



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 1 June 2016**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Wednesday, 1 June 2016**

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

**The PRESIDENT** read the prayers.

## *Bills*

### **COASTAL MANAGEMENT BILL 2016**

### **NATIONAL PARKS AND WILDLIFE AMENDMENT (ADJUSTMENT OF AREAS) BILL 2016**

### **WATER NSW AMENDMENT (STAFF TRANSFERS) BILL 2016**

### **NORFOLK ISLAND ADMINISTRATION BILL 2016**

## **Returned**

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

## *Motions*

### **LACONIAN FEDERATION EXHIBITION**

**The Hon. COURTNEY HOUSSOS (11:02):** I move:

- (1) That this House notes that on Sunday 22 May 2016, the Laconian Federation hosted an exhibition and cocktail event showcasing items from the Museum of the Olive and Greek Olive Oil in Sparta, and the Museum of Industrial Olive-Oil Production of Lesvos, at the Zarax Cultural Centre in Enfield, Sydney.
- (2) That this House notes that the Museum of the Olive and Greek Olive Oil in Sparta, and the Museum of Industrial Olive-Oil Production of Lesvos, are two of the many new museums around Greece showcasing the rich history of their country, another of which is the Acropolis Museum.
- (3) That this House acknowledges the large number of leaders from the Greek community and representative organisations who attended the exhibition and cocktail event, along with:
  - (a) Dr Stavros Kyrimis, Greek Consul General in Sydney;
  - (b) Ms Jodi McKay, member for Strathfield;
  - (c) the Hon. Sophie Cotsis, MLC;
  - (d) the Hon. Courtney Houssos, MLC; and
  - (e) Mr Nick Varvaris, Federal member for Barton.
- (4) That this House congratulates the Laconian Federation and its constituent organisations on their successful event which attracted nearly 200 people, promoted important cultural and historical pieces of art from Greece and showcased traditional Laconian food.
- (5) That this House acknowledges the importance of events such as the Laconian Federation's exhibition and cocktail event, which build strong cultural links between Greece and Australia.

## **Motion agreed to.**

### **CHINESE-AUSTRALIAN ARTISTIC ACHIEVEMENT EXHIBITION**

**The Hon. ERNEST WONG (11:03):** I move:

That this House:

- (a) congratulates Mr Robin Hu, President of the Australian Culture and Commerce Association, for organising the first Chinese-Australian Artistic Achievement Exhibition entitled "Review and Prospect" in the Parliament House Fountain Court on 8 April 2016;
- (b) acknowledges the contributions of more than 20 Chinese-Australian artists who participated in this large art exhibition, including Wei Guan, Palla Jerooff, Jia Wei Shen, Hong Li, Ping Chen; Xu Wang, Dong Wang Fan, Yi Wang, Di Wu, Fang Min Wu, Bao Kang Zhao, Xi Fa Yang; Xiang Rong Yu, Kai Jiang Zhu and others, some of whom are famous and influential in the Australian art world, having won awards including the Archibald and Sulman prizes, whereas others are new to the industry and eager to gain social recognition;

- (c) recognises that the Australian Culture and Commerce Association is a not-for-profit organisation the primary aim of which in organising this large exhibition was to focus on the excellent creative arts and achievements of Chinese-Australian artists in Australian mainstream society and to boost the cultural exchange and communication between Chinese-born artists; and
- (d) commends the Australian Culture and Commerce Association for organising and coordinating this inaugural exhibition and all the artists that contributed to its overwhelming success.

**Motion agreed to.**

### **TRIBUTE TO FATHER CHRISTOS**

**The Hon. COURTNEY HOUSSOS (11:03):** I move:

- (1) That this House notes that Father Christos of the All Saints Greek Orthodox Parish, and Community of Belmore and District celebrated 40 years of service to the parish on Sunday 22 May 2016.
- (2) That this House congratulates Father Christos on his significant and ongoing contribution to his local community and thanks him for providing 40 years of spiritual guidance to the people of Belmore and surrounding areas.
- (3) That this House acknowledges the important work of the All Saints Greek Orthodox Church in Belmore and expresses its support for the ongoing work of Father Christos and his parishioners.

**Motion agreed to.**

### **WORLD LUPUS DAY**

**The Hon. SHAYNE MALLARD (11:04):** I move:

- (1) This House notes that:
  - (a) Tuesday 10 May 2016 was World Lupus Day;
  - (b) lupus is an autoimmune disease that can cause severe damage to the tissue and organs in the body and in some cases, sudden death;
  - (c) more than five million people worldwide suffer the devastating effects of this disease and each year more than 100,000 young women, men and children are newly diagnosed with lupus, the great majority of whom are women of childbearing age; and
  - (d) people from all backgrounds can develop lupus but as the Lupus Association of New South Wales points out, "women of colour are two to three times more likely to develop lupus than Caucasians".
- (2) That this House congratulates the Lupus Association of New South Wales and all lupus organisations around the world who have conducted activities on 10 May since 2004 to raise awareness and educate the public about the symptoms and health effects of lupus.
- (3) That this House notes the World Lupus Day Proclamation, in which lupus organisations around the globe call for increases in public and private sector funding for medical research on lupus, targeted education programs for health professionals, patients and the public and worldwide recognition of lupus as a significant public health issue.

**Motion agreed to.**

### **TRIBUTE TO EMERITUS PROFESSOR JOHN Y. WONG**

**The Hon. ERNEST WONG (11:04):** I move:

- (1) That this House congratulates Emeritus Professor John Y. Wong on the release of his new book entitled *The Historian as a Detective: From the Opium Wars to Sun Yatsen*, which was written in Chinese and officially launched at Parliament House on Monday 30 May 2016 by special guest of honour, the Provost and Deputy Vice-Chancellor of the University of Sydney, Professor Stephen Garton.
- (2) That this House acknowledges the outstanding contribution Professor Wong has made through his literary works, which include:
  - (a) writing four books in English that have been published by either Oxford University Press or Cambridge University Press, and editing another two; and
  - (b) publishing 16 books in Chinese, with his latest book demolishing 70 myths in modern Chinese history.
- (3) That this House acknowledges Professor Wong as a highly respected leader of and within the Chinese community for his promotion of multiculturalism and cultural diversity in New South Wales and across the globe.
- (4) That this House recognises that in addition to the demands and sacrifices required to become a well-known and respected author, Professor Wong was a highly regarded lecturer at the University of Sydney from 1974 until his retirement in 2014, is a well-respected Fellow of the Royal Historical Society in the United Kingdom, a Fellow of the Academy of Social Sciences in Australia, and a Fellow of the Academy of Humanities in Australia.
- (5) That this House commends Professor John Y. Wong for the launch of his latest book to celebrate the sesquicentenary of the great Chinese National Hero, Dr Sun Yatsen's birth.

**Motion agreed to.**

*Documents***TABLED PAPERS NOT ORDERED TO BE PRINTED**

**The Hon. NIALL BLAIR:** According to Standing Order 59, I table a list of all papers tabled since 4 May 2016 and not ordered to be printed.

*Petitions***PETITIONS****Local Government Amalgamations**

Petition opposing the forced amalgamation of councils that are financially sustainable and requesting the Government to ensure that local councils remain strong, independent and genuinely local, received from **Mr David Shoebridge**.

*Business of the House***POSTPONEMENT OF BUSINESS**

**The Hon. DUNCAN GAY:** I move:

- (1) That Government Business Notice of Motion No. 1 be postponed until the next sitting day.
- (2) That Government Business Order of the Day No. 2 be postponed until a later hour.

*Visitors***VISITORS**

**The PRESIDENT:** I welcome to my gallery this morning Ms Lynne Joslyn, partner of Dr John Kaye, whose sad passing is being marked by tributes from colleagues in this House today. Welcome, Lynne.

*Condolences***DEATH OF DR JOHN KAYE, A MEMBER OF THE LEGISLATIVE COUNCIL**

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:13):** I move:

- (1) That this House express and place on record its deep sense of the loss sustained to the State and this House by the death of Dr John Kaye.
- (2) That this resolution be communicated by the President to his family.

As Leader of the Government I moved this motion not as John's closest friend but as a friend to express condolences on behalf of all members of this Parliament and to acknowledge the role John played both in this place and in this State. I take this opportunity to acknowledge his partner, Lynne, his sister and brothers, Dina, Andrew and Stephen, and their families who are with us today. I acknowledge that Dr Arthur Chesterfield-Evans, a former parliamentary colleague, is also in the gallery.

It will come as no surprise that John and I agreed on some issues, but we disagreed on many more. John fought for issues in which he believed rather than pursuing a political agenda against people or parties. Although John was a member of The Greens, if I were asked to define his political parameters I would have said he was more likely a Democrat. In the time that I knew John the Liberal-Nationals Coalition went from occupying the opposition benches to occupying the government benches, which was difficult. As shadow Minister for Industry John and I tackled many issues—namely, the excesses of the Labor Government which, in its dying days, was doing inappropriate things. John and I never really agreed on fishing-related issues but we shared a degree of serendipity in the mining area, where John demonstrated he was a man of great vision.

Mr David Shoebridge, who gave a fine eulogy about John, which was reported in the *Sydney Morning Herald*, noted that John's first involvement in the Australian Labor Party was when he supported Gough Whitlam. I did not support Gough Whitlam so we probably started working against one another at that precise moment. John did his PhD at the University of California, Berkeley—the only non-defence-sponsored person to participate in that course. It would have been fabulous to see his interaction with those upright defence-sponsored people. I have no doubt that he would have held his own on any issue. I used to say that John was special—which was a play on the cereal called Special K—and John called me names that were less than gracious.

**The Hon. Walt Secord:** Unparliamentary.

**The Hon. DUNCAN GAY:** They were not unparliamentary; they were a good representation of what I appeared to him to be on occasions. The fact that I named him after a cereal produced by a multinational company



probably offended him more than my use of the word "special". Late at night he often spoke for much too long. However, whilst there was some angst about it we did not mind because we knew he did not do so deliberately. He had genuine passion for many issues. I would often say to John, "Are you speaking to this bill?" He would say, "Yes. I will be only a couple of minutes. I have not got a lot to say." Twenty minutes later John would finish his speech, which was usually pretty damn good. So we forgave him for that. As has been mentioned elsewhere, there is an incomplete issue. There are probably many incomplete issues, but one in particular that John and I had been talking about was that of greyhounds—the subject of a parliamentary committee inquiry. John and many others believed that in many cases what was presented was not the truth and he wanted to resolve the issue.

John wanted to pursue it because he wanted to get to the truth and to achieve a better outcome. He did not want it to be a celebratory issue as such; he just wanted the issue fixed and fixed properly. John, the Clerk and I had meetings on several occasions to ensure that a proper process was followed and so that everyone had a chance to respond to the inquiry. I hope that the outcome of the inquiry does not become a tribute to John; I hope it is an answer in that we got to the truth and we achieved a better outcome, as that is what John wanted. His legacy to this Parliament is that he wanted to get to the truth and to achieve a better outcome. We will miss him because of that. John never used the title "honourable"; he was purely and simply Dr John Kaye. But whether or not he used the title "honourable" he was still an honourable man.

**The Hon. ADAM SEARLE (11:21):** On behalf of the Labor Opposition I support the sentiments expressed by the Leader of the Government in this motion. Opposition members are deeply saddened by the passing of Dr John Kaye. He was one of the State's most effective and formidable politicians and he certainly made his presence felt both in this Chamber and in the community. I think it can be said that his contribution to this State's political and parliamentary discussions far exceeded what was expected of him as an upper House member of a minor party. He made a significant impact with his powerful intellect and his relentless energy, even if many of us on this side of the House wished he were not so good at getting on morning ABC.

John had a clear left-wing view of the world and his position was consistent in relation to all issues. However, his consistent and principled views were accompanied by a capacity to get on well with people across the political spectrum and with people from all walks of life. John's capacity to connect with people, which was profound, was one of the key features that struck me about him when I came to know him. He was never mean-spirited or motivated by malice in his approach to others, regardless of who they were or what views they expressed. It is important to acknowledge that although John was motivated by a passionate commitment to a range of issues, he was also a formidable machine politician—something that was not always appreciated about him. He played a key role in building his party both in this Parliament and in the community, and he was also a powerful player in the internal intrigues that are a hallmark of all political parties, great and small.

John Kaye had outstanding academic achievements including a PhD from the University of California, Berkeley, and he lectured in electrical engineering at the University of New South Wales for many years. That electrical engineering background no doubt shaped the intellectual rigour that he always brought to policy debates and his capacity to tackle complex problems with complex solutions. John Kaye also made his mark on a number of issues as a member of this Parliament, first and foremost, public education. Renewable energy and electoral funding law reform were also important to him and, as the Leader of the Opposition in the other place noted, he played an important role in stopping the construction of a dam at Tillegra.

In my time as a member of the Legislative Council I collaborated with John on a number of issues, such as medicinal cannabis, home schooling and electricity privatisation, and we also battled on a few other issues, including restricting electoral donations to natural persons and on whether parents could have a genuine scientific belief against vaccination. I think that last point is an illustration that in politics we all make accommodations for the views of others in our political parties. But whatever perspective we had, at all times I found him to be warm, direct, thoughtful and smart. He was a friend and often a collaborator. He believed passionately in the role of this Parliament as an institution separate from Executive Government, holding Executive Government to account—no matter which side of the aisle it came from. He was an outstanding parliamentarian.

The intensity of his passion for public education and public enterprises, and of the contribution that collective action can make to the common good and our shared future as a society, was infectious to all who came into contact with him. He was funny and he was charismatic. He inspired people to have an interest and to participate in politics, and it was not restricted to his own political party. On behalf of the Labor Opposition, I extend my sympathies to his party colleagues, his friends and, above all, to his family and, in particular, to his partner, Lynne.

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (11:25):** In my capacity as the Leader of the Liberal Party in this House and as a member of this House, I support the motion moved by the Leader of the Government regarding Dr John Kaye. I thank the Leader of the Government for moving this motion. I support all that he said and all that was said by the Leader of

the Opposition. Dr John Kaye was born on 23 October 1955. The reason I mention that is that he was born three months before I was. I noted his extraordinary life and career and I learned much when I attended the Celebrating the Life of Dr John Kaye event on Friday last week.

The photos of him as a young man particularly resonated with me. He was a very good-looking young man; I am sure his partner, Lynne, would agree with me. That event was attended by hundreds and hundreds of his family, friends, colleagues and supporters. Dr John Kaye was elected to this Chamber in 2007—the same year that I became a member. I met Dr John Kaye for the first time at our orientation in this Parliament. Interestingly, the only two members I recall at the orientation were Dr John Kaye and the Hon. Trevor Khan.

**The Hon. Mick Veitch:** Yes, thanks, John.

**The Hon. JOHN AJAKA:** It is not about you, Mick. I can say without any hesitation that the immediate impression I had that morning was that Dr John Kaye and I would become very good friends, and I clearly did not feel the same way about the Hon. Trevor Khan. It is interesting how things work out. I am sure the Hon. Trevor Khan felt exactly the same way about me. Two things resonated with me about Dr John Kaye then and there. First, he was the one who asked the Clerks the most forensic questions. He really took them to task and wanted to know exactly how everything worked from that perfect engineering intellect and perspective of his. The second thing I recall was the amount of typing he was doing on his iPad—it looked like he was writing his second doctorate while we were there. I was still struggling to work out how to turn on my iPad when he was into his third chapter, which truly signified the person Dr John Kaye was.

I had the honour of serving on many committees with Dr John Kaye and I saw firsthand the forensic way in which he would take issues apart and rebuild them to try to find appropriate solutions. As a member of the Opposition it was much more fun serving on committees with him during budget estimates and watching him taking Ministers apart than it was when I became a Minister. It was not as much fun when I became Minister and I saw Dr John Kaye at budget estimates with a stack of papers and ready to ask me questions. Again it showed that extraordinary talent of his to immediately go to an issue, take it apart, come to the central point and ask the question. As an old lawyer I thought, "I should have had the answer to that question before he asked it." He really had a way about him in being able to do that.

The last time I saw Dr John Kaye was at St Vincent's Hospital and two aspects of that will remain with me. First, when he found out I was there to see a doctor, all he was concerned about was my welfare and that my health was okay. I saw his condition and I was taken aback that he seemed to be more interested in my health than his own. That truly depicts the character of the man. Secondly—and I am glad for this to go into *Hansard*—I said to him in a genuine way, "John, if there is anything I can do for you, please don't hesitate to ask", to which he replied, "I'm glad you asked. I would like you to rescind the NDIS enabling Act for me." Never ask a question to which you do not know the answer.

