to require 60 per cent of the Khappinghat Nature Reserve to no longer be preserved in its natural condition? Political expediency, I presume.

It appears this revocation will allow horseriders to further access this nature reserve or national park when it is converted. Those horseriders are currently using the nature reserve, which I must add is an inappropriate use that is inconsistent with the concept of a nature reserve. We know that in 2006, desperate to form government, the Liberal-Nationals signed an agreement with a coalition of horseriding groups to allow horseriding in wilderness areas and nature reserves. It is well documented that horses are a risk factor in weed dispersion. They have been shown to be substantial vectors in other national parks. Why would we agree to this change? We know that the Government has no actual plan to manage this environmental risk and its subsequent damage. The Greens support the amendment.

The CHAIR: The question is that Opposition amendment Nos 1 and 2 on sheet C2016-047A be agreed to.

Amendments negated.

Mr DAVID SHOEBRIDGE (18:17): I move The Greens amendment on sheet C2016-049:

Revocation of part of Ku-ring-gai Chase National Park

Page 4, Schedule 1 [2], proposed clause 28 (1) of Schedule 2, lines 12–18. Omit all words on those lines. Insert instead:

- (1) This clause applies to land having an area of about 0.768 hectare, as shown by pink shading on the map marked "DS2015/001182", held in the office of Roads and Maritime Services at Parramatta.

The amendment amends page 4, schedule 1 to the bill to delete the first part of clause 28, which is the revocation of about 1.25 hectares of land in Ku-ring-gai Chase National Park.

The Hon. Robert Borsak: Surprise, surprise.

Mr DAVID SHOEBRIDGE: I note the interjection. I will endeavour to be brief. The revocation of the land is in order to allow a pistol club to expand into areas that are national park. There is no question about it.

Reverend the Hon. Fred Nile: Hear, hear!

Mr DAVID SHOEBRIDGE: I hear Reverend the Hon. Fred Nile. It is appalling in principle to allow for the clearing of a national park, which is what is envisaged, in order to extend the grounds of a pistol club. I know the Shooters, Fishers and Farmers Party members will say it is okay because the people of New South Wales will get a wonderful benefit from this—they will get 140 hectares down in Heathcote somewhere. Let us be clear about it. The pistol club is not paying one red cent, as I understand it. It is on a peppercorn rental on Crown land and not paying any money for its access to additional national park. It is getting a whole chunk of additional public land for nix. It is being allowed to clear a national park, obviously through some political deal done between the Shooters, Fishers and Farmers Party and the Government. That is allowed and cutting deals with the government of the day is what that party does.

But it is absolutely wrong in principle and it is wrong in practice. This Chamber should never sanction the clearing and opening up of national parks to expand a gun and pistol club or allow the clearing of national parks so that a private gun club, which pays nothing to the people of New South Wales, can clear-fell it. Let us be 100 per cent clear about this: The pistol club is not paying for the additional 100-odd hectares; taxpayers are putting aside the additional 100-odd hectares. If it should be protected, it should be protected in principle. There is no reason why it is tied to this pistol club deal other than to provide cover for the Government. We oppose this part of the bill.

The Hon. ROBERT BROWN (18:20): I will be very brief. I take up the cry that was interjected during Mr David Shoebridge's speech of, "Have you ever been there?" I have. I joined St Ives Pistol Club in 1987 and was a member through until about 1992.

Mr David Shoebridge: I have been to Ku-ring-gai Chase National Park. It is a beautiful park.

The Hon. ROBERT BROWN: No, have you been to the quarry?

Mr David Shoebridge: I have not been to the pistol club.

The Hon. ROBERT BROWN: In actual fact, it is telling that this amendment is moved by The Greens spokesperson on firearms issues and not by The Greens spokesperson on national parks and green things. This is not really about a celebration and joyous calls from the roof for the acquisition of 140 hectares of new national park. It is all about the social issues surrounding The Greens hatred of the shooting sports. You have my word for it. I have been there. It will be cleared of rocks and boulders and weeds—that is what they will clear—and it will be turned into a facility that will be used by thousands of law-abiding shooters over many years.

The Hon. RICK COLLESS (18:21): I will not go into the benefits of this measure but I will respond to a point that Mr David Shoebridge made that there will be clear-felling of national park. As has already been pointed out, this is a weed-infested former quarry. It has things like panthus grass, lantana, crofton weed, whiskey grass and cassia growing on it, which are hardly worthy of conservation. This is the point. If it was pristine national park, the St Ives Pistol Club would not have got it; but it is not. It is an area of degraded old quarry that should be transferred to enable a community facility to proceed. The Government is opposed to this amendment.