When I said to him, "John, I actually can't do that", he of course came back with, "So, you weren't genuine about asking how you could help me?" Again, even at that time John wanted to fight for an issue that he believed in. Even at that time he did not hesitate to continue to work on something he truly believed in. The passing of John is a loss not only to his family, to New South Wales and to this House but also to the many other members of Parliament who will come to this House who have missed the opportunity of working with a politician of the character of Dr John Kaye. To his partner, Lynne, his sister, Dina and brothers Andrew and Stephen, I give my deepest condolences. I wish you all the very best. I truly believe that I am a better person, a better politician and I would like to believe a better Minister because I had the opportunity to work with Dr John Kaye.

[*Business interrupted.*]

#### *Visitors*

### **VISITORS**

**The PRESIDENT:** I welcome to the Legislative Council this morning student leaders from high schools in New South Wales who are attending the Secondary Schools Leadership Program conducted by the parliamentary education unit. I hope you enjoy your visit to Parliament House today and that you find it interesting and informative. At the moment in the Legislative Council we are debating a condolence motion, as very sadly we lost one of our colleagues recently. This morning members have the opportunity to place on record memories of him in tribute to him.

#### *Condolences*

### **DEATH OF DR JOHN KAYE, A MEMBER OF THE LEGISLATIVE COUNCIL**

[*Business resumed.*]

**Dr MEHREEN FARUQI (11:32):** I welcome and acknowledge John's partner, Lynne Joslyn, his friends, Greens members and supporters to the Chamber today. I thank also the Hon. Duncan Gay, the Hon. Adam Searle and the Hon. John Ajaka for their heartfelt and genuine words about John. Dr John Kaye, or "Dr K", as I used to call him in response to his "Dr F". To be honest, I am still struggling to accept the stark reality that John is no longer with us. He was larger than life and every second I am in this Chamber is a reminder to me of what we have lost.

In their tributes to John people have used so many wonderful adjectives to describe him—principled, respected, a source of inspiration, energetic, humorous, a powerhouse of intellect, a passionate fighter for justice, a humanitarian, extraordinary, a consummate gentleman, a champion for public education, a tireless fighter, a great politician, a media tart and the list goes on and on. These descriptions are all well deserved, unambiguous and all true. But to me Dr K was much more—a mentor, a fellow engineer, a fellow University of New South Wales academic, a partner in crime, a fellow campaigner, an animal lover and above all a friend.

It was John who organised everything in Parliament when I was preselected to take up my role as a member of Parliament in the upper House. It was John who formally nominated me. It was John who took me under his wing, who passed on all his knowledge in the very forensic way that was so well described by the Hon. John Ajaka. It was John who introduced me to other members of Parliament [MPs], those sitting in this Chamber, and parliamentary staff. It was John I went to for advice, which by the way was always forthcoming, full of wisdom and support. He was not only a friend of mine but of my whole family.

On Friday there was a wonderful celebration of John's life attended by close to a thousand people from all walks of life including media, MPs from all political parties, members and supporters of The Greens from across New South Wales, Greens MPs from Victoria, members of the National Tertiary Education Union, the Electrical Trades Union, the Public Service Association, the Teachers Federation, Unions NSW, the University of New South Wales, public officials, animal welfare organisations, parliamentary staff, activists, friends and family.

That night a few people spoke about how good John was at engaging young people. I can definitely vouch for that. Both my children have been huge fans of John and of his partner, Lynne, for that matter. Of course they admired him as a passionate and principled politician but much more for his humanness. Dr K was a real, compassionate person, genuinely interested in who you were. This is a message my daughter sent to Lynne from the University of California in the United States, where she is studying at the moment. She wrote:

Hi Lynne, really sad to hear the news about John. Will really miss him. He was the only MP that ever seemed interested in having a conversation with me and made greens events so much better with his humour and friendliness. I am reminded of him every time I visit Berkeley and of his insistence of me to continue my studies there.

The first role my son, Osman, had in The Greens was interning for John nearly a decade ago. John fast became one of his mentors. Osman looked up to John enormously as someone who had worked in a successful career as an engineer before turning his hand to politics. As he became more involved in the party and rose through the ranks, John was the person he was closest to. They provided advice to each other and Os is still adamant that everything he learnt about politics came from John. From what I hear, he was the favourite Greens MP not only of my children but of many in this Chamber and of parliamentary staff.

Earlier this year, when John called me to tell me he had been diagnosed with cancer, I was overseas on a holiday. My first thoughts when I saw his missed call on my phone were "Bugger, I'm sure there's a media story in one of my portfolios and John wants me to comment" because by now I was used to getting early morning messages from John for me to call one radio station or the other, so I did think twice about calling him back. But call him I did and I wish it had been something as straightforward as a media story. Sadly, he had called me to give me the bad news about his illness, but even though he was the one suffering with the disease, he was thinking about how I would feel and how sorry he was to spoil my holiday by giving me this horrible piece of news about his cancer. He was ever the consummate gentleman, thinking about how I would feel rather than what was happening to him. The last time I saw John I am glad I told him he was irreplaceable, that people like him come around only a few times in one generation.

I also told him that my mother, whom he had met a number of times, was praying for him five times a day. We all know John's views on religion, but he took that with real grace. I can also say that he was not always a good influence on me. The more time I spent with Dr K the more I learnt to swear, mostly with him but sometimes at him. We did not agree on everything, but he was always open to argument and critique and expected you to also make a strong case for your point of view. I would often clarify my own thinking when forced to supply arguments to convince John.

One of the many reasons I joined The Greens was our strong policy on environmental protection and climate change. John's work in that area is legendary. He used his knowledge from his electrical engineering

degree and his PhD from the University of California, Berkeley, as well as his subsequent academic career, to develop a massive campaign for 100 per cent renewable energy in New South Wales, with all the numbers, statistics and evidence to back it up. "It's possible; it's affordable; it's achievable," he said. A member of The Greens recently sent an email saying:

John introduced me to the word "catastrophe" in connection with global warming/climate change. I recall he produced a flier with the words something like "Avert Climate Catastrophe", which seemed to me a bit extreme at the time, but of course it was spot on.

John was usually spot on. At times the depth and breadth of his knowledge did annoy me, though. He seemed to know everything about so many things—renewable energy, dams, TAFE, school funding, climate change, economics, the history of the subcontinent, of Germany, of the United States, of social movements—and the list went on. He seemed to know something about almost everything. His command of the English language was incredible. As an example, I will read out part of a text message he sent me while he was in hospital, when he found out about a spate of particularly horrible racist messages that had been sent my way:

PS: having very grim thoughts about some of the low life scum who parasitise on this wonderful continent that we share. If they are too pea brained to celebrate diversity of culture, language, belief, and food then they can F off back to the bland homogeneity of the primal ooze to which they are better suited and of which they are more deserving.

That is classic John. Farewell, Dr K. Too soon, too tragic—a huge loss. But what a life, what a legacy and what an inspiration. To say I will miss John Kaye is an understatement, but we must go on. The best way to honour and remember John Kaye is to keep doing what he was doing. In Dr K's own words:

Friends, colleagues, comrades, keep up the struggle.

**The Hon. MICHAEL GALLACHER (11:42):** I thank the Government for the opportunity to speak in debate on this important motion. It is an opportunity for us all to reflect on the contribution that former members have made to this House. People might be shocked to realise that since 2007 we have lost 30 former members of the Legislative Council. Each of us can reflect on the individual contribution that those people made and the loss of friendship. For many they would have been mentors. But it is when we consider, as we are today, the death of a sitting member that the loss is incredibly difficult to measure.

In 2010 this House lost Roy Smith, unexpectedly, to a heart attack. We were all shocked. It brought home just how fragile life is. It brought home the importance of friendship in the Legislative Council. That is what differentiates us from the Legislative Assembly. Forget the theatrics; put all that aside. In this House we reach across the table and work together to achieve a common outcome. Nowhere is the loss of that friendship more evident than with the passing of Dr John Kaye. John had qualities that are not often attributed to members of The Greens. He had an incredible sense of humour. He had a persuasive ability to put his argument. Even when you wanted to disagree with him, at times you found yourself struggling to do so because the guy knew his stuff.

When John Kaye sat in his place in question time you knew it was game on. He had on those boots that he always wore. You could be assured that he had stomped all the way to his seat in the Legislative Council Chamber to argue the case. He had a mobile phone with a special protective cover on it that I guarantee was there to ensure that at those times when he threw the phone down in disgust and anger it was not broken. John was passionate. When John asked you a question, whether in this House, in estimates or walking the corridors of the building, you took it seriously.

A lot has been said about political differences. I will put a contrary view: I do not think we are that different. All of us in this House come here with the purpose of improving the lives of the people of New South Wales to the best of our ability. We do whatever we can to achieve that result. We take a different road to get there but the result is exactly the same. None of us really knows whether the journey we are taking is the right one. We base it on experience, on the information we are given and on instinct. We travel the road to get to that outcome. That is exactly what John Kaye did every day. Prior to John's election to this House we could never work out whether he was a staffer or a policy adviser. The rest of the Independents had two staff. The Greens always seemed to have 20 staff working out of their office at any given time. John would run through this building, working with Lee Rhiannon, taking the fight up to the then Labor Government and working with us in Opposition to hold the Government to account. John was always there. In 2007 he appeared on the floor of this Chamber and then we started to get an insight into his intellect.

One thing that John brought to this House and that he has taken with him is his integrity. That is unquestionable. There may well be differences of opinion on the direction that John took on issues, but no-one can question that his heart and soul were in everything he did, whether it was taking action on coal particulates in the Hunter Valley or striving for excellence in education. Lynne, you can be particularly proud that he never lost sight of the fact that education was his number one priority. He said it in his maiden speech and he stayed true to his word. He said in his maiden speech that, despite the best efforts of family, friends and colleagues to knock off his rough edges, he still had them. Dr Mehreen Faruqi was right in saying that he had rough edges. We did not

see too much of that in the House. John was disciplined in his use of language in the House, compared to the language he used with friends. The reality is that John was passionate; he knew his stuff.

The House and the public will be worse off as a result of John's passing. As was the case with Roy in 2010, John was in his prime. These men had more to give. They had ideas and aspirations. Sadly, they are not here to see those brought to fruition. I hope their colleagues and all of us in the this House who had an opportunity to get to know John and Roy make sure that we continue their legacy and seek to achieve excellence for the people of this State. John is not here, but I congratulate him on the wonderful job that he did in representing his family and his party. He was a true advocate for the people.

**The Hon. LYNDIA VOLTZ (11:49):** I do not have a set speech to deliver here today because John always nagged me about having set speeches. He told me to get rid of them so I have, and I am not giving one. So I am sure this will be hopeless, but it is what John wanted. A week after John died there was a Leunig cartoon about a club that we are all involved in, and part of the club was "wisdom through loss". But there is no wisdom in the loss of John—it does not make any sense whatsoever. John did everything right. He was good. He cared about people. He ate properly. He exercised hard. He never stopped fighting for social justice. So for John to have been taken so young makes no sense, and it does not make us any wiser.

Therefore it is very difficult to talk about the loss of John. I know his staff feel it. I know how upset they are by it and how tragic it is. I really feel their grief. I know Lynne feels it more so than anyone else, because John loved Lynne so much. He used to say to me, "I cannot believe that someone so interesting wants to live with me." Every day he just wanted to get through the day so he could go home and have a conversation with Lynne. He would say, "I can't believe she still wants to talk to me after all these years." And that is why he worked so hard—he worked so hard because at the end of the day he knew Lynne would be there and that he could have that interesting conversation with her.

What was so wonderful about John was that he never stopped caring about anyone. When Theodora, one of Lynne's students who was also a friend of my daughter, was going through a really hard time following the loss of her father, John would come in every day and say to me, "Lynda, what are we going to do? How are we going to help Theodora? What can we do? What actions can we take?" That was just John—he wanted to make sure that young people everywhere were looked after. My daughter, Anastasia, walked into his office when she was eight years old and saw that he had a push-up pop on his desk. Anastasia said, "Oh, can I have that?" And John said, "Oh, no, I am going to get those banned." Tears welled in her eyes and her bottom lip pouted a bit. John realised he was about to have a crying eight-year-old in his office and he madly ran around the office looking for organic chocolate to give to Anastasia so that she would not cry. Of course she refused the organic chocolate and immediately organised a protest with her friends out the front of John's office, and fortunately push-up pops were never banned.

John always had your back. John would always look after you. During the last Parliament when I was the Deputy Whip quite often the only people on this side of the Chamber would be John and me. I knew that whatever was happening John and I always had each other's backs. If he needed a seconder I would be there. And he would second me when I needed it. I remember Cate Faehrmann came in one day—and I am not sure how The Greens processes work but they had elected her as their new organiser—and said, "You have to tell me what is going on now." I said, "You do not understand. I don't tell John Kaye what's going on; John knows what's going on. He is always here; he is always everywhere. Everywhere I go John is there, and he has usually beaten me to the punch on whatever is happening." That was about John's tenacity and his drive.

Lee Rhiannon got it slightly wrong in the video speech she gave at John's memorial when she said that he was stubborn. He was not stubborn; he was just tenacious. You could actually change John's mind on something. You could say to John, "You know what, that's a step too far, mate; don't do it." You could say, "Maybe that's not the best way of doing things," and John would listen and he would change his mind. He would never let go of an injustice or a change that he believed needed to happen, but you could convince him of the merits of doing it a better way.

John and I certainly come from different backgrounds, and I think that was pretty clear. One day I had a car accident when I needed to go to the funeral of Mary Ferguson. John decided that I could borrow his car. He said, "Just take my car, Lynda; it'll be fine." So I rocked up at a Ferguson funeral in a car covered in stickers for The Greens. It was not how I expected to arrive, but he found that quite amusing. Coming back from Western Sydney I filled up the car with fuel, and I made sure that I did not put E10 in it as I had a feeling that E10 would not be appreciated. I was right; apparently ethanol was a bad thing. I said, "Here you go, mate. Here's your keys. I've filled it up and it's right to go." He said, "Why did you fill it up?" I said, "Well, you know, it's the code." He said, "What code?" I said, "You know, the code; if you borrow your mate's car then you have to fill it up. That's what you do." He said, "Oh my god, I can't wait to tell Lynne that." I said, "This is the bit you don't get about the

code: It doesn't apply to Lynne." That was typical of John. He was from a background where some things would confuse him.

We took him to rugby and to other sports events. He came along to fundraisers for women's rugby and was confused about a lot of it. But I could guarantee that when it was a women's sport issue people like John were the first in line to help out. He saw the world in numbers. He did not see the world in quite the same way that we did. He took a big-picture view. He had an amazing capacity which we see only rarely in politicians. He used to rail about Peter Baldwin when he was in the Labor Party turning up at his house early for breakfast but he probably had a similar capacity to people like Peter Baldwin. But rather than sitting around and talking about it John was keen to get out there and get the job done. We will all miss him. His staff will miss him. His family will miss him. And I know his colleagues will miss him and the tremendous capacity he brought to his work. I am glad I knew him, and I am just so sorry that he is gone.

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (11:55):** I too wish to thank the Leader of the Government for giving all members an opportunity to pay their respects and to offer condolences to the family of Dr John Kaye and to his parliamentary colleagues. I extend my condolences to them as well. When I was at university we were taught very early on the sportsman's creed, which is:

For when the One Great Scorer comes to mark against your name, He writes—not that you won or lost—But how you played the Game.

Upon thinking about my contribution this morning, which will be a brief one, that was the first thing that popped into my head about how I could describe my short five years in this place and my interaction with Dr Kaye, in particular in my past 12 months in this place as a Minister. It is how he played the game that I remember. He was consistent, he was hardworking, he was honest and he was detail oriented. Those are attributes that all parliamentarians should strive to uphold. I think the Hon. Michael Gallacher summed up Dr Kaye when he said, "When he asked you a question, you listened, you paid attention and, more importantly, you waited for the next question—because he was listening to every word you said in your answer to that question." Because of his extreme intellect, Dr Kaye would be able to take your answer, which you thought was a simple answer, and the right answer, and come back at you with a harder question, using your own words to tie you up in knots.

It would send your brain into overload thinking, "How am I going to get out of this one?" He was detail oriented, he was smart and he was hardworking; and it shone through in everything he did. It is not just his contribution in this place that I will remember from my short time here; it is also the hallway conversations, particularly late at night after the House had risen. We spoke about my canoeing trips with my son and compared notes about his kayaking trips and the other little trips he would make. More importantly, he challenged me even on some of my personal beliefs. In those conversations between just the two of us in the corridor, I knew we could bounce ideas around. He would challenge me on my position on certain issues. I think many members of this Chamber also had that experience.

John had a level of interest in us and our lives, and it extended beyond politics; and this was where the personal relationships came in. He was always interested in my son and quite often would ask questions about him. But he did not just ask questions; he listened to what you were saying and he remembered, and that was what he built on for the next question the next time he saw you. I too extend my condolences to his colleagues and his family. We and the people of New South Wales are poorer for the loss of Dr Kaye but we are also richer because we served with him and knew him. He has left a fantastic legacy that will never be forgotten.

[*Business interrupted.*]

#### *Visitors*

### VISITORS

**The PRESIDENT:** I welcome to the public gallery our former colleague Dr Arthur Chesterfield-Evans. I welcome to the upper gallery student leaders from New South Wales high schools who are attending the Secondary Student Leadership Program conducted by the Parliamentary Education unit.

#### *Condolences*

### DEATH OF DR JOHN KAYE, A MEMBER OF THE LEGISLATIVE COUNCIL

[*Business resumed.*]

**Mr DAVID SHOEBRIDGE (12:00):** Thank you, Mr President and colleagues. I acknowledge Dr John Kaye's lifetime partner, Lynne, and all of the supporters in the gallery, in particular Kelly and Lauren. I know John would have loved little Henry being in here earlier. John Kaye and Lee Rhiannon are the reason I am in

politics. It was 2001. I had been interested in The Greens and the anti-war movement. I had always loved bushwalking, national parks and the like. I was working for a then labour law firm Taylor and Scott, which did a lot of work for the construction union. At the time the Labor Government was gutting workers compensation laws.

I will not go into the politics of it, but from my work I saw that many people were going to have their benefits badly cut and would be much worse off. I do not know if members remember the pictures of John Della Bosca as the butcher, chopping down workers' body parts and discounting them. I was sent to Parliament House to try to find somebody who would prosecute the case to retain the benefits. It was the Government's plan, so there was no joy with Labor, and protecting the Workers Compensation Act did not seem to be one of the Coalition's key tasks in life. I attempted to get an interview with Reverend the Hon. Fred Nile. He took my letter and read it into *Hansard*. He castigated me for sending it to him but he read it nonetheless, and I thank him for that.

John and Lee welcomed me. We talked about the workers compensation changes and they seemed fundamentally principled and genuine about the matter. I remember sitting in the gallery watching the debate. It was one of those trench warfare nights on workers compensation; Lee was moving 100-odd amendments. John and I had worked on one amendment in particular that was about coalminers being exempted from the workers compensation changes, as so often happens because they have industrial muscle. The Act said that if a person was injured in a coalmine all of their benefits would be protected. In one of those John Kaye moments he said, "Why don't we amend the definition of a 'coalmine' to be any workplace in New South Wales?" I said, "Can you really move that? That would fix it." John said, "Absolutely."

I questioned John as to whether Lee would really move the amendment. I was sitting in the gallery when she did. It did not succeed, but I thought that these people are absolutely committed and principled in the way they do politics. And so I joined The Greens. If members want to blame anyone for me destroying their evenings in this Chamber—as John taught me to do—it is really John and Lee's fault.

John respected this place and his colleagues, although he did not always agree with everybody. He disagreed with Duncan a lot, but he always respected this place and was always looking for ways to make the Chamber more valuable and increase its ability to hold the Executive to account. He was always looking for ways to further advance his policies and concerns. John used the call for papers power under Standing Order 52 with extraordinary thoroughness and diligence. I will take Duncan up on his offer to conclude the Standing Order 52 business about greyhounds, which John spoke to me about wanting to conclude. In John's mind that call for papers was not about greyhounds; it was about maintaining the privileges and position of this House because he had great respect for it.

John also had enormous respect for the staff. I know he held the Clerk and all of the staff in enormous regard for their professionalism and the ways in which they helped him. Lynda is right: John was not stubborn, although he no doubt had that appearance. He was astoundingly smart and astoundingly prepared. If you wanted to win an argument against John you had a mountain to overcome because of his intelligence, preparation and knowledge. The fact that you almost never could win an argument was not about him being stubborn, it was just the mark of the man and his intelligence.

John was passionate about renewable energy. Indeed, his doctorate at Berkeley was years ahead of its time in looking at ways in which different and unpredictable loads from wind, solar and other renewable energy sources could be fed into the existing power grid. That was years before New South Wales had connected even one renewable power source. He brought that passion and knowledge into Parliament.

I said at John's memorial on Friday that his family must have been astounded at his career choice. John was a genuine mathematical genius with a stellar engineering career. He was coaxed to Berkeley because that university wanted his mind. When he came back to Australia he was on a rising path as an extraordinary electrical engineer at the University of New South Wales. He gave all of that up to join some ratbag bunch called The Greens NSW. John got into politics because he had vision and he saw where he could contribute. He saw that he could build The Greens up, and he did build The Greens up through his advocacy and passion and by drawing people into the party. That is a mark of his vision.

The consistency of John's politics was extraordinary. Just this morning we were talking upstairs about Hurlstone Agricultural High School. When Labor was in government John fought to stop that school from being sold off and privatised in part, because he believed in public education and public institutions. The Coalition came to government and John had the same fight to maintain Hurlstone Agricultural High School and its lands. His consistency and principles drove him on. I am our acting education spokesperson. I went to James Ruse Agricultural High School. We always had fights with Hurlstone Agriculture, particularly about the hoof and hook competition at the Royal Easter Show. We thought it was unfair that they had such a big farm and we had such a little one. Despite my conflict of interest I promise on behalf of The Greens that we will maintain our commitment to keeping Hurlstone Agricultural High School.

John's illness was brutal, unrelenting and so quick. Just before Christmas he said he had a pain in his hip. He was being treated by a physiotherapist on the South Coast. The pain became excruciating. He had some scans and at the end of January we found out that he had a terrible cancer. He then had two hip replacement operations. Any ordinary mortal would have been knocked flat just by the two hip replacements, but John kept his sense of humour, his intelligence and his rationality—and he kept us honest throughout his illness. At different times his pain was excruciating. He was put on a suite of medications.

As I said on Friday, at one point John was on such a variety of pharmaceuticals that he was quite distressed—especially after having terrible visions of Robert Borsak on two separate occasions. He blamed the ketamine for that. John eventually found that instead of taking a vast array of pharmaceuticals he could lower his load by using medicinal cannabis. He found it to be a fundamentally important way of dealing with his pain without putting him into the level of dysfunction that the huge pharmaceutical load caused.

He wanted to come back into this Chamber and move the bill on medicinal cannabis. John had worked on this for years. After his death Dr Alex Wodak sent me an email saying that John should be remembered for driving the issue of medicinal cannabis in the Legislative Council committee. John had a personal commitment to it and that commitment was absolutely strengthened by his own personal experience. He left me a voicemail message in which he said that he wanted his personal experience to be used to advocate for medicinal cannabis. That is a mark of the man. John said that the worst thing about having a terminal illness is the pain it causes one's family and friends. I disagree; the worse thing about John's illness is that we have lost him.

**Mr JEREMY BUCKINGHAM (12:10):** I make a contribution to the condolence motion for Dr John Kaye. I offer my deepest sympathy to John's partner, Lynne Joslyn, and his family. I also offer my condolences to his staff, Kelly and Lauren, and former staff member Catherine, and all the young Greens who have volunteered for John and worked in his office, including people from across the Green movement and the progressive movement for social change. I also thank honourable members for their heartfelt, sincere and considered contributions to this motion acknowledging the enormous loss of Dr John Kaye to his family, to progressive politics, to The Greens and to the people of New South Wales. I, like Mr David Shoebridge, would not be here today without the help of John Kaye. In 2002, at the same time as David, John, Lee Rhiannon, her partner, Geoff Ash, and Sylvia Hale nurtured me in The Greens. At that time I was a ratbag, bomb-throwing Greens campaigner at Orange—

**The Hon. Robert Brown:** Nothing has changed.

**Mr JEREMY BUCKINGHAM:** Nothing has changed. But remarkably John, Lee and Sylvia saw something in me—perhaps a social provocateur or someone who was prepared to say the things that needed to be said about social justice and climate change. At that time it was very difficult to talk about climate change in rural New South Wales. In fact, it was seen as a side issue in which people were not interested and we were derided. Climate change is now mainstream. John taught me to have the courage to stand up for my principles and ideals and that politics and time would sort out the rest. I had never sent an email. John said, "Jeremy you have got to stop sending faxes; no-one uses faxes. You have to send an email." He taught me how to do that. He also taught me how to write a press release and how not to get into trouble in politics.

**The Hon. Michael Gallacher:** He failed there, didn't he?

**Mr JEREMY BUCKINGHAM:** About how not to get in trouble? That is true, but he nurtured me and so many others across the political spectrum on what it means to be a politician and advocate for social change. Early on John and I were very close; later on, not so. That does not mean that I will not miss him. I had enormous respect for him. I was terrified of his intellect, of how hard he worked and that I would not live up to the standard he set. Indeed, John set the benchmark. I can remember I would be playing Bejeweled during meetings and he would be taking notes in his grid textbook about everything people had said and what it all meant.

I can remember being in this Chamber late one night when John was drawing diagrams of electrical circuits and doing mathematical equations; I was doodling away on an ACDC logo. I thought to myself at that time that I was not really trying. John was a titanic intellect. As I said, he set the benchmark for being a politician. John could be ferocious and he took so much bark off so many people in this place. In his debates he always had at least three really good points to make. He was nimble in his life and what he said. He could move from one point to another quickly and deconstruct an argument like greased lightning. He was amazing.

John was also an incredible campaigner. He taught me that our debates in this important place, the House of review, mean a lot but that social change comes from the community where we work with stakeholders. John was a relentless traveller. He was always turning up in marginal places. I can remember going to Grenfell with him—The Greens in Grenfell, come on! We did a campaign out there with Lee Rhiannon. John always turned up



and worked with all kinds of organisations—unions, the NSW Teachers Federation—and community groups. That is what he taught me in respect of the coal seam gas campaign.

However, the template was his campaign around the Tillegra Dam. No-one knew where the Tillegra Dam was or what a bad idea it was except the people on the ground. John worked with them and won that because he was relentless. Indeed, that is how I and so many others have learnt to be politicians, and I will continue to work that way. Many people have learnt so much from John. In my inaugural speech I said that it is our legacy or how we are remembered. This outpouring at his passing is an incredible expression of how important John was to political life, to his family and to everyone in New South Wales. John had an enormous legacy.

**The Hon. WALT SECORD (12:18):** As Deputy Leader of the Opposition and shadow Minister for the North Coast I make a brief contribution to this condolence motion for Dr John Kaye. I extend my personal condolences to his partner, Lynne, family, staff and supporters. Dr Kaye was elected to the New South Wales Legislative Council in 2007, but I have known him on a professional and personal basis since 2009. I knew him firstly as a ministerial staffer when I returned to New South Wales from Canberra and when I became a member of this Chamber five years ago. In this Chamber Dr Kaye was honest, humorous and relentless. He had an incredible ability to advocate and speak with authority and intelligence across a broad spectrum of issues. He could speak at length with intelligence and clarity on almost all bills and subjects—greyhound racing, medicinal cannabis, TAFE cuts, free-range chickens, the monarchy, renewable energy, public education, health and hospitals, urban planning, coal seam gas or his views on, and strong advocacy for, vasectomies.

Outside this Chamber on any given day of the week one could hear, particularly on the ABC, or read in the *Sydney Morning Herald*, Dr Kaye spell out a coherent and intelligent position on any subject. There were many occasions when we shared approaches and views, such as his sincere push to provide a humane approach to egg production in New South Wales through truth in labelling. When he was The Greens' health spokesperson in the last Parliament, Dr Kaye earned my personal respect for his principled stand in support of vaccinations or, more to the point, in reducing deliberate misinformation campaigns about vaccination. In doing so, he was taking a stand against people in his own party and the Australian Vaccination Network, which, despite its name, can only be accurately described as an anti-vaccination lobby group. I still remember Dr Kaye's comments in April 2013 to the *Byron Shire Echo* when he called the Australian Vaccination Network "disgraceful". At the time, Dr Kaye said the health Minister, Jillian Skinner, must take aim against the "voodoo claims and conspiracy theories" spread by the group. He also told the *Byron Shire Echo*:

I welcome the diversity of the debate that comes from the north coast but where the health and safety of children is concerned there is an overriding public health responsibility to ensure all children are vaccinated.

When I asked him about his stand against the anti-vaxxers, including those in his own party, he just turned to me and said, "Come on, Secord, I'm a scientist." He even correctly pronounced my surname. However, there were many occasions when we disagreed, such as on gaming, liquor regulation, religious education in schools and the State of Israel. For the record, we had sharply different views, but Dr Kaye was no hypocrite; his positions were considered and strong and he was a man of integrity. You always knew where he stood and that his standing was firmly grounded. He did not tell an audience one thing and then go to another audience and say what they wanted to hear, in direct opposition to what he had told the first audience. His word was his word and he was straight with community groups. I note that ClubsNSW, who fought with Dr Kaye, while it disagreed with him on repeated policies, admired his "passion and tenacity".

In short, New South Wales has lost a conviction politician—perhaps no more so than for the North Coast. Dr Kaye's advocacy on North Coast environmental issues will be missed, as will his contributions on health, education and animal welfare. He was one of the first to speak out against the sale of Murwillumbah TAFE and he was one of the first to oppose the construction of Byrrill Creek dam by The Nationals. Dr Kaye was born in 1955 and it is far too soon for us to be reflecting on his life, but he became one of the State's most formidable and effective politicians in a generation. He leaves us with an extraordinary legacy of community contribution. I will sincerely miss him, and so will public debate and discourse in New South Wales. I commend the motion and I extend my sympathies to his family, staff, friends and supporters.

**The Hon. TREVOR KHAN (12:22):** In speaking to this motion I pass on my sincere condolences to John's family, in particular to Lynne. I had prepared a speech thinking that it would be the best way to keep control. John knew about my tendency to lose control from time to time, therefore I thought it best to be a bit careful. Nevertheless, I will depart from the script a little. I will begin with some words from John in some text exchanges that from time to time we would have. This was after the news of John's illness broke. He wrote:

Thanks. Wanted to tell you in person before it broke publicly. I'm fine if somewhat drug f'd but I am very worried about the impacts on Lynne. She's very strong but there will be emotionally demanding times ahead for her. Mike Baird called me last night and said anything he could do he would. Cancelling network privatisation turns out to be a step too far. Thought I would try it on. Very decent of him.

New hip and I are learning how to get on quite well. Really appreciate words of support in your message. Material difference not just pain management but maintaining morale and fighting the mutant DNA fr that has moved in on my body. Going to fight as best can. Limited to communicate by text message for the next week or two. The morphine and ketamine kick in periodically destroying any correlation between beginning and end of sentences if indeed the latter exists at all.

We had a few communications but in a further communication later he said:

Great to hear from you and congrats on the 78 apology. A remarkable outcome if you view historically. I've had a difficult week with pain management keeping me away from watching Parliament. In some sense this is good news. It's bizarre to observe the medicinal cannabis issue from the other side as it were. Having now had to deal with both radiotherapy pain and cancer pain I can 100% back up Paul O'Grady's testimony. His courage and dignity remain a stand-out. My palliative care specialist is a big fan and is conducting trials for the Baird government. He sent me a wonderfully reflective email over the summer break. I don't remember what I admitted to I must say. It deserved much more of a response than I have been able to supply. I've worked out that I am duly disagreeing with the Nats especially the LC variety. I am also misagreeing with them. Sarah did great job on med. can. as she does on almost anything. I actually miss my Nats and their ways even Rick Colless in his own particularity. Talk soon.

I will concede that I think that was the drugs coming into play! I share those words with the House because I think it is a reflection of the man. As others have said, he thought of others on so many occasions: He talked of Paul O'Grady, he talked of others, he thought of me. With his passing, more important than any particular political outcome that John achieved, is his mastery of humanity. He is a shining beacon to all of us on how to live one's life, and that I will take away with me.

As some members would know, some years ago I went through a particularly difficult trot—really difficult indeed—and John was one of those who, in a sense, I was reliant upon. He gave me support and comfort. I was able to share confidences with him that I knew would remain with him, and they did. That is exceptional in this place. You spend your life untrusting of so many of us, whether they be on one side of this Chamber or the other. But John exuded a capacity for trust. John exuded, as has already been said, integrity. And, of course, it was not only at that time. As others have said, you could share your views on a whole variety of subjects as he would share his views with you and you knew that that was a confidence that he would keep and a confidence that you would keep. It was the nature of the man. He made you better for knowing him. I had intended to say much more but it does not matter in the end. He was a friend and I will miss him.

**The Hon. ROBERT BROWN (12:29):** I shall be brief. I do not have any notes either so I also have to be careful. One thing I could say to John's family and to his friends and colleagues who are here today is that every word they will hear spoken, no matter who says it, will be sincere. I will miss him.

**The Hon. SHAOQUETT MOSELMANE (12:30):** I will make a brief contribution to debate on this motion. No-one can speak with as much passion as those who had an intimate knowledge of and a friendship with Dr John Kaye. I contribute to this condolence motion, this tribute and this celebration for an honourable man—a man who hated no-one. Dr John Kaye was an incredible, passionate and highly intelligent man. As we have heard, he was a champion for a number of causes. High on his agenda was education; he wanted a fair education system for all. He wanted a system that guaranteed access to all Australians, particularly the underprivileged. He was a formidable, focused and dogged campaigner for a strong education system.