The CHAIR: The question is that The Greens amendment on sheet C2016-049 be agreed to.

Amendment negatived.

The CHAIR: The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. RICK COLLESS: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. RICK COLLESS (18:23): On behalf of the Hon. John Ajaka: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. RICK COLLESS (18:24): On behalf of the Hon. John Ajaka: I move:

That this bill be now read a third time.

Motion agreed to.

*Adjournment Debate***ADJOURNMENT**

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (18:25): I move:

That this House do now adjourn.

LOCAL GOVERNMENT AMALGAMATIONS

The Hon. PETER PRIMROSE (18:25): If the Cabinet leaks to the media tonight are to be believed, we are nearing the end of the first course of the deeply chaotic dog's breakfast that is the forced council merger policy of the desperate and divided Baird-Grant Government. The next course will likely result in even more chaos as some proposals are deferred for political reasons until after the Federal election, others are rammed through against local objections, legal actions continue to wend their way through the courts, and political appointees are given plum jobs as administrators to start the process of shutting services and selling community buildings, parks and sporting fields. Shotgun weddings rarely have happy endings, and so it will be for these forced mergers by the Baird Government.

Given the planned huge increase in unfunded cost shifting from the State government to local councils—which is already running at over \$680 million every year—this will mean either huge increases to rates or very large cuts to local services. The really sad thing that the Government has refused to acknowledge is that, based on Mike Baird's own figures, the alleged savings from forced mergers involve massive staff cuts. Mike Baird even boasts about these so-called savings; yet more than 80 per cent of his so-called savings involve massive reductions in staff. Little wonder that rural and regional councils in particular are so outraged about what the Premier's forced mergers will mean to local employment in their communities, both directly and because of the flow-on effects to small businesses.

Local communities throughout the State have rebelled at the bullying and total lack of transparency that has characterised this whole mess since Premier Baird announced it on 18 December last year. One consequence has been the condemnation of the Premier's incoherent policy by shaken Liberals and Nationals at both the State and Federal level, including the current Deputy Prime Minister. From 2011 to the end of June 2015 the Government spent more than \$5.8 million on consultants' reports and reviews into local government, including the well-regarded Destination 2036, and the detailed if sometimes controversial report of the Independent Local Government Review Panel, chaired by the well-respected Professor Graham Sansom. These two reports alone cost in the vicinity of \$2.07 million.

I do not agree with all their recommendations, but at least they sought to consult with all stakeholders and the community more broadly on how best to ensure the future sustainability and viability of the sector, and, as such, they were more worthwhile than what was to come. But then from July to December last year, the Government spent more than \$3.7 million on even more reports. These included the secret \$400,000 KPMG report, on which the Premier says he based his infamous forced merger announcements on 18 December last year.

We have no way of knowing what it really said as the Premier has refused to release it; but if the technical report that the Government released in January this year is anything to go on, it is a total dog's breakfast. The technical report confirms that KPMG failed to correctly identify key parts of the local government sector, and the alleged savings were calculated using the wrong award. A special unit was set up in the Premier's department at the cost of more than another million dollars to run the forced merger agenda, leaving the Office of Local Government out in the cold.

The Minister went missing in action, and frankly most people forgot that he was ever even involved. Over four years of work and millions of taxpayers' dollars, all flushed away by Premier Baird's bullying and

autocratic announcements. Instead of outcomes underpinned by expert analysis, advice and research, and community consultations, Premier Baird announced the greatest act of boundary rigging in Australian politics since Joh Bjelke-Petersen. No wonder Professor Sansom condemned the Premier's announcement, saying:

I think the government's announcement really fails the test of carefully structured strategic reform ... changes which I find extremely hard to understand what on earth they are meant to achieve other than presumably some political objective.

BYRON SHIRE COASTAL EROSION

Ms JAN BARHAM (18:30): The Byron to Hastings Point Erosion Study undertaken by the New South Wales Public Works Department [PWD] and completed in 1978 investigated the dramatic increase in coastal erosion problems after decades of storm and cyclone activity. The study identified options for future management and identified areas of immediate, 50 years and 100 years erosion risk. In 1979 the State Government took a leading role in the requirement for a dual consent role with local government, which meant that poor decisions of a council could be overridden if the State did not approve. In 1986 the administrator of Byron Shire Council, Jim Waugh, presided over public meetings in Byron shire to explain how the PWD study options had translated into draft planning guidelines for the land use management. A front page report in the *North Coast Advocate* in 1986 titled, "Erosion Uses Spelled Out", reported:

The onus will be on the property owner to remove or relocate the building when necessary or relocate the building when necessary or he may face prosecution by the council for non-compliance with development consent conditions.