He railed against the privatisation of TAFE and he fought fiercely for teachers, schools, TAFEs and universities. Like some of his colleagues—in particular, Mr David Shoebridge—he could speak under water persuasively and he could articulate convincingly. He spoke with passion and commitment. He was a passionate fighter for human rights and he opposed all forms of intolerance, racism or bigotry. He was an articulate spokesman and a master of media grabs. He was a strong unionist and a man with strong and distinct views against economic exploitation. He was a real humanitarian. He regularly upheld the rights of marginalised people around the world, whether they were Indigenous Australians or Palestinian people. John simply stood for justice, irrespective of who was the perpetrator or victim. I respected John the moment I met him and with respect I bid him farewell.

**The Hon. GREG PEARCE (12:32):** John said that it was an honour and a privilege to have been a member of this Parliament. He said that and he meant it. I say it too. It is an honour and a privilege to have been John's friend, to have shared time with him in this place, to have shared mutual respect, and to have noted the respect he had for every member of this House. I offer my deepest sympathy and condolences to his family—I do not know them well, but he was a great man—to his staff, his former staff and his colleagues and friends.

Many members have spoken of John's intelligence. I admit that I was in awe of that, although I was more in awe of his ability as an orator. I have some notes today, which is a compliment to John because I want to make sure that I stay on track. As we all know, John was capable of making a compelling and convincing argument on almost any subject. In fact, often his role was to ensure that this House did exactly what it was meant to do; that is, consider all views when dealing with legislation and other important matters. I was in awe of John's capacity to work. This is a place for self-starters and John was up there with the greatest self-starters of them all.

Unfortunately, last week I could not join in the celebration of John's life, for which I apologise. I had a commitment on the South Coast and there was no way I could get back for that celebration. However, I know it would have been wonderful. John was determined and passionate. I hope that when I leave this place somebody will say that I had a few passions. John was incredibly passionate and he managed to ensure that he kept governments of all political persuasions to account. I will relate one story about Tillegra Dam. When the Liberal-Nationals Coalition came to office I was Minister for Finance and Services but secretly I was also the Minister for Water, the Minister for Housing and various other things. One of the problems I faced straightaway was Tillegra Dam.

Tillegra Dam became an issue because a former Leader of the Opposition, in an unguarded moment campaigning in Newcastle, said he would not proceed with Tillegra and that he would commit the money that was saved to other infrastructure. Unfortunately in doing so he forgot that the money that would be saved was future water rates from people in the Hunter region. I was left with a major problem. I agreed with John as he was right. He managed to organise a campaign that kept us on the run for years. I had to spend an inordinate amount of time going to Dungog and to Newcastle and being exposed in the *Daily Telegraph* for doing my job by going there. John succeeded in ensuring that that stupid decision was dealt with properly.

That was just one of many things that John was able to do. John and I have two other things in common. I have another confession: I too was born in 1955 and I experienced a similar loss—a couple of years ago my mother died from cancer so I understand the pain that his family members are feeling. I wish John's family all the best in getting through this phase. One thing that will remain with us all is the sight of John delivering one of his fantastic speeches but, better than that, John having a laugh or making a wisecrack and his impish sense of humour. Congratulations on a great life, John Kaye.

**Reverend the Hon. FRED NILE (12:38):** I thank the Hon. Duncan Gay for giving us an opportunity to contribute to the debate on this condolence motion. I remember the condolence motion for my wife, Elaine, who served in this Parliament for 14 years. John gave a moving tribute to my wife, who also died of cancer. I greatly appreciated John's friendship and his sincere wishes. I attended the celebration of Dr John Kaye's life on Friday 27 May. It was moving to hear the contributions of those who knew John and who shared his life story. The celebration included John's own comments in a video. I was particularly moved by the contribution made by his partner, Lynne, and express condolences to her. I was very interested to hear the remarks made by his sister, who spoke about John's upbringing.

John and I worked closely in the upper House on issues that concerned us both, such as the influence of gambling and racing. That was his portfolio. We sought to put forward joint policies between the Christian Democratic Party and The Greens on those issues. We also agreed on health matters such as the harmful impacts of tobacco and alcohol on society. As a former public school student I supported John's strong stand on public education while acknowledging that the Christian Democratic Party sees a place for private and Christian education in our State. On some issues we disagreed strongly, but this is not the time or the place to talk about them. John was a formidable opponent, brilliant in his arguments and deductions. He was always very polite and considerate. I found him easy to work with in the many committee inquiries where we worked together. I appreciated his sincerity and his contribution. God bless Dr John Kaye.

**The Hon. ROBERT BORSACK (12:41):** Many thoughts come to mind about my interactions with Dr John Kaye over the six years that I have been in this place. I was always impressed by his intellect. I really appreciated his impish sense of humour. He quite often saw the funny side, especially of me, in committee inquiries. He was easy to talk to. I found him very easy to deal with. He was a decent human being, a really nice person and a good man. We did not agree on very much. He was always right and I was always wrong. His problem was that I would not accept that. But, that aside, John always enlivened the debate. He lifted the level of intellect in the room. With his opinions and ideas he came from angles that, quite often, I had not thought about.

I extend my personal condolences to John's family. It was a privilege to work alongside John on many committee inquiries. Although we had differing views on many issues, we were always professional and courteous to each other. We never heard an ill word from John. Sometimes he would hold his breath or mutter under his breath, but where I would issue an expletive he would not. The inquiry into greyhound racing was testament to that courtesy, given our opposing views. We also worked together on the inquiry into medicinal cannabis. I came to that inquiry with an open mind, not having any idea about the potential use of medicinal cannabis to alleviate pain. John's passion for and insight into the potential uses of medicinal cannabis opened my eyes, especially in alleviating pain and providing comfort to the ill. I do not know whether John tried it himself while he was undergoing treatment.

**Mr David Shoebridge:** He did.

**The Hon. ROBERT BORSAK:** He did. We found common ground in many of the findings of the inquiry, and the Government is now implementing some of the recommendations. John's insight into and understanding of that issue educated me and led me to agree with many of the findings of the inquiry. Much of it we simply could not argue with. John will always be remembered as an honourable man who was passionate in debate. He was a real advocate for his constituents. One never misunderstood what John was talking about. He always clearly stated his position and it was well understood by the time he left the lectern. Not long after I came to this place, the current Government came to office and we saw in the Legislative Council the longest debate that I have ever seen or will ever see. Through that debate John and Mr David Shoebridge contributed to the changing of the standing orders of this House. I remember the Leader of the Government saying to our party, "What would you say if I do this?" We said, "We would agree with you 100 per cent."

It is never easy when someone departs life so young. I hope John's family and friends can take solace from the knowledge that they were privileged to have someone like John in their lives. It has been our privilege to have known him, even for such a short time. It is a privilege to have worked with him. May he rest in peace.

**The Hon. MICK VEITCH (12:46):** I associate myself with the motion moved by the Leader of the Government and express my condolences to Lynne, to John's family, to his current and former staff and to his colleagues. John was a member of the class of 2007. Unfortunately, he is the second member of the class of 2007 whose passing we have had to reflect upon. When I heard of John's passing I took a moment to reflect on all the good points about John. When we come to this Chamber we follow in the footsteps of others. John left deep footprints for whoever follows him. John said to me one day, when I was on the government benches, that we should take a moment to learn about the good things that each of us brings to this place, regardless of what we believe in. I thought about that comment as I reflected on John's passing. I thought about the qualities that we all bring to this place. I started to write down a list of John's good points. In the end I put the pen down.

There is a word to describe what we do for a living—we are politicians. We are legislators. Dr John Kaye was a parliamentarian in the true sense of the word. When a current or former member of this place passes away, we stand in silence for a minute to remember them. Every time we stand up, my colleague the Hon. Penny Sharpe says to me, "You know one day they will do this for you." This is the second time I have participated in debate on a condolence motion for someone from the class of 2007. It is difficult.

I first met Dr Kaye at the parliamentary orientation day. We had a few comments over a cup of tea. Not long after that we were appointed to the Standing Committee on Social Issues, to which the Hon. Trevor Khan was also appointed. We had our first trip away—Trevor and I were reflecting on this yesterday—to Armidale. It was an important inquiry into Indigenous disadvantage and bridging the gap. We went to a cultural centre and as part of the visit we were each given a tie with an Indigenous design. John in the end gave his tie to Trevor Khan. But at the end of the next financial year I happened to be reading John's pecuniary interest returns and I saw that he had declared that \$20 tie on his pecuniary interest returns as a gift. That says a lot about John. He did all of that and he took this role extremely seriously.

John's view was that we are here to make changes and we are here for the people who cannot be here. We represent those who, for whatever reason, are unable to be in this place. The Hon. Mike Gallacher is right; we are different from the Legislative Assembly. We do get to meet each other and converse, and we get to know each other really well on committees. Behind closed doors, on any of those committees on which I served, in our deliberative meetings when we were pulling apart the chair's draft report Dr Kaye's intellect astounded me. I was in awe of the man's abilities. Amendments would be put forward and John could always provide a very clear statement about the long-term impact of that amendment and what it meant in real terms. I appreciated serving on committees with Dr Kaye. John, the lessons I learnt from you were: work hard; get up at 4.00 a.m. and be the first one talking on the ABC; and, most importantly, always remain a gentleman and leave this place with your reputation and your integrity intact. John, you did that; and I will miss you.

**The Hon. MATTHEW MASON-COX (12:51):** We in this House have certainly lost one of the great advocates, one of the great intellectuals and one of the great warriors for his cause. I express condolences to Lynne and her family. John will be greatly missed in this place, and he will be greatly missed in lots of other places. He was certainly a gentleman. I greatly respected the wonderful contribution he made to this place. I too had very different views from him on many issues but I never resented the debate that John brought to this place. I thought it was wonderfully constructive in many ways, and I think this place was all the better for it.

Like everyone in this Chamber, I have many memories of John. He always brought a smile to my face on the many occasions on which we had discussions. I remember in particular one discussion that I would like to share today. I had quite a few debates with John in halls and clubs around New South Wales. On one occasion I was given the job of going to Narooma to speak. This was after the Government had made some cuts to the education budget early in its first term in office. I was asked to go to Narooma and to speak there because the Minister for Education could not make it on that occasion. I do not know why I was given the bunt. I was told that

it was just an innocent gathering of people who would be having a chat and I needed to put forward the Government line on why these cuts were important, and this was pre-Gonski of course. So I went there, in a fairly unsuspecting way, thinking that a small group of people would appear, that we would have a chat and that I would robustly put the Government's view.

Lo and behold, I arrived at the Narooma golf club and I could not find a parking spot. I walked into the club to find the biggest lynch mob I had seen in a long time. There must have been 400 or more people in the auditorium. John could play an audience. He got up there, strummed his guitar and played to the crowd. I thought, "Am I going to get out of here with my shirt on? Am I going to get out of here alive?" But at the same time he had the good grace and the dignity to always give others an opportunity to put their point of view. I will never forget rising to my feet in that room in Narooma that evening and putting the Government's point of view. I think John had lined up a fair few hecklers in the audience. They were very passionate in putting forward their case.

I thought there might be half an hour of questions but I was still there three hours later. I was determined that I would not take a backward step and that I would answer every question that was put to me. Three hours later we finished. At the conclusion—and I think everyone was ready to leave on the basis of exhaustion—John stood up, took the microphone from the master of ceremonies, who happened to be a fellow unionist, and said, "I would just like to thank the Hon. Mathew Mason-Cox for coming along and for being here all this time to answer all your questions." He very graciously thanked me, and I think that was the mark of the man.

He was always willing to put his case, and he did so as strongly as any advocate I have ever encountered, but he was always thinking of the other person as well. He was always graceful and dignified in the way in which he handled himself. I will miss him tremendously, as I know many in this place will. I will reflect now on some words from John's maiden speech, because I think this sums him up. I take members back to his maiden speech, which I think is appropriate on this occasion. Some of the first words I heard John say in this place were:

... in the great Australian history of struggle—a history of social justice activists, unionists, environmentalists and stirrers, people who created a powerful tradition of taking the notion that it does not have to be this way and translating it into action.

That sums up John to me. He was a social justice activist, he was a unionist and he was one hell of an environmentalist. Indeed, he was a stirrer; and he used all his intellectual ability to stir up action and to stir up the case for change. He has made a wonderful contribution to this place and to this State. The great legacy he leaves behind is reflected in those words he delivered in this place, and that will be his legacy for time immemorial. I certainly will miss him. May he rest in peace.

**The Hon. PAUL GREEN (12:57):** On behalf of the Christian Democratic Party, I make a contribution to this condolence debate, and I thank all members for the contributions that they have made. We have certainly heard a broad story about John. I will focus on one issue that I enjoyed working on with Dr John Kaye—that is, the Martins Creek Public School. Dr Kaye and I put forward a motion to the House to release all documents held by his beloved Minister for Education. It was hard for John to do but I really appreciated that he took the high road and went for the higher moral issue at hand rather than those in the education department.

The motion was passed without dissent, which was a real miracle in this House. We were counting on John to establish the select committee that had been put forward. The Greens, the Labor Party, the shooters and fishers party and the Christian Democratic Party all supported that motion. The motion was moved months after concerns had been raised by Dr Kaye and I, on behalf of school communities, about the lack of transparency and clarity around the consultation process and the closure of smaller schools. I gave an adjournment speech on the Martins Creek Street Public School, a small but valuable school in a rural part of the Hunter region of New South Wales.

The school's objective was to provide a happy, caring and supportive learning environment where children gain knowledge, skills, values and attitudes to be successful members of the community. But this school was different—it had a little kid with Down syndrome and other complex needs. It was this value that John held above his beloved education department—to help this little kid to continue to improve and to have the right environment around him to thrive. Martins Creek Public School has a strong emphasis on literacy, numeracy, technology and the performing arts.

The school also places an emphasis on the importance of nurturing and fostering the education of children with disabilities. Over the years it has provided a hospitable environment for a number of disabled students. The school is particularly skilled in managing students with Down syndrome. The Department of Education and Communities threatened to close Martins Creek Public School even though a little boy with Down syndrome and complex needs was thriving and making incredible gains. I worked with Dr Kaye to spearhead an upper House inquiry into the closure of public schools. That committee made 10 recommendations, including that Martins Creek Public School be kept open to allow that student to finish his education.

Sometimes we do things in this Chamber for thousands, hundreds of thousands or millions of people. On that occasion Dr John Kaye and I worked for one person. That was his character: He had the ability to pick the important issues and run with them. John will leave many legacies, but I believe the legacy he has left for that young child will be one of his most important. One can use their power and influence for many things, and on that occasion Dr Kaye used his for one person. For that he ought to be congratulated.

The Christian Democratic Party did tussle with John. I think we were his favourite party apart from The Nationals. In Bible college there was a thing called sandpaper ministry. As members can imagine, sandpaper ministry rubs you up the wrong way. It forces you to check your attitude towards and dealings with people. It teaches you to be more humble and forgiving. Sandpaper ministry makes you focus on who you are and asks whether your character really matches the wonderful character of Christ—which, of course, it does not once you get rubbed up the wrong way.

I liked to think of John as the sandpaper ministry of this House. He certainly performed that role in the community. His advocacy made me focus more on what I believe, as I think it did for many members. For me, the most important thing was to fully understand the roles of chaplains in our schools and the role of special religious education in young people's lives to help them develop and give them more holistic schooling. We can thank John for making me as passionate about retaining those measures as John was for removing them.

John also left other imprints on me. I remember when he spoke about horses dying at the end of races. He said that a screen would be put around the horse and the horse would be put down. That was it. Nothing was said about the horse, the tote was paid and people would move on to the next race. That was powerful for me because I had never thought about the horses. He also spoke about free-range chickens and truth in egg labelling. He was also passionate about problem gambling in New South Wales.

I say to Lynne that as the former mayor of the Shoalhaven I know how much John was looking forward to spending his time at Erowal Bay. In the months before Christmas he was all but salivating with the idea that he would be soon be on the beautiful Shoalhaven beaches and enjoying his time with you. It is incredibly sad that he was not able to spend his future down there as he planned. I know you two had a bit of a nest there and were looking forward to those days. Of course, Lynne, our hearts are open to you. If you are in the Shoalhaven please knock on our door. We would be more than happy to have a cup of tea and then jump on the paddle boards.

Above being a politician and a member of The Greens, John was a person and this Parliament is a family. At the end of the day there is nothing more valuable than being able to honour each other in this place. I thank the Government for giving us the opportunity to speak to this condolence motion today. It has been important to put on record our thoughts and acknowledge that we are still grieving. John's death was a shock and remains a shock. The coming months will allow us to deal with those thoughts.

I felt a little sad that John chose to keep his burden close in his last days. I desperately wanted to see him and give him my time, but I respect his right to deal with his illness in his own manner. I like to think that we could have played more of a part in the great battle he fought in those last days, but I respect his choice to remain solely with those closest to him. Through life we seek to write our own song. Today we have heard some of the lyrics of Dr John Kaye's song. There will be more lyrics to come as the people he invested in such as Mr Jeremy Buckingham, Mr David Shoebridge and others continue the music. Through them the legacy of Dr John Kaye will continue.

**The Hon. DANIEL MOOKHEY (13:05):** As the newest member of this House it is true that I spent more time observing Dr John Kaye than serving with him. I am moved to speak to this condolence motion for the simple reason that I took part in my first parliamentary inquiry with Dr Kaye, which was in respect of the TAFE system. The Hon. Scott Farlow was another new member on that committee. I also took part in my first estimates committee hearings with Dr Kaye. In the course of those hearings I came to understand what a wonderful teacher he was, particularly in regard to the procedures of this House and how its processes can be leveraged to serve the people of New South Wales. On top of that, Dr Kaye showed us the character traits that we ought to exhibit as activists and politicians regardless of the causes we support.

I came to learn from Dr Kaye about the need to combine reason and faith in our role as politicians. We need reason, because that is precisely the way in which you win. If we look at all the ways in which Dr Kaye won—be it in respect of Tillegra Dam, the shift towards renewable energy, or even creating an understanding of the impact that energy regulation has on the speed of energy transformation—Dr Kaye showed tremendous reason. More importantly, he understood that his reason had to be conjoined with faith.

Particularly for members on the left who are fighting long battles, faith in social justice and in their ability to win is what sustains them. I saw that firsthand with respect to TAFE. Dr Kaye twiggged to the impacts of certain proposals regarding the TAFE sector long before many others. Serving on that inquiry alongside him I was able

to see just how relentless he could be. Setbacks such as the dismissal of staff, the unwinding of programs and the abolition of disability counsellors moved him at a personal level and drove him to action. He was able to endure a great deal of setback during the course of the struggle.

I saw how Dr Kaye was greeted at TAFE campuses as a genuine friend to all people who worked with him. I also saw the maturity with which he carried the hope they placed in him. He was not promising easy victory or overnight change. He was honest with them that if the times were to change it would require great struggle, faith and persistence. He showed all of those qualities throughout his service. With respect to the ongoing campaign for TAFE, the tide is indeed turning. A lot of that is because of Dr John Kaye.

I am pleased to have had the opportunity to experience Dr Kaye's wicked sense of humour. I recall quite fondly my first speech in this place. With all of my friends gathered in the gallery, I was sitting nervously—as I think we all were before our first time speaking in this Chamber. I was focused on the task before me, only to have my focus interrupted by Dr Kaye sidling up to me and saying, "Mate, I'm just about to bung on a division. Hope it doesn't screw up your speech." He continued with his torment. In that speech I made some comments about my views on this House, which prompted Dr Kaye to corner me in the corridor and give me a complete history of unicameralism. On top of that, he cited the misbegotten experiment in Queensland. The level of detail he displayed during that debate was enormous. In fact, it was enough to move me to check on Wikipedia whether the details were correct. I have to confess he was wrong in almost all of them, but he had said them with such conviction that I was persuaded.

**Mr David Shoebridge:** That is all he needed.

**The Hon. DANIEL MOOKHEY:** I should check with Queensland *Hansard*. Mr Shoebridge makes a good point. Like many who become formidable opponents of the Australian Labor Party, Dr Kaye had an early history in the Australian Labor Party and this has been reflected upon earlier in this debate and also in the obituary by Mr David Shoebridge published in the *Sydney Morning Herald*. Indeed, Dr Kaye's trajectory through the Australian Labor Party to The Greens has left me with much to reflect upon: What is it about our party—be it those who joined the conservative side, Holman and Hughes, or those of us who have joined the more progressive side to the Left—that causes people to reach that conclusion? I will have time to reflect on that. I will also be reflecting on how our party has to change in order to remain a broad tent so that the people who support Dr Kaye can find an equal home in our party. But whilst I am doing that I say to his family, staff and supporters that I sincerely wish that I had had more time with him in this place.

**The Hon. SARAH MITCHELL (13:10):** I, like other members, appreciate the opportunity to speak to this motion and offer my condolences on the passing of Dr John Kaye to his partner, Lynne, family, friends and supporters. I also offer my condolences to his staff. I do not pretend to know his staff particularly well but it has been apparent to me in the five years I have been here just how much John's staff loved working for him. In this place our staff often see the best and the worst of us. Although it may not be very politically correct to say this, it was clear to me that his staff loved him and I know that they will miss him. We share your grief.

A lot of the things others have said about John cover how I felt about him, but I wish to make two observations in particular. Firstly, I was thinking about the first time I had a proper conversation with him. When I came to this place in 2011 there were a lot of new members. I had that weird feeling you get when you are not quite sure where you are at or what you are doing. I had probably been here for a couple of months and I spoke to John in the lift. I commented about how I was off to buy a present for my sister-in-law and to that he said, "Oh, that's Ant's sister." I had never really had a conversation with John one-on-one. Traditionally The Nationals and The Greens are more political foes than friends but he knew my husband's name and he knew I had a new sister-in-law. There was no political advantage or reason for John to know much about me but he did. I thought to myself—and I am a bit embarrassed to say this—he is a Green and he is actually a really nice guy. The more I got to know John, the more that was obvious.

Other members have commented on how John would always remember things, and he did. He always asked me about Ant and Annabel. He remembered things I had said about my family previously. It was not just niceties in the lift; he was someone who was genuinely interested in me and my family. That can be a pretty rare quality in this place and I will miss that. Secondly, I want to comment on the work we did on medicinal cannabis. I was fortunate to chair that inquiry and I entered it with an open mind. On looking back I have thought about the work that John did and the way in which he persuaded members of that committee, not through any political intent or trying to be malevolent but because he thought it was the right thing. He took the committee members with him on that journey. I probably did not appreciate at the time how rare it would be to get a committee to agree on a topic like medicinal cannabis with membership from The Nationals and the Liberals, the Australian Labor Party, The Greens, and the Shooters, Fishers and Farmers Party. It was a legacy to get us all on board and I am thankful to John for that.

Our interest in medicinal cannabis continued after the report was tabled. Indeed, we worked together on it for a couple of years. John had plenty of opportunities to play politics with the issue—for example, we had some assistance from our colleague downstairs who the Hon. Trevor Khan and I were helping to work on a bill. John knew that but he was prepared to let us do what we could. He did not care about the politics of it; he could have. He was right and ultimately where we have ended up has proved that. John did not take a cheap shot. He was respectful of us because he knew that we were also trying to get what we could for the greater good. That to me is the mark of a really genuine parliamentarian and I think that is the best way to describe John.

Others have commented that it is a shock that John is not here, and it is. In fact, I keep looking at the seat next to Mehreen and David expecting to see him. When we left at the Christmas break none of us knew that John was unwell—he did not know that he was unwell. It is odd to be back here without him and this Parliament is a poorer place. A couple of years ago we went to Tasmania to look at a few things relating to the medicinal cannabis bill. I organised the trip and Trevor Khan and Kevin Anderson came and there was never any question that John would not be included. This was not about politics or parties; it was about trying to do something about this issue. John came with us and we had a great couple of days. For me probably the highlight of the trip was the night when Trevor, John and I had dinner in Hobart. It was not a work event and it certainly did not feel as if it was a chore. It was a dinner with friends. When I remember John I will think about the nice dinner we had in Hobart and I will miss my friend.

**The Hon. MARK PEARSON (13:15):** On behalf of Animal Liberation, all the other animal groups in New South Wales, Animals Australia and the Animal Justice Party, we extend our condolences to Dr John Kaye's family, his colleagues, staff and all members of this Parliament. John Kaye was one of the first members of The Greens to raise the flag for animals. He obviously had the vision and courage to start speaking out for animals at a time when it was quite controversial, even within his own ranks. I did not come to know John that well but the first time I met him was on an exhilarating and triumphant day.

We had a meeting at Woolworths at Bella Vista in relation to cage eggs being used in the Homebrand range at Woolworths. It was quite a long meeting in which we discussed our concerns about eggs rolling out from cages with hens in them onto a conveyor belt and then going into the Homebrand range. I quickly discovered a wonderful part of John's character. In fact, I have not heard this adjective used about John before but on this occasion he was rather wicked. We put two pictures together—the hens in the cages and the eggs rolling onto the conveyor belt and Woolworths the Fresh Food People. It made them writhe around and feel extremely uncomfortable.

When we left that meeting we did not know what to expect but on the front page of the *Daily Telegraph* the next day was an announcement by Woolworths that over the following three years cage eggs in the Woolworths Homebrand would be phased out. Hence my first experience with John was a win and a celebration in getting a major retailer to lead the way in animal welfare. He also smelt something sinister about the greyhound industry so he started to investigate and peel back its layers with his extraordinary acumen and intellect. This revealed what he had intuitively thought was there. At first he thought it might be possible to reform the industry but he changed his view when the layers kept revealing more and more concerns and then came the exposé of live baiting. John courageously took a stand in relation to the systemic problems of the greyhound industry.

I only knew John for a year in this House. He was one of the first members to take me under his wing because I arrived here alone with no other member of the party with me. He was extremely helpful and very encouraging. I must admit I have learnt an enormous amount by observing this extraordinary man of compassion and his sharpness, science and acumen. During a division last night, while I was sitting on the other side of the House looking across the Chamber I could still see him over there with all his papers and marked documents, ready to stand up for the great debate.

Even though he has gone from here in a physical sense, while I was sitting on the other side of the Chamber last night I thought, "How would John have analysed the complexity of this particular legislation?" I realised that a man like John has left that knowledge and acumen with us to learn from and to use in the deliberations of this House. In my view, John lives on here with me and all of us in continuing to use that extraordinary integrity and perception to help bring a better world for the people of New South Wales and Australia.

**The Hon. ERNEST WONG (13:20):** I support the motion of the Hon. Duncan Gay. I express my sincere condolences to the partner, family and friends of Dr John Kaye following his shock passing recently. Even though I have only been in this Parliament for approximately three years, my experience of John was of a man full of energy, passion and commitment and a man of unquestionable principle. In my three years here I always tried to have a get-together with John; both of us kept saying that we would meet one day. It is my fault—I was distracted by my commitments and the day never came and will never come. That is a regret that I will carry for the rest of my life in Parliament.



I have learnt much more about John since his passing, none of which has surprised me greatly, but some of this information has both fascinated and inspired me. I learnt that John came from a Jewish background and that he had attended an exclusive private school in Melbourne. I also learnt, without any surprise, that whilst at school he rebelled, refused to join the cadets, clashed with the headmaster and rejected the school's values and politics. I guess the writing was on the wall for John's future at a very early age. Anyone who knows anything about Dr John Kaye knows that he was passionate about many issues, not the least of which was the issue of public education. He was never backward in coming forward when it came to advocating for education funding for public schools and TAFE.

He was committed to ensuring that every Australian had access to affordable educational opportunities, and he saw that as a keystone to a fair and civilised society. He joined with TAFE teachers and students across New South Wales to protest the privatisation of vocational education and training. He was outraged that TAFE was being constantly undermined by both major political parties while corporate training providers were gaining access to precious public funds. He was very passionate in his crusade to increase awareness and to promote issues he felt very strongly about, such as renewable energy, climate change and water conservation. John did not see those as "green" issues but, rather, fundamental economic drivers of a sustainable economy. He was relentless in his efforts to lead the push for environmental sustainability. He held the firm belief that Australia's electricity supply had an outdated preference towards fossil fuels over renewable energy resources, which conflicted with his plan for New South Wales to become the first State with 100 per cent renewable electricity by 2030.

Dr Kaye was an enormous contributor to debates in this place. He never shied away from controversial topics and took a very firm position against unjust and inequitable pieces of legislation such as privatisation plans and government sell-offs. In fact, he campaigned right across the State in opposition to this Government's privatisation of the State's electricity sector. John was always championing for a fairer deal on behalf of the people of New South Wales. He held a strong belief that as a community we have a collective right to determine our common future. He could be found at the forefront of major campaigns, gathering support and momentum for grassroots democracy, job creation, funding for public education, sustainable transport and the urban, rural and natural environments, to name just a few.

Let us not forget Dr Kaye's push for the banning of political donations from property developers, mining companies and tobacco and alcohol corporations; preventing the opening of any new coalmines; and the abolition of greyhound racing. He was a tireless advocate inside and outside this place. He never missed an opportunity to take a stand on issues that could adversely affect the living standards of the people of New South Wales and beyond. Whilst we may not have always shared the same political views or positions, our stands on social justice and community issues were never far apart. He was an intellectual leader and a political warrior and his presence will be very sorely missed in this Parliament.

**The Hon. SCOTT FARLOW (13:25):** The word "gentleman" stands out for me, as it does for many other members, in describing Dr John Kaye. I had the great fortune, as did the Hon. Daniel Mookhey, to serve on the inquiry into vocational education and training with him and was able to see firsthand his strength of conviction and passion and how hard he played the game on the field but the gentleman that he was off it. During that time, and as the Hon. Catherine Cusack and I often used to refer to it, during Dr John Kaye's magical mystery tour across the State, we got to spend a lot of time together. The Hon. Catherine Cusack and the Hon. Lou Amato would go off on their smoking breaks and I would inevitably find myself with John. If we had a discussion about politics it would often be a case of us butting heads, but if we had a discussion about humanity John and I would often find ourselves in furious agreement.

His love for his partner, Lynne, would always shine out and he always showed an interest in my family as well. The Hon. Adam Searle said that maybe John was not recognised as being a machine man. John and I had many discussions about the intricacies of Liberal Party internal politics and Greens internal politics and I remember before both of our State conferences we had a discussion while we were heading back on the bus. John asked me what was going to happen and I said to him that in usual Liberal Party tradition there would be a lot of fanfare before and a lot of argy-bargy but on the day things would all be resolved and it would just be a very peaceful event.

John remarked that things in The Greens were very different from that, that often leading up to a conference it was peaceful and quiet but on the day, being a party of protest, everybody wanted to register their protest, and The Greens were not used to having the numbers so the smallest debates could always get out of hand. We seemed to have a bit of admiration for each other's systems and each other's experiences. I made the mistake in this Chamber once of calling him the Hon. John Kaye, to which he shot back to me, "I am not honourable". Then I said, "Mr John Kaye", to which he shot back to me, "Whippersnapper, that's Doctor to you". So to Dr John Kaye I say: I am sad that I did not get to know you better but I treasure the time that I spent with you. I am sure that the people of New South Wales are much the better for your contribution to our State.

**The Hon. PENNY SHARPE (13:28):** There is not very much more to be said and I will be very brief but I want to say the following things about Dr John Kaye: smart, funny, caring and absolutely relentless. Public education in this State has had no greater champion than John Kaye, and as someone who is a firm supporter of and believer in the promise of public education and the reality of what it delivers, it is very sad to see his passing. The movement for public education and free education for all has lost a true champion. I also wish to reflect on his great passion for TAFE. As we know, TAFE is one of the greatest public policy outcomes and systems that this State has ever built. I think that we will look in the future at what is happening to TAFE and feel great regret at what is slipping through our fingers.

That will not be through any lack of trying from John Kaye, who stood up at every moment. He has called out the Labor Party; he has called out everyone to try to focus on the importance of TAFE as a second-chance place for education, as a place for fine arts, as a place for people to learn new skills and for us to train our trainees and apprentices for the future. There could be no greater champion for the teachers in TAFE and public schools than John Kaye and I salute him for that.

I reflect also on something that the Hon. Daniel Mookhey reflected on as a member of the left of the Labor Party and the reality of hand-to-hand combat in which I have found myself with The Greens for probably more than a decade. John and I had many quite furious disagreements. We had many chances to be fighting against one another in the votes for progressive voters in the inner city. There is much to reflect upon in that fight and that ongoing discussion as we lead into the Federal election, but I reflect also that one of the things about John that was always fantastic—and everyone has reflected on this—is that as a leftie one always knew that basically he and you pretty much shared the same view about what the outcome should be. We probably disagreed greatly about the best way to do it, as the Hon. Michael Gallacher said, but fundamentally we had the same view.

I share one story about John relating to the same-sex adoption debate in 2010, which was a very close debate. Members were given a conscience vote and there were literally a handful of votes in this. Many members are nodding; they remember this. I remember being caught in the middle of this discussion. Essentially it was a giant fight between Frank Sartor and John Hatzistergos around the intricacies of anti-discrimination legislation. It really got very messy and we were all very worried that this important reform was going to be lost. To that point John had not been particularly involved in the discussion but I remember trudging across to his office, knocking on the door and fighting my way through his piles of paper as he was getting ready to do the many different things that he did.