In 1988, the New South Wales Government approved the local environmental plan and the council adopted the development control plan which included the coastal hazard provisions contained in part J, known as planned retreat. The risk zones and recognition of planning constraints were informed on land titles and section 149 (5) certificates. This was and still is a major feature of the coastal management program, and informs prospective property owners of the limitations of the use of the coastal lands. But there has been no relief from the endless legal challenges of the coastal restrictions embedded in the council's planning instruments and supported by the State Government. In a Land and Environment Court judgment by Hussey J. refusing the 1996 proposal for a 250-metre rock wall at Belongil Beach in Byron Bay it is stated:

The use of Development Control Plans to outline detailed planning policies and controls for the coastline and to impose conditions on new developments and redevelopments, the use of Local Environmental Plans to introduce appropriate land use zoning, identify consent uses, etc and so control the likelihood of development being inappropriately sited and thus reduce the damage potential of new developments.

In the discussion on the evidence, Hussey J. stated in his judgment:

The determination of this development involves an assessment of the relative private interests of the property owners to protect their properties from beach erosion, against the wider public interest in terms of future beach amenity.

In a 1990 Land and Environment Court case, applicant John Vaughan appealed the refusal for concurrence by the director of the Department of Planning of a dwelling on Belongil Spit, Byron Bay. Evidence presented to the court by the regional manager of the Department of Planning stated:

It is clear from the information that the proposed development is inappropriate on this highly unstable, erosion prone site. The site is subject to a short term storm event, long term recession and the Greenhouse Effect.

The outcome was that the appeal was dismissed. Therefore, the decision of the application for a dwelling on this land was refused. In 2002, an audit of concurrences granted to development at Belongil under clause 32 (3) of the Byron local environmental plan revealed that there were nine properties identified from a review of aerial photos dated 1996, 1999 and 2000 that had no State concurrence and, therefore, were unapproved works. In 2009, when another court case was initiated by the Belongil residents against the council to seek protection works, a Byron Shire Council affidavit identified the lack of approval of the Vaughan house and unauthorised works on the nearby Burke property.

Now, the council majority is proposing to build a 1.6-kilometre rock wall in front of the properties at Belongil where, it is now clear, many have unauthorised work and all but two appear to have been sold or changed owners since 1988. The reality is that most have bought in full knowledge of the limitations for development and protection. So when quotes of the cost of maintaining the 30-year principle of planned retreat come at a cost of \$40 million, it is clearly wrong. There is no way government or the community should compensate property owners for buying properties that were known to be at risk or fund the building of protection works.

KURDISH AGGRESSION IN ASSYRIAN HOMELAND

Reverend the Hon. FRED NILE (18:35): I wish to speak on the theme of stopping Kurdish aggression in the occupied Assyrian homeland. Last Saturday, 7 May, in Martin Place, over 500 people gathered in a public demonstration organised by the Assyrian Council of Australia. The demonstrators demanded an end to Kurdish aggression in the occupied Assyrian homeland, as well as to the brutal atrocities currently taking place against the

Assyrian Christians in Iraq and Syria as a whole. The basis of the protest provided strong justification for the unrelenting call for the establishment of an Assyrian safe haven under international protection—a genuine homeland. What is happening in this area of the Middle East is, in my view, genocide to eliminate from the Middle East the historic Christians who have been there for 2,000 years.

The protesters in Martin Place called on the Government and the media to take immediate action to end the genocide of Assyrian Christians. With a united voice, the people chanted slogans through the streets of Sydney, including "Hey hey, no no, Kurdish occupation has to go", "One, two, three four, land grabbing no more. Five, six, seven, eight, Assyrian lands we must liberate" and "Hands off Assyrian land". The demonstration was teeming with demonstrators flying Australian and Assyrian flags and carrying placards. Participants in the peaceful protest comprised mainly the Assyrian Christian community from Sydney. They were joined by demonstrators from different backgrounds, who stood in solidarity with Assyrians against the belligerent actions of the Kurdish Regional Government as well as the self-proclaimed Islamic State (ISIS).