I remember sitting down and he just said, "Look, Penny, just tell me what you need." I talked through the detail. He said, "Look, we're on the same side. We want to get this up. I'll trust you. When we have a division, I'll just walk in and follow you wherever you go. We'll do that." We had had some pretty big stoushes over the time and that was one of those moments when you know that we actually made a difference to something that we cared about deeply and I want to thank him for that. Finally, I really want to say to Lynne, David, Mehreen, Jan, Jeremy and John's staff: We really, really miss him. Thank you so much for sharing him with us. The people of New South Wales are better off for having had John Kaye in the New South Wales Parliament.

**The Hon. CATHERINE CUSACK (13:32):** I am very pleased to be able to participate in this debate and thank the House. I realise the debate has been lengthy, but I share my own memories and admiration for the late Dr John Kaye. I remember when he came into this House following on from Lee Rhiannon. There was some relief amongst members when Lee Rhiannon left but then we were warned not to be too relieved because the real brains of the operation was about to descend. There is absolutely no doubt that from the moment Dr John Kaye arrived he impressed with his intellect.

I find him very interesting as a person. He was from a Jewish background, yet he was such a strong champion of Palestine. He had been educated at Scotch College, yet was probably the greatest champion of public education in this Parliament. His background and expertise was in electrical engineering, yet he was a champion of renewable energy. At one stage I asked him about these apparent contradictions. He gave that smile of his and the answer he gave to so many questions, "It is being argued from deep knowledge, Catherine." He formed the principle along the way. I would say about the way John's mind worked that he had an incredibly insightful understanding of how power operates—that is, the dynamics of power, parliaments and governments.

Mr David Shoebridge mentioned the amendment to redefine "coalmining" to include every workplace. That is the wicked John, the naughty John and his wicked ways that we all talk about; the confidence that comes with his intellect. In opposition I had the shadow environment portfolio and I was able to conspire with John against the then Labor Government, particularly over the solar bonus scheme. I had spent a lot of time working on it; he did not have to work as long as I did to get the same level of understanding because he just got it—we worked together on the legislation to try to reach some agreement on some amendments. It was always difficult to satisfy what John wanted but in the end I think we got an amendment to have an Ombudsman review.

Along the way we spoke about gas, which back at that time was being championed as the transition fuel from coal-fired power stations and the environment movement and The Greens were in the process of reversing that. The position now is that gas is no good and must be banned everywhere but I remember going through the intellectual debate with John. For all his attributes and achievements I felt that John's greatest characteristic was his kindness. He would sit down and say to me, "Don't be disappointed, Catherine." We would be debating some issue, there would be a conscience vote and I would be despondent. John would come up to me and say, "Don't be despondent, Catherine." He would say, "You're a classic Liberal. That's why you feel that way." I love that he said that. It really helped that he said that. He saw everyone for who they were, as if we were all sheets of glass and that power was only ever put to the betterment of his colleagues in this place.

While he was the ferocious politician and I would have to sit here and listen to his tirades for hours, telling me that I was a neo-Nazi, that I wanted to destroy public education, and that we wanted to close the hospitals, away from the microphone John had this highly established capacity as a parliamentarian and a colleague to be one of the people who really was the glue that kept this place together. For that to come from a Green really is a testament to his power and belief.

Finally, I do not believe people have referred to his stand on childhood immunisation. There has been a lot of division and argument about that issue, particularly on the far North Coast, where I come from. Despite John's rational belief in science, he stood up to all those hippies on the North Coast and said that The Greens stood for immunisation because it is in the best public interest. I believe all of us should be indebted to him because it is such a messy and difficult issue on the North Coast. We have mentioned many issues but he made a tremendous difference on that one.

I thank John for his kindness and for his communications with me when I had my own difficult time. The Hon. Trevor Khan referred to similar kindness. I will confess that I did assist John from time to time when he talked to me about his travels on the North Coast. The idea of John, a little Green from the inner west, doing those trips all over the ranges and out west boggled my mind. He really just wanted a few driving directions. I said, "Sure, John." I reassured him that the road was tarred and said, "This is where you get the petrol"—that sort of thing. He would say, "Thanks very much." I gained some insight into what his routes were going to be and how many places he was visiting. I said, "Whatever you do, don't tell the Nats I told you that the road was tarred." He said, "No, I would never do that." He would keep a personal confidence. He was beautiful about the way that he would keep personal confidences and he was a beautiful friend.

That John did all that travelling in what was tiger country for The Greens inspires respect for the man and shows his tenacity in his beliefs. Vale, John. I will miss you so much. As others have said, this place is far poorer for his loss. John showed us the importance of having standards and passion. He demonstrated the capacity for us to be parliamentarians, not just politicians. I believe that has had an impact on the character of this institution in a positive way. John was anti-establishment at every level and expressed that view at every opportunity in life, but he reshaped the institution of the New South Wales upper House in the best way possible. I thank him for it.

**The Hon. SOPHIE COTSIS (13:40):** It is very sad to speak to this motion. I thank the Hon. Duncan Gay and everyone who has spoken to this motion. I acknowledge Dr John Kaye's partner, Lynne, his family, his many friends and his staff. I attended the memorial last Friday. I commend all of you who organised that beautiful memorial. There was a lot of love in the room from a cross-section of the community. One must have a purpose and a drive to enter public life. We have to believe that we enter public life to make a difference, to bring about change. That also means taking criticism. John entered public life with drive and tenacity. He believed very strongly in what he was doing. Regardless of political affiliation, in public life it is necessary to have that purpose and belief and to use the power of this place—by being a parliamentarian, not just a politician—for good, for the community and to advance public interest. That is how I saw John.

I first met John when I worked for former Treasurer Michael Costa. Members who have been here longer than I have will remember the many stoushes between the former Treasurer and John Kaye. They were humorous and riveting. But outside this place the two had a healthy respect for each other. When I first came to this place Dr John Kaye attacked me in the media. Then he started to attack me in this place. When I came to this House in 2011, Labor had lost government. The Liberal Government made a number of changes to workers compensation and industrial relations. The debate in this Chamber on industrial relations lasted for four days, until it was gagged by the Leader of the House. It was amazing, to me, to see Dr John Kaye speak off the cuff in that long debate and respond passionately to interjections from members of the Government. John was passionate, dedicated and committed.

I disagreed with John on many issues, but outside the Chamber we had conversations about family and where he grew up. He would ask me about my background and why I became involved in politics. I talked to him about the barriers of growing up in a family of non-English-speaking background. John was interested. He wanted to know more. I wondered why, but as I got to know him I realised that he really did care. He wanted to understand

how it was. I often sat here at the table while John contributed to debate. He would stand at the lectern and lecture the Government and the Labor Party and I would snipe at him in his ear. I was annoying. He was very good at snapping back. We would have a to-and-fro. We learned a lot from each other in this Chamber. John was a passionate advocate for a number of causes, such as education, the environment and electricity. He was tireless in his pursuit of social justice.

When I sat at the table and John stood up to present an item of formal business or a notice of motion, we would often have a quick chat. The last time I spoke to him we chatted about education. That is something that I am passionate about. He looked at me and this time it was different. I am very sorry that I did not get to see him to say goodbye, as a parliamentarian to a parliamentarian. I offer my condolences to John's family and friends. I know how much he loved his staff. He often talked about his staff and showed photos of their babies or introduced me to their babies. Not only was John dedicated, committed, passionate and intelligent; he was also a very popular person. He will be missed.

**The Hon. BEN FRANKLIN (13:47):** I did not have the privilege of knowing Dr John Kaye for as long as most in this Chamber, so I will be brief. I knew him by reputation, of course, as an articulate firebrand, a bit of a provocateur and a passionate supporter of public education. I got to know John personally on the select committee inquiry into the closure of small schools. I associate myself with everything that the Hon. Paul Green said in that regard. What was apparent to me on the committee and in the subsequent months was John's genuineness, his genuine concern for individuals. He spoke to witnesses with a degree of care and empathy, both during and after the hearings, which I have rarely seen in others.

John also cared about his colleagues. I remember one occasion last year when he sensed that I was troubled. It was true that day. This place can be challenging sometimes. He came to my office and sat with me and we talked about life, about childhood, about meaning and purpose. When I heard the shocking news of his cancer, I, like so many others in this Chamber and around the country, reached out to him with a message that I would like to read in part. It said:

I have been genuinely touched by the decency you have shown me my short time in Parliament and have been deeply impressed by your thoughtfulness and capacity as an MLC.

Although I obviously do not know you well, John, I believe you are a wonderful legislator whose motivation is always decent and honourable.

I went on to say that I was very much looking forward to his return. But it was not to be. As the Hon. Mick Veitch said, Dr John Kaye was a true parliamentarian. He was considered, passionate and strong. He threw himself into the issues that he cared about with all the intellectual force that he could muster, which was considerable. He will be missed by all members in this place and by the people of New South Wales. On that evening in my office John and I touched on the universal words of wisdom of Dr Seuss. There is no more appropriate quote to epitomise John and all he stands for than the following, from that writer:

Unless someone like you cares an awful lot,  
Nothing is going to get better. It's not.

Vale John Kaye.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (13:50):** In reply: I thank honourable members for their contributions to the debate. We have spent three hours summing up someone pretty special and terrific. I think the words of members speak for themselves without the need for me to add to them. I commend the motion to the House.

**The PRESIDENT:** The question is that the motion be agreed to.

**Motion agreed to.**

*Members and officers of the House stood in their places as a mark of respect.*

**The PRESIDENT:** I will now leave the chair. The House will resume at 2.30 p.m.

**The PRESIDENT:** Order! According to sessional order, proceedings are now interrupted for questions.

*Questions Without Notice*

#### **WINE EQUALISATION TAX**

**The Hon. ADAM SEARLE (14:30):** My question without notice is directed to the Minister for Primary Industries. Given medium-sized wine producers such as Port Macquarie winery Cassegrain Wines have said that they will cut jobs if the Federal Government's proposed wine equalisation tax rebate changes go ahead, what has the Minister done to communicate the concerns of wine producers in New South Wales to the Deputy Prime Minister, Barnaby Joyce?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:30):** I thank the Leader of the Opposition for his question. Certainly when it comes to wine growers in New South Wales one of the things I have been able to do is talk to the Federal Government, particularly my counterpart, the Hon. Barnaby Joyce, as to how we can broaden a conversation about products that are from New South Wales and Australia, how we can start to send that message around providence, and how we can be happy to inform the consumer about where our food comes from.

Many wine producers have had a number of issues with the wine equalisation tax [WET] over the years. In fact, just yesterday I had a meeting with the Riverina Wine Grapes Marketing Board. We had a range of conversations about the industry, including the impact of the prices that some of the grape growers deal with. The latest vintage is well and truly underway and nearing completion. Most of those growers will be heading into their winter pruning processes. It is hard for them to make some of those decisions around input costs, particularly around pruning, when they do not know what price they will get for their fruit, particularly next year. That varies, particularly on the payment terms as well, from winery to winery.

At that meeting yesterday a number of issues were raised by those grape growers. That is something I will continue to talk about with my Federal counterparts, not just Barnaby Joyce, but also Senator Anne Ruston, who has carriage of horticulture at the Federal Government level and reports to Minister Joyce. I will continue to have those conversations and add issues around the wine equalisation tax. I will also raise issues in relation to the payments and the inconsistencies that we see from different parts of not only New South Wales but also the country. Our wine producers in New South Wales produce a fantastic product, a product that we all should be very proud of. We need to remember that those fruit growers are a key component of the supply chain.

I am more than happy to continue to talk to my Federal counterparts about this issue next time I run into them, and not just during the Federal election campaign. I look forward to the next long conversation being after my Federal colleagues win the election on 2 July. I am sure I will continue to have that conversation with the Turnbull-Joyce Government, which has been a champion for producers throughout New South Wales and which will continue to support our regional communities, continue to be a strong voice for our regions, and continue to stand up for our producers. Whether it is our wine producers around Port Macquarie, in the Riverina, in New England, or in that cool-climate pinot country around Lake George, they will be a strong advocate and a strong voice.

#### **PACIFIC HIGHWAY TOURISM SIGNS**

**The Hon. SARAH MITCHELL (14:35):** My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the installation of the new seven-metre-wide scenic signs promoting towns and communities along the Pacific Highway?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:35):** I thank the honourable member for the question; it is an absolute cracker.

**The Hon. Greg Donnelly:** Hard hitting.

**The Hon. DUNCAN GAY:** It is hard hitting. In a first for the State, the New South Wales Government is installing new seven-metre-wide by four-metre-high location signs along the Pacific Highway.

**The Hon. Penny Sharpe:** Is that what you are scraping the bottom of this barrel for?

**The Hon. DUNCAN GAY:** There they are, the Labor Party. Location signs for the communities along the Pacific Highway and the Labor Party says we are scraping the bottom of the barrel. They have total contempt, they do not give a damn for those communities that have been bypassed by the highway, and that member in particular, who is the former Transport spokesman, does not give a damn.

**The PRESIDENT:** Order! Government backbench members will contain their enthusiasm.

**The Hon. DUNCAN GAY:** It is obvious to anyone that has any knowledge of regional New South Wales that there are problems for communities that are bypassed. If she had actually spoken to her colleague sitting beside her, rather than making an inner-city nesting comment—

**The Hon. Shaoquett Moselmane:** Point of order—

**The PRESIDENT:** The Minister will resume his seat.

**The Hon. Shaoquett Moselmane:** A couple of times the Minister has called the Hon. Penny Sharpe "that member" and "she". She has a title and I ask that the Minister use it.

**The PRESIDENT:** While I am particular about upholding past Presidents' rulings, I do not think the Minister was traversing them. The Minister has the call.

**The Hon. DUNCAN GAY:** On Monday I was joined by that wonderful member for Port Macquarie, Leslie Williams, to see the first sign installed on the North Coast at Moorland, which shows off the area's scenic and rural landscape. The signs are designed to better promote towns by bringing to life the characteristics of North Coast communities, and to attract visitors. The signs will help to ensure that local towns that have been bypassed remain on the map and in the minds of those going by. Local economies continue to grow. With signs as big and as bold as these, motorists travelling along the highway will know what they could be missing out on.

We want to make it as easy as possible for people who travel along the highway to discover regional towns and stop there, get a bite to eat, talk to the locals and even stay a night or two—or, as the Hon. Walt Secord likes to do, have a pie or two, three, four, five or six. A professional photographer was engaged to take photos based on the theme and the community voted on a preferred image. The next signs to be installed in Port Macquarie include a sign at Johns River, which will include a photograph of the view of South Brother—the honourable member would know the "brothers" are the mountains—and a sign at Kew, which depicts the view of the Camden Haven River area from North Brother.

**The Hon. Mick Veitch:** A lovely area.

**The Hon. DUNCAN GAY:** It is a lovely area. This is a great outcome for the community, and I look forward to seeing more signs being installed, with the next phase of installations focusing on Bulahdelah, Woolgoolga and Ballina. The new signs will complement current directional signage along the highway which informs motorists of the kilometres and the directions to their destination. This Pacific Highway duplication is more than just a highway upgrade; it is a project that is reinvigorating North Coast communities. We have to make sure, as we provide this great piece of infrastructure, that we look after the people in the communities that are bypassed. This is the first time we have ever had these new location signs. When people drive up there—except for the Hon. Walt Secord, who always flies, so he will not see them—they will see these new signs.

#### **RAT ERADICATION PROGRAM**

**The Hon. WALT SECORD (14:40):** My question without notice is directed to the Minister for Primary Industries. What is the Minister's response to public health concerns of restaurant owners and local residents worried about the appearance of dead rats littering Bondi Junction streets, for up to a week, due to a bungled rat eradication program? Is he confident that the State Government is taking all necessary steps to prevent the spread of disease?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:41):** I thank the Hon. Walt Secord for his question. As his question relates to public health authorities, it would be best directed to the Minister representing the Minister for Health in this place. In relation to incidents such as this and, in particular, matters of public health, I am sure that the Food Authority has a direct line of communication and is working with NSW Health. My reaction is that NSW Health and the Food Authority at an operational level would be well and truly across this issue. I have seen nothing to the contrary and I have not been briefed on this issue by my department.

#### **NORTH COAST HARDWOOD HAULAGE AGREEMENT**

**Mr DAVID SHOEBRIDGE (14:42):** My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. Is it true that for haulage under the North Coast hardwood haulage agreement that was recently signed between the Forestry Corporation and a consortium of Greensill Brothers Pty Ltd, Brian Smith Timber Transport Pty Ltd and Hoffmans Haulage Pty Ltd, the dispatch of logs is being managed by an employee of Boral? If so, how has this obvious conflict of interest, where one increasingly dominant timber company gets to choose where hardwood logs from public forests are dispatched, been allowed to develop?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:42):** A number of factors are impacting on certainty and profitability for a large number of hardwood sawmills on the North Coast. These include past management decisions relating to the productive estate and wood supply agreements, and also factors impacting timber businesses relating to costs. The costs of harvest and haulage have been increasing for a number of years. They are a significant cost in the timber supply process and they impact directly on sawmills on the North Coast. Industry has been calling for lower delivered log costs.

With regard to the haulage element of those costs, the Forestry Corporation ran a tender process followed by direct negotiations with haulage providers to seek a better outcome for timber transport on the North Coast. The contract was awarded to a joint venture consortium following that process, which comprises three companies that represent 55 per cent of the previous haulage contracts on the North Coast. I understand that some sawmills and haulage operators in the industry are concerned about the decision. I have met with a number of these people and have taken their concerns directly to the chair and chief executive officer of the Forestry Corporation, and also to the shareholding Ministers.

The board of the Forestry Corporation, which makes these operational decisions as a State-owned corporation independent of me as the portfolio Minister, has committed to passing on the savings that will be achieved by the new contract directly to high-quality sawlog customers. I understand that the savings will be of the order of \$1 million per annum. I am advised that the consortium will draw on the logistics services of a company that has been active in the optimisation of log haulage through central dispatch operations in both New Zealand and Australia for some years. The use of a centralised log dispatch system represents a significant re-engineering of the log haulage system operating on the North Coast, with fewer log trucks likely to be required to undertake the task than at present.

The Forestry Corporation believes that the consortium's involvement is expected to have positive impacts on chain of responsibility requirements, truck movements, safety and customer service. It is important to note that, while the consortium has made the decision to appoint Boral as the joint venture manager, the Forestry Corporation advises that the contract explicitly prohibits Boral from directing the preparation and delivery of log products and species other than in accordance with the Forestry Corporation delivery plan. The Forestry Corporation will still retain control over the allocation of log volumes to customers and will remain their first point of contact.

**Mr DAVID SHOEBRIDGE (14:45):** I thank the Minister for his answer. Given that the Minister raised concerns with the Forestry Corporation, has he raised with it the concern that giving such a dominant role to just one market player may in fact be anticompetitive and in breach of Federal trade practices laws?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:46):** I refer Mr David Shoebridge to my previous answer.

#### **NATIONAL DISABILITY INSURANCE SCHEME**

**The Hon. DAVID CLARKE (14:46):** My question is addressed to the Minister for Disability Services. Will the Minister update the House on the rollout of the National Disability Insurance Scheme?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:46):** I am excited to inform the House that we are now only one month away from the biggest social reform this State has ever seen—the transition to the National Disability Insurance Scheme [NDIS]. The life-changing NDIS will give people with disability what they have fought long and hard for—real choice and control over their own lives. The Baird Government has shown time and again its commitment to the NDIS. This was demonstrated through our election commitment to roll out the NDIS a year ahead of schedule in the Nepean Blue Mountains area for young people with disability. As the Minister for Disability Services, I am proud to be standing in this Chamber, a year later, getting ready to roll out the full scheme for the people of New South Wales on 1 July 2016.

Existing Family and Community Services [FACS] clients receiving accommodation and community supports in the year 1 districts will be the first to enter the scheme, from 1 July 2016. These districts include the Hunter New England, Southern New South Wales, the Central Coast, Northern Sydney, South Western Sydney, Western Sydney and the Nepean Blue Mountains. These areas will be followed by other cohorts of existing FACS clients and other participants. My department has been writing to existing clients to provide them and their families and carers with information about how and when the National Disability Insurance Agency [NDIA] will contact them to confirm their eligibility for the scheme, and to outline what the next steps on their own personal NDIS journey will be.

The NDIS has already been a success story in New South Wales in the Hunter trial site and the Nepean Blue Mountains early rollout. The NDIS is on time and on budget, with more than 8,400 eligible participants as at March 2016, which represents 83 per cent of the expected number. Of course that number has increased since then. During the next three years, the NDIS in New South Wales is estimated to support an additional 64,000 people with disability, generate up to 28,930 extra jobs and double the size of the disability services market from \$3.4 billion to \$6.8 billion. The New South Wales Government has invested in a wide range of initiatives to support people with disability, their families and carers, the sector and the general community to prepare for the rollout.

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

**The Hon. JOHN AJAKA:** In fact, some of these initiatives have been so successful that the Commonwealth has committed to fund them nationally to support the rollout of the NDIS. Since 2011 we have invested more than \$30 million in sector and workforce development, and more than \$23 million in the Industry Development Fund.

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

**The Hon. JOHN AJAKA:** In addition, I established the Transition Assistance Program [TAP], which is a \$5 million grants fund for organisations in regional and remote areas. The grants will support small providers with a total annual revenue of less than \$3 million. TAP funding is flexible and is designed to help small providers make practical improvements in preparation for the NDIS. The successful applicants will be announced shortly. The rapid growth and reform behind the NDIS would not have been possible without that investment in sector development by the Government, and it puts our service providers ahead of the curve.

The Government is also working closely with the National Disability Insurance Agency on local engagement strategies for Aboriginal communities and culturally and linguistically diverse communities. That includes increasing awareness of the NDIS and enabling people to speak up regarding their choices, goals and aspirations during their NDIS planning conversations. I am excited for 1 July 2016. I remind members that the New South Wales Government remains committed to the NDIS. We will continue to work hard for the people of New South Wales to ensure we deliver a smooth transition to the NDIS for people with disabilities.

### **GOLD COAST AIRPORT SOIL CONTAMINATION**

**Mr JEREMY BUCKINGHAM (14:50):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that groundwater in the area affected by the perfluorooctanoic acid [PFOA] and perfluorooctane sulfonate [PFOS] soil contamination at Gold Coast Airport flows towards the Cobaki Broadwater and across to Bellinger, where many residents use spear pumps, is the Government concerned that the Australian advisory of safe levels of PFOA and PFOS are significantly higher than in the United States of America? Will the Minister be seeking to have those levels lowered in line with United States standards?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:51):** I am making sure that through my answer I give the member direct and relevant information. As I have said many times, none of my agencies are the lead agency in this area. The Environment Protection Authority [EPA] is the lead agency. I can advise Mr Jeremy Buckingham that the EPA is a State authority. It is limited in its ability to regulate Commonwealth land and agencies such as Airservices Australia. The EPA is undertaking a statewide investigation program to gain a better understanding of the extent of perfluorinated compounds [PFC] contamination, and how to address any contamination found.

The EPA is committed to working collaboratively with Airservices Australia as it carries out its own investigations for PFC contamination and is in discussions with the organisation about Gold Coast Airport. The EPA will work with Queensland Airports Limited and the Queensland Department of Environment and Heritage Protection as the investigation develops. The EPA has instigated a meeting between the Project Manager Perfluorinated Chemicals (PFC) Strategy and EPA North Branch with representatives from the Queensland Department of Environment and Heritage Protection, New South Wales Crown Lands, NSW Department of Primary Industries—Water, Airservices Australia, Department of Infrastructure and Regional Development and Gold Coast Airport Pty Ltd.

The meeting took place at Gold Coast Airport on Monday 9 May 2016. The meeting included a briefing from Airservices Australia on its nationwide program, a briefing from the New South Wales Environment Protection Agency on the statewide PFC investigation and a briefing from Gold Coast Airport Pty Ltd on the report prepared for the proposed development at the airport, which contains the information that the airport may be contaminated with PFCs. That is the information I have at hand. As I said, as none of my agencies are the lead agency on this matter I suggest that future questions be directed to the Minister for the Environment.

### **NATIONAL DISABILITY INSURANCE SCHEME**

**The Hon. SOPHIE COTSIS (14:53):** My question without notice is directed to the Minister for Disability Services. Given the release yesterday of the Ombudsman's special report into fostering economic development for Aboriginal people in New South Wales and given that Indigenous Australians are at least 1.7 times more likely to have a disability than non-Indigenous Australians, what is the Minister doing to reverse the low rate of uptake in New South Wales of the National Disability Insurance Scheme [NDIS] by Indigenous Australians at NDIS launch sites?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:54):** I thank the member for her very good question.

**The Hon. Sophie Cotsis:** I want to hear a very good answer.

**The Hon. JOHN AJAKA:** If the Hon. Sophie Cotsis refrains from speaking she will get one. I know that is hard for her. Let me talk about a number of programs we have developed that have had a positive impact



on people with disabilities, including Aboriginal people with disabilities, and have had flow-on effects throughout all communities. One program is Ability Links, which commenced in the Hunter. It became evident that the linkers who worked with the National Disability Insurance Agency [NDIA] planners and people with disabilities, and their families and carers, were playing a vital role in ensuring that people with disabilities not only entered the NDIS and obtained their appropriate plan but also had all necessary information about what services were available and which providers were most suitable.

From speaking with the Aboriginal community it became evident that we needed to take those linkers to another level. That is why we commenced the Aboriginal Ability Links program. We do not simply have one group of Aboriginal linkers for the entire Aboriginal community because, as the Hon. Sophie Cotsis would know, different Aboriginal communities have different cultures and needs. They wish to communicate with people from their own community. That is what we did.

**The Hon. Walt Secord:** Point of order: We have been listening in silence for two minutes. The Minister has not once mentioned the NDIS. I ask you to bring him back to the leave of the question.

**The PRESIDENT:** There is no point of order. I call the Hon. Walt Secord to order for the first time.

**The Hon. JOHN AJAKA:** We have developed the linkers program for Aboriginal people with disabilities so that they can access the NDIS in an appropriate manner. That is what is occurring. I am so proud of the fact that our Government developed Ability Links, which includes Aboriginal linkers and culturally and linguistically diverse [CALD] linkers, and that every other State is now looking at that program to copy it. We are happy for them to copy us because it will benefit all people with disabilities. As well as that, I know from speaking with my Commonwealth counterparts Minister Christian Porter and the assistant Minister that the Commonwealth is looking at doing exactly what we have done. It is looking at taking on ability linkers because the program has been so successful.

That is one of many programs we are running with the Aboriginal community. I have been travelling the State and meeting with Aboriginal communities as well as disability services providers for Aboriginal communities to ensure that they are prepared for the NDIS. It is why I brought in the \$5 million Transition Assistance Program [TAP] funding to allow small providers with less than \$3 million to access funding to continue to develop their system in readiness for the NDIS, in particular in remote and rural areas as well as to provide services to Aboriginal communities. I am well aware of the sensitivity of different Aboriginal communities and that they would prefer to deal with someone from their own community. They do not want to deal with a bureaucrat who has no concept of their community. That is why Ability Links and other programs for Aboriginal people are so important. *[Time expired.]*

**The Hon. SOPHIE COTSIS (14:59):** I ask a supplementary question. Will the Minister elucidate his answer by advising how many Indigenous Australians have accessed the National Disability Insurance Scheme?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:59):** Unfortunately I ran out of time but I thank the member for her supplementary question. In 2015 Aboriginal communities told us that Aboriginal participants needed to know more about the National Disability Insurance Scheme. To support and prepare Aboriginal people with disability, their families and carers to be NDIS ready, targeted gatherings and workshops are being rolled out to Aboriginal communities across New South Wales. These NDIS readiness gatherings and workshops provide opportunities for Aboriginal communities to learn about the scheme's scheduled rollout over the next two years and how to access supports.

New NDIS resources have been developed specifically for Aboriginal people with disability, their families and carers, including an Aboriginal people section on the New South Wales NDIS website. The Government is also working to ensure that Aboriginal disability providers are supported to transition to the NDIS. We have delivered initiatives, including targeted assistance with business development, online resources and networking forums. These Aboriginal resources assist Aboriginal people and communities to begin the conversations around disability and what the NDIS may mean to them and their families. As I indicated earlier, this Government has continued to undertake numerous works providing resources. I have mentioned a few but let me also mention the Aboriginal Resources and Pathways project being delivered by National Disability Services as part of the \$22 million—

**The Hon. Sophie Cotsis:** Point of order: My point of order relates to relevance. In my supplementary question I asked how many Indigenous Australians have accessed the NDIS in New South Wales.

**The Hon. JOHN AJAKA:** You did not ask me that question.

**The Hon. Sophie Cotsis:** I did.

**The Hon. Catherine Cusack:** To the point of order: I have been listening as the Minister attempted to answer the question but he is being constantly interrupted by interjection after interjection. Those opposite are wasting the Minister's time and then they dare to say that he has not answered the question.

**The PRESIDENT:** I thank the Hon. Catherine Cusack for her contribution to the point of order. The Minister was being generally relevant throughout his answer but I draw his attention to the terms of the supplementary question asked, which he might care to address in the time remaining.

**The Hon. JOHN AJAKA:** In conclusion, ensuring important initiatives like these are sustainable in the future NDIS environment is critical. We will continue to provide programs to the Aboriginal community for people with disability.

#### **CRONULLA WASTEWATER TREATMENT PLANT**

**The Hon. GREG PEARCE (15:02):** My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on the food waste pilot at the Cronulla Wastewater Treatment Plant?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:02):** On Monday I joined the Minister for the Environment, Mark Speakman, to announce the start of a trial to turn food waste into renewable energy to help power the Cronulla Wastewater Treatment Plant. This is the first of its kind for a utility in Sydney. This trial is part of a push by the Government to lower energy costs and customers' bills. The Government is committed to finding new and better ways to lower the amount of electricity we use from the grid, not only to benefit the environment but also to reduce operating costs of utilities and lower customers' bills. This project is a great example of Sydney Water and local businesses working together to look outside the square to develop solutions to benefit the environment and the local community.

Most food waste in Sydney ends up in landfill. This project will unlock the potential of fruit and vegetable waste by generating electricity and reducing emissions. Processing fruit and vegetable waste at our wastewater treatment plants is good for the environment and local business and will save our customers money. Not only will the food waste help to generate renewable energy to power the plant but also it will save 150,000 wheelie bins of fruit and vegetables per year from landfill. Renewable energy being produced from food waste will generate more than 60 per cent of the energy the plant needs to run, which is enough to power one-third of the homes in Cronulla for a year. Fruit and vegetable waste which is typically driven many kilometres away for landfill will also now stay in Cronulla. This will mean fewer trucks travelling long distances and a saving of 90,000 kilometres each year.

By generating more energy Sydney Water can buy less electricity from the grid. That is a reduction in operational costs of up to \$80,000 per year, which saves customers money. It is also a way for Sydney Water to generate revenue of up to \$400,000 per year, while providing a cost-competitive and environmentally sustainable option for local businesses that need to dispose of organic waste. This enhancement of the Cronulla Wastewater Treatment Plant adds to our city's capacity to recycle this type of waste. These are the types of partnerships that deliver innovative solutions to improve the liveability of our communities. Turning waste into energy or co-digestion is still in its infancy in Australia but the results of Sydney Water's Bondi glycerol pilot project have exceeded expectation by leveraging international best practice, with the potential to double its biogas production.

Sydney Water uses biogas to generate green energy from waste. Sydney Water's long-term 2020 plan is to provide a service for most or all organic waste streams for customers. It has developed a work plan based on the results of waste and facility audits. The work plan will see Sydney Water deliver one new co-digestion project per year between 2015 and 2018, with larger scale commercialisation by 2020. It is possible that some of Sydney Water's wastewater plants will generate more energy than it uses in the future by the use of leading-edge, energy-efficient processes, maximising the energy capture from wastewater, and adding new organic waste streams. In the meantime Sydney Water will continue to maximise the performance of its renewable energy portfolio and implement cost-effective projects to reduce energy and emissions as well as securing a better deal for its customers.

#### **NATIONAL PARKS AND WILDLIFE SERVICE PERFORMANCE DATA**

**The Hon. ROBERT BORSAK (15:06):** My question without notice is directed to the Hon. John Ajaka, representing the Minister for the Environment. I refer the Minister to the NSW 2021 Performance Report 2014-15 Budget Related Paper No. 1. Has the National Parks and Wildlife Service submitted performance data for its management of invasive weeds and pests for 2011-12, 2012-13, 2013-14 and the third quarter of 2015 as stated in the budget paper? If not, why not?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:07):** I thank the member for his question, which seeks specific details. I will refer the question to the Minister for a detailed response.

#### **BOGEY HOLE PUBLIC ACCESS**

**The Hon. MICK VEITCH (15:07):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that it has been more than six months since the Department of Primary Industries—Lands blocked public access to the famous Bogey Hole on the Newcastle foreshore, its access track and viewing platform, when will public access to these features be returned?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:08):** I thank the member for his important question. I am advised that there is a high risk of rock falls in the immediate vicinity of the Bogey Hole site on the Newcastle coastline. This risk was reported to the Department of Primary Industries—Lands [DPI Lands] in November 2015 by Newcastle City Council following a geotechnical report. Public access was closed to the Bogey Hole site, its access track and the viewing platform on 20 November 2015 while DPI Lands conducts further investigations into the stability of the sea cliff. The Bogey Hole site has been fenced off and warning signage erected. DPI Lands commissioned further detailed geotechnical investigations, which are confined to the Bogey Hole locality. A draft report has been received and is being considered. The department is consulting with Newcastle City Council and the NSW Office of Environment and Heritage on the findings of the draft report and options for addressing the hazards.