The protest was attended by members of both State and Federal parliaments. The parliamentarians delivered wholehearted speeches, in which they gave unconditional support to the establishment of an Assyrian homeland in Iraq and condemned Kurdish aggression. The speakers were: Mr Craig Kelly MP, Federal member for Hughes; the Hon David Clarke, MLC, Parliamentary Secretary for Justice; Mr Milan Maksimovic, the Christian Democratic Party candidate for McMahon, who represented me as I was campaigning in Adelaide; Dr Nicholas Al-Jeloo; Gilgamesh Dawood from Entity of Abnaa Al- Nahrain; Ms Ravina Joudo from the Assyrian Patriotic Party; and Ms Sana Gewargis from the Coordinating Body for Assyria World Conference. Mr Hermiz Shahan, the Deputy Secretary General of the Assyrian Universal Alliance, delivered a speech on behalf of the Assyrian Council of Australia. During his address he expressed:

The Australian Assyrian community is profoundly distressed by the ethnic and cultural genocide perpetrated against their kin in Iraq and Syria. The Kurds are intensifying their aggression to occupy the Assyrian territory by force to remove the Assyrian population. The Kurds under the watchful eye of their regional government are systematically and unlawfully forcing Assyrians from their villages and homes in the occupied Assyrian lands in Northern Iraq and in Al-Hassaka province in North East Syria, declaring Assyrian lands as their own.

He went on to declare:

These land grabs are achieved by acts of aggression and violence exposing innocent civilians to imminent attacks, placing their lives in danger, and driving them out of their ancestral lands.

Mr Shahan propositioned the Australian Government:

"To lay out a comprehensive strategy assisting the Assyrian nation's needs for the establishment of a self-governed safe haven in the Assyrian heartland in Northern Iraq (between the Upper Zab and Tigris Rivers) for the Assyrian Christians, Yezidis and Mandaeans, so that they can live in peace and security, where they can practice their religion, culture and language in freedom and with human dignity. This strategy does not necessarily need to include Australian boots on ground but could be accomplished by training and funding existing Assyrian Christian militia who can protect their lands themselves."

A letter was presented by the Assyrian Council to Mr Craig Kelly to give to the Prime Minister on this issue.

ESSENTIAL ENERGY ENTERPRISE AGREEMENT

The Hon. ADAM SEARLE (18:40): On two previous occasions in this place—on 17 March this year and again on 21 March this year—I have raised the issue of the Essential Energy industrial dispute. I do so again, as we find ourselves in the midst of a dispute that looks like it is fast getting out of control. The circumstances are fast approaching what I think is a point of crisis. Workers at the New South Wales Government-owned electricity distributor, Essential Energy, are today engaging in protected industrial action for 24 hours from 6.00 a.m. this morning after the company refused to allow the independent industrial umpire—the Fair Work Commission—to resolve a long-running dispute over wages, conditions and job cuts. I understand that employees from more than 100 workplaces and depots across the State are taking part in the action from 6 a.m. today and will return to work from 6 a.m. tomorrow.

Negotiations for a new workplace agreement began some 18 months ago and the existing industrial agreement expired in June of last year. Negotiations have been ongoing since that time, but without success. Now the company has also rejected a request to have the Fair Work Commission decide the outstanding matters between the parties to break the impasse that has been reached in negotiations. It should be remembered that, as the backdrop to this, on 7 March this year Essential Energy launched legal action that seeks to cancel the existing safety net for the workforce, the existing enterprise agreement. The effect of this action, if it was successful, would be to cut the wages and conditions of up to 4,000 employees by up to 40 per cent and that is because over time successive industrial agreements have achieved higher wages and conditions than the basic award. Despite the efforts of the workforce and its unions to negotiate with management, that seems to have reached the end of the road and now this industrial action is taking place. I believe it is the second time industrial action has occurred in this context; the first occasion, I believe, was on 20 April this year.

I am not going to go into the rights and wrongs of either side's bargaining positions or the matters that are in dispute, of which, as I indicated, I think there were six, but what is quite clear is that the parties themselves appear to not be able to resolve the matter. I understand the union wrote to the company suggesting that the last six matters be dealt with by way of consent arbitration by the Fair Work Commission and that the company has not only rejected this suggestion, but has stated that its preferred option is to proceed to cancel the existing enterprise agreement.

Essential Energy has already cut more than 500 jobs since June 2015 and has flagged it wishes to cut a further 800 jobs by June 2018. If Essential Energy is successful in cancelling the agreement, up to 800 regional jobs will be slashed overnight, wages and conditions for all staff will be cut by up to 40 per cent and consumers across rural and regional New South Wales will be left with lower service standards.

Before the last election, Liberal and National Party members of Parliament said there would be no cut to jobs or services, but for the last year they have remained silent as Essential Energy has done the exact opposite. If Essential Energy is not able to reach an agreement with its workforce and their unions, and if the company is not willing to participate in arbitration as a solution to the impasse, it is likely that this dispute will continue to escalate with even longer strikes on the cards. As I indicated, this is already the second round of industrial action. It is in nobody's interests to have a dispute that the parties cannot resolve lurching from crisis to crisis.

The Baird-Grant Government must ensure that management at the State-owned Essential Energy sits down and negotiates with its workforce in good faith, to ensure that regional communities, including workers, are not adversely impacted by a drawn-out dispute over a new workplace deal. Communities in regional New South Wales are at risk of disrupted services should the dispute be allowed to continue. Twice in this place we have called on the Government to step in and, if management did not agree, to force management to enter into good faith negotiations. Now the situation has taken a turn for the worse. The Government needs to take action to make sure that if the parties cannot develop a solution themselves, arbitration is the solution where an impartial third party resolves the outstanding six matters.

The kind of brutal approach to industrial relations evident in the way Essential Energy is conducting this dispute should not be allowed to continue. An approach of taking away people's hard-won wages and conditions should have no place in modern New South Wales or Australia. [*Time expired.*]

ANZAC DAY

The Hon. LOU AMATO (18:45): Another Anzac Day has passed and together we retell the stories handed down to us of those who sacrificed all for this great country, Australia. It is with great sadness and reverence we honour the bravery and selflessness of those who lost their lives so that we might have a future. We are blessed to live in this great land of plenty where we are free to live in peace and without fear. For me this is the true spirit of the Anzac legend: Peace, prosperity and a better life for us who stand here today, which was won for us by the sacrifice of others. This was the great hope embodied in the Anzac spirit. This great hope which was measured by great suffering and acts of incredible courage was worth dying for and indeed many lost their lives so that we could live. Our Christian-Judeo heritage has taught us that no greater love can one have than to lay down their life for another.

The true essence of Anzac is one of mateship, self-sacrifice and the aching desire for peace. Throughout history, ideologies built on selfish motives and hate have fallen unto ruin. Hate is a transient emotion that can motivate the most terrible behaviour in a human being. True mateship is the motivator for the countless acts of courage central to the Anzac spirit. Mateship fuels strength in courage and allows the human spirit to live in the face of terrible fear and even death. The Anzac spirit will never fail. When the guns went silent at 11 o'clock on the morning of Monday 11 November 1918, the great hope of Anzac had finally come. The great struggle, borne at a terrible cost, was over. There was peace. The celebrations began and the world could now look towards the great hope that embraced love, life and an end to war.

The archives of the Australian War Memorial have preserved some of the responses of our Anzacs at the news that the struggle was over. Keith Shadforth Sheen Dowling, who had taken part in fierce fighting as a gunner with the 107th Australian Howitzer Battery, was in the middle of writing a letter when he heard the news of peace. His letter has been preserved and he went on to say:

By JOVE!!! Crikey!!! What shall I say? We've just had a breathless bombardier of the guard rush into the dugout, fall over the bed at the end and shout out some glorious news—can't repeat it, as it's strictly against orders to mention the subject (or I could have filled a book with the last two weeks' entertaining furies!) but you just note the date! Only hope this is dinkum, as he swears it is! What a godsend Christmas box for the world!

Lieutenant Ronald Alison McInnis, a Gallipoli veteran just shy of his twenty-ninth birthday, writes:

The official message bearing the news of the signing of the armistice came through about noon. We celebrated it in our mess tonight, and Madam brought out two bottles of very old and special champagne, in order, so she said, that we might do it properly.

Lieutenant McInnis goes on further in a letter the following day saying:

We are only just beginning to realise what yesterday's signing means. Demobilisation is to proceed, and we are to be returned to Australia practically in the order in which we came away. We hardly dare to think of it. It all seems to be some fantastic dream as yet.

Sadly, the silencing of the guns was short lived, with the commencement of the Second World War. Again the Anzac spirit was called upon to engage in yet another struggle for peace.

On 2 September 1945 the Second World War formally ended and the struggle for peace was achieved with the same great sacrifice and courage of the first Anzacs. The evils of war have continued to haunt us with the struggle for peace seeing the Anzacs involved in many more campaigns such as: the Korean War, the Malayan emergency, the Indonesia-Malaysia confrontation, the Vietnam War, the Gulf War, East Timor; and Iraq and Afghanistan from 2001 to the present. No fewer than 103,000 lives were sacrificed, there were 226,000 casualties and 35,000 beloved Anzacs were imprisoned, so that we might live in peace.

What is the great lesson of Anzac? Is it great acts of courage? Is it the untold suffering and sacrifice of others? Yes, it is all of these things. However, the great lesson of Anzac is how precious life is. If we are to honour the greatness of those who gave us the gift of their lives then we must also give our lives to them. We must honour what they died for and live our lives in peace and never forget the importance of mateship.

BROKEN HILL AGRICULTURAL FIELD DAYS

The Hon. RICK COLLESS (18:50): Last weekend I had the pleasure of travelling once again to Broken Hill to attend the bi-annual agricultural field days, known throughout the west as Agfair. This was the fifth occasion on which I have attended Agfair, which is held every two years to display a range of products and services utilised by the various communities of the western districts. Products on display included everything that rural and regional communities require for their day-to-day business and leisure activities. There were displays of small tools and equipment through to chainsaws, motor bikes, tractors large and small, livestock, motor vehicles, irrigation equipment, protective clothing, boots, stock-handling equipment and everything else that is used on a day-to-day basis on the farm.

There was also a wide variety of displays for the wonderful residents of the city of Broken Hill and its surrounding villages. In the Pastoralists Association of the West Darling marquee there were many smaller exhibits of clothing; from schools; the New South Wales farmers had a stand there; a series of celebrity chefs gave cooking demonstrations to a packed gallery; the National Parks and Wildlife Service was there, as was an organisation called the Western Rivers Veterinary Group; some banks, and of course, the New South Wales National Party also had a stand in the Pastoralists Association marquee—a stand which attracted a great deal of interest over the two days.

The current Federal member for the seat of Parkes is Mark Coulton and he was also in attendance at Agfair. Many locals were keen to meet Mark as Broken Hill will now move into the Federal division of Parkes as from the election on 2 July. Should Mark Coulton win the division of Parkes on 2 July he will be representing 393,413 square kilometres of western New South Wales, which has increased from the 256,643 square kilometres that is the current area of the division of Parkes. There is no better person than Mark Coulton to represent these people. He won Parkes for the first time in 2007 following a successful career in farming and local government in the Wyallda district. Mark Coulton clearly understands the people of the west.

He was completely at ease with his new potential constituents, as they were instantly at ease with him as they discussed a myriad of issues that confront the people of the west on a day-to-day basis. Mark Coulton comes from a long line of people who have worked for the benefit of the people of western New South Wales. His father, Jack, was a former mayor, and his brother is also a mayor, as was Mark himself. They have all contributed enormously to the betterment of regional communities in western New South Wales.

A point of discussion which always arises in western New South Wales of course relates to the weather and the impacts of dry conditions and drought on the western graziers and their town communities. The weather last weekend provided a great source of anticipation and discussion. Friday was a beautiful, sunny autumn day; everyone was checking the synoptic charts on their smart phones in anticipation of a change moving through from the north-west and promising to bring a substantial fall of rain. The change arrived on Friday night and during Saturday the clouds steadily built up.

The Royal Flying Doctor Service holds a fundraising ball on the Saturday night of Agfair every year and this year it was attended by more than 500 people in the Gary Redford Pavilion at the Broken Hill racecourse. Patrons, as they always do, were having a wonderful time at the ball. At about 10:30 pm the rain started to fall and the mud started to stick to your boots. That was something that really lifted the spirits of all the people in the west. By eight o'clock on Sunday morning Broken Hill had recorded 25 millimetres of rain and by the time the

rain stopped falling at about lunchtime, it had recorded 35 millimetres. Following 25 millimetres 10 days before, this rain is of enormous benefit to the farmers, the businesses, the communities, the rivers and the environment in western New South Wales.

I am sure all members of the House will take this opportunity to congratulate the organising committee of Agfair for staging, once again, another fabulous event for the people of western New South Wales.

DEPUTY PRESIDENT (The Hon. Paul Green): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 18:55 until Thursday 12 May 2016 at 10:00.