It is still safe to walk along the beach and other access points to the cliff top. The Department of Primary Industries—Lands understands that the Bogey Hole site is a popular local attraction, particularly in the warmer months. While people will be disappointed that access to the Bogey Hole site is not available, public safety is paramount until there is more known about the potential risks at the site. More information will be provided to the public as the investigation progresses and updates will be made available on the website of the Department of Primary Industries—Lands.

#### **TULLADUNNA BRIDGE**

**The Hon. BEN FRANKLIN (15:09):** My question is directed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the official opening of the Tulladunna Bridge near Wee Waa?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:10):** I thank the member for the question.

**Mr Jeremy Buckingham:** Bridges for Crookwell.

**The Hon. DUNCAN GAY:** Last week—in fact, the day before I was in Crookwell; in Wee Waa it was 28 degrees, in Crookwell it was 8 degrees with a wind chill factor of about minus 30—I had the great pleasure of visiting north-western New South Wales and officially opening the new Tulladunna Bridge near Wee Waa. This \$12.2 million bridge, which is located on the Kamilaroi Highway and crosses the Namoi River, is part of our flagship \$290 million Bridges for the Bush program. The existing Tulladunna Bridge was built nearly 60 years ago and was greatly in need of a replacement. Building this new bridge was vital to improving the State's freight productivity. The bridge, which was opened a month ahead of schedule, will provide a continuous 400-kilometre route from Bourke to Narrabri for freight trucks carrying cotton, livestock, wool, hay and farm machinery.

Wee Waa is recognised as the cotton capital of Australia, with one of the country's leading cotton warehouse and packing facilities, Namoi Cotton Co-operative, located just outside the town centre. Before we built this bridge, freight trucks higher than 5.4 metres or heavier than 42.5 tonnes were forced to take a lengthy detour via Narrabri, Moree, Collarenebri and Walgett, along the Newell and Gwydir highways. This added length meant more time on the road for freight operators—I am told that it was taking freight operators three hours longer—and higher costs for everyone along the supply chain. The new bridge will save freight operators travelling to ports in eastern New South Wales up to three hours, significantly benefitting businesses and local farmers. Efficient freight movements in and out of the region keep costs down and benefit communities in the north-west of the State.

The old bridge was not only looking a bit worn out but it was costly to maintain and was becoming increasingly unsafe for the 1,066 vehicles travelling across it each day. The work involved building a new wider and longer concrete bridge with no mass or height restrictions. This project has benefitted the local community in many ways, with it also supporting local businesses and providing 20 additional jobs. Maintaining a strong regional economy means ensuring rural industries can get their goods from paddock to port as quickly and as efficiently as possible. Since 2011, five bridges have been completed as part of this program and we hope to have a further two open by the end of the year. Watch this space. This program complements the New South Wales

Government's landmark initiative, Fixing Country Roads, which is critical to improving freight movements across the State and supporting continued growth and development in regional New South Wales. The community was ecstatic when we opened the bridge because it makes such a difference to that community.

### INTERSECTION COUNTDOWN TIMERS

**The Hon. ROBERT BROWN (15:14):** My question without notice is directed to the Minister for Roads, Maritime and Freight. Given the successful implementation of countdown timers at most intersections across many countries in the world, including major metropolitan cities in China, such as Suzhou and Shanghai, when can the people of New South Wales expect to have similar countdown timers introduced at intersections across the whole State, particularly in Sydney and in other major regional towns and cities where the pedestrian traffic is high?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:14):** His wish is our command—it has already started. Already in the central business district we have conducted successful trials and we are rolling them out. They cannot be rolled out everywhere; the trials indicated that there are certain areas in which they present a safety issue. But certainly in the middle of blocks on pedestrian crossings they work a treat and we are starting to roll them out. It is a good initiative. We are always looking for ways to help the interaction between motorists and pedestrians. We need to make crossing the road safer for pedestrians and this initiative will remove some of the frustration caused when pedestrians wander across the road and take a long time crossing. It will also help to stop the congestion that occurs when vehicles cannot turn across intersections and traffic builds up behind them.

We have identified another issue and have put an initiative into our plan for road safety, Towards Zero, in the last couple of weeks. Far too many people spend too much time looking down at their mobile phones and other devices instead of watching where they are walking. It is as frustrating as hell and you want to say, "Wake up, look around", but they do not. The Hon. Robert Brown will not be around to do that for everyone so what we are trialling in the city is coloured lights on the edge of the kerb to warn people who are looking down and not forward. It frustrates me that we have to go to that extreme.

**The PRESIDENT:** Order! Government backbench members will come to order.

**The Hon. DUNCAN GAY:** If we can save lives, even if it is Mr Jeremy Buckingham, it is worth doing.

**The Hon. ROBERT BROWN (15:17):** I ask the Minister a supplementary question. The question specifically asked when. Can the Minister elucidate his answer by giving us some idea of when the rollout will occur and how quickly it will happen?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:17):** I did indicate that "when" is now, that we have started to roll them out. As to the details of how many and how long it will take, I will come back to the member with a detailed answer.

### TAFE NEW ENGLAND TAMWORTH CAMPUS DISABILITY SUPPORT

**The Hon. DANIEL MOOKHEY (15:17):** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. As the Minister for Disability Services, what steps has the Minister taken to reverse the Government's decision to cut a disability support worker assisting a profoundly deaf and autistic student at TAFE's Tamworth campus, which will force the student out of vocational learning?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:18):** I thank the member for his question. It should be remembered that this Government has undertaken a huge amount of work in providing funding and assistance to students with disability, whether they be at school, at TAFE or at university, and it continues to do so. Of course, this will continue as we roll out the NDIS. For students with disability, we will ensure that part of the funding package permits them to obtain the services they need when and where they need—

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

**The Hon. JOHN AJAKA:** I am aware of the recent media around this issue. I am advised by my colleague Minister John Barilaro that the claims that a disability support worker supporting hearing impaired students at this TAFE has been fired are incorrect.

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

**The Hon. JOHN AJAKA:** I am further advised that TAFE is realigning its disability and careers support unit but the number of positions will stay the same.

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

**The Hon. JOHN AJAKA:** I am advised that TAFE New England has 803 students who have been identified with one or more disabilities, with 70 identifying as hearing impaired. I am informed that 50 per cent of students have requested assistance. All of these students are receiving adequate support right now and this will not change in the future. I am also advised that across its entire network TAFE NSW is also investing in new state-of-the-art assistive technology to augment its existing support services in order to prepare students to work independently after they complete their course. This includes speech-to-text tablets, special keyboards, adapted workstations, motion sensors, smart pens and class recordings. I am also informed that specialist teacher consultants continue to offer tutorial support in and out of class for students with disabilities. However, the role of these consultants has changed, as I indicated earlier.

**The Hon. DANIEL MOOKHEY (15:21):** I ask a supplementary question. Will the Minister elucidate his answer in respect of the realignment he just mentioned? Does the realignment include the dismissal of disability support counsellors for deaf students at the TAFE New England Institute?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:21):** I refer to my earlier answer, but I will give the honourable member the benefit of the doubt in relation to what he purports to be the accuracy of his question. I will take that on notice, refer it to the relevant Minister and come back.

### SENIORS CARD

**The Hon. SCOTT FARLOW (15:22):** My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister outline the latest benefits the Government is delivering for Seniors Card members?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:22):** I thank the honourable member for his question. As members are aware, at the election this Government committed \$2 million to expand the New South Wales Seniors Card program, with more discounts and deals to deliver more savings for seniors, and the Government is delivering on this promise. As members may recall, during June last year I announced a partnership with AGL that gave Seniors Card holders a discount of up to 20 per cent off their electricity and up to 14 per cent off their gas. Members also received 5 per cent off AGL tradespeople and appliances and a \$25 bonus credit for online sign-up.

In January this year the New South Wales Government renewed its partnership with AGL for another 12 months. The key features of the previous offer are still available. However, at the request of seniors the Government has negotiated with AGL to give seniors greater discounts on solar energy. We have done this in recognition of the importance of encouraging the take-up of renewable energy as requested by many of our seniors. In addition to the standard electricity discount, Seniors Card members can now get a discount of up to 20 per cent on solar energy.

To complement this, AGL is also offering seniors zero upfront payment on a solar plan, three months' worth of free solar energy and a free solar monitoring service worth \$400. As I have said many times, the Seniors Card AGL offers are not exclusive. Our members told us that they wanted more choice and greener energy options. We have listened and on 23 May I was happy to announce a new energy offer for Seniors Card members from Powershop Energy. I note that Powershop was voted the greenest electricity retailer in Australia in 2014 and 2015 by the Greenpeace green electricity guide.

The Powershop offer will offer Seniors Card holders a sign-up credit when switching electricity to Powershop, free bill comparison to help seniors choose the best deal for their circumstances, access to 100 per cent carbon neutral energy that is certified against national carbon offset standard requirements as standard and at no additional cost to customers and no lock-in contracts or exit fees. There are now over 2,300 individual businesses in the program offering seniors discounts on everything from insurance, travel and entertainment to mechanics and tradespeople. I strongly encourage all businesses to join the program and offer discounts to seniors.

Seniors Card has also been active in forming partnerships with other major corporations, including New South Wales government transport concessions, travel and business discounts. In November last year I was pleased to announce a partnership with Telstra to give seniors not connected to the internet access to a great value discount broadband bundle offer. This offer delivers on another key election commitment and I am advised that thousands of households have taken advantage of it in the first few months of promotion alone. The New South Wales Government is working to do even more for seniors to reduce their cost of living and assist them to be active, healthy and socially connected. Our seniors have made this clear: Every dollar saved is a dollar that can be used for other purposes that they require. I look forward to updating the House with more Seniors Card deals.

### COAL PRODUCTION FORECASTS

**Mr JEREMY BUCKINGHAM (15:26):** My question is directed to the Hon. Duncan Gay, representing the Treasurer. Given the latest Reserve Bank of Australia statement on monetary policy, which says, "the scope for additional growth in coal exports appears limited, given weak global demand for coal and the relatively high cost of some Australian production", will the Government be revising the figures projecting significant growth in coal production and royalties contained in the intergenerational report, particularly for the upcoming New South Wales budget?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:26):** I thank the honourable member for his question. Normally it is the members of the Labor Party who are trying to get the inside information on what is contained in the budget. Whilst I will take the question on notice and refer it to the Treasurer, a Government priority is not to disclose, for obvious reasons, what is in the budget until budget day. It is going to be a great budget but Mr Jeremy Buckingham will have to contain his excitement and wait until budget day. It will be like Christmas for everyone in the State, including him, but he cannot open his presents too soon.

**Mr Jeremy Buckingham:** Point of order: My point of order is relevance. My question clearly referred to the intergenerational report, which the Minister has not made a contribution on to this point. I ask him to elucidate.

**The Hon. Catherine Cusack:** Is that a supplementary question or a point of order?

**The PRESIDENT:** The Hon. Catherine Cusack appears to have made a very apposite interjection. Mr Jeremy Buckingham began by taking a point of order and then asked for an elucidation. In any case, it was a good try but when he made his point of order and referred to the text, he referred to only part of the text of the question. The Minister's response was directly relevant to the balance of the question. There is no point of order. If the Minister has anything else he would like to say, he may do so in the time remaining.

### MUSWELLBROOK BYPASS

**The Hon. SHAOQUETT MOSELMANE (15:28):** My question is directed to the Minister for Roads, Maritime and Freight. Given the recent decision by the Federal Government to refuse to fund the Muswellbrook bypass, will the State Government now commit the necessary funds to allow construction on this vital project for the families and businesses of the Upper Hunter?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:29):** The honourable member asked whether the State Government will commit funds to the Muswellbrook bypass. The State Government has already—

**The Hon. Walt Secord:** Dramatic pause as he reads the notes.

**The Hon. DUNCAN GAY:** I was heading in the right direction. The State Government has already committed funds. The New England Highway is part of the national and transparent transport network in New South Wales. The New South Wales Government is committed to ensuring the viability of this vital network. In 1998 Roads and Maritime Services carried out a route selection study for a proposed bypass of Muswellbrook. Three options, which are no longer viable, were displayed from December 2000 to February 2001.

The Federal Government has since selected a preferred option for the route, and in 2005 it reserved the corridor for the bypass as part of Muswellbrook Shire Council's local environment plan. The proposed New England Highway bypass of Muswellbrook is an 8.8-kilometre two-lane single carriageway to the east of Muswellbrook. In late 2013 Roads and Maritime Services resumed planning and sought approval of the business case from the Federal Department of Infrastructure and Regional Development to secure funding and progress the development of the project. The 2014-15 Federal budget did not advocate funding to continue planning for the Muswellbrook bypass and planning ceased.

The member asked whether the New South Wales Government is willing to commit money to the project. Yes. The New South Wales Government has reserved \$68 million for the Muswellbrook bypass as part of the Rebuilding NSW initiative. This funding will ensure that planning of the project can proceed immediately, starting with a review of the strategic design and preferred corridor from 2005. The funding represents the New South Wales Government's contribution to the project. The New South Wales Government will continue to work closely with the Federal Government to deliver the New England Highway bypass of Muswellbrook, subject to a final business case and Federal Government funding contribution. An amount of \$1 million was allocated in the 2015-16 New South Wales budget to progress planning of the bypass.

**The Hon. Penny Sharpe:** A million bucks?

**The Hon. DUNCAN GAY:** Who said a million?

**The Hon. Mick Veitch:** You did.

**The Hon. DUNCAN GAY:** No, I heard you say it. There is \$68 million as well.

**The PRESIDENT:** The time for questions has expired.

### **RAT ERADICATION PROGRAM**

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:32):** In relation to a question asked earlier today by the Hon. Walt Secord, I am advised that Waverley Municipal Council is aware of an increase in the number of dead rats being reported in Bondi Junction following a vermin control program it has conducted in the area. I am further advised that removal of the dead rats is a matter for council. Each food business must have controls in place for rodents and other pests. This is checked by council officers when they conduct their routine food business inspections. Waverley Municipal Council has informed the Food Authority this afternoon that it has not experienced any increase in the prevalence of rodents during its inspections of food businesses in the area.

### *Documents*

### **TABLING OF PAPERS**

**The Hon. NIALL BLAIR:** I table the following report:

Annual Reports (Statutory Bodies) Act 1984—Report of the Wine Grapes Marketing Board for the year ended 31 December 2015

I move:

That the report be printed.

**Motion agreed to.**

### *Bills*

### **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2016**

### **COURTS LEGISLATION AMENDMENT (DISRESPECTFUL BEHAVIOUR) BILL 2016**

### **Returned**

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

### *Budget*

### **BUDGET ESTIMATES AND RELATED PAPERS 2016-17**

### **Referral to General Purpose Standing Committees**

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:34):** I move:

- (1) That upon tabling, the Budget Estimates and related papers for the financial year 2016-2017 presenting the amounts to be appropriated from the Consolidated Fund be referred to the General Purpose Standing Committees for inquiry and report.
- (2) That, notwithstanding the resolution of the House of 6 May 2015 allocating portfolio responsibilities to the General Purpose Standing Committees, for the purposes of the 2016-2017 budget estimates inquiry General Purpose Standing Committee No. 3 is to examine the Legislature portfolio.
- (3) That the initial hearings be scheduled as follows:

#### **Day One: Monday 29 August 2016**

GPSC 2	Family and Community Services, Social Housing	9.00 a.m. – 12.00 p.m.
GPSC 2	Roads, Maritime and Freight	2.00 p.m. – 6.00 p.m.
GPSC 3	Early Childhood Education, Aboriginal Affairs	9.00 a.m. – 11.00 a.m.
GPSC 3	The Legislature	11.15 a.m. – 12.00 p.m.
GPSC 3	Education	2.00 p.m. – 6.00 p.m.

#### **Day Two: Tuesday 30 August 2016**

GPSC 2	Ageing, Disability Services, Multiculturalism	9.00 a.m. – 12.00 p.m.
GPSC 2	Transport and Infrastructure	2.00 p.m. – 6.00 p.m.

GPSC 3 Mental Health, Medical Research, Women, Prevention of Domestic Violence and Sexual Assault 9.00 a.m. – 1.00 p.m.

GPSC 3 Health 2.00 p.m. – 6.00 p.m.

**Day Three: Wednesday 31 August 2016**

GPSC 4 Trade, Tourism and Major Events, Sport 9.00 a.m. – 12.00 p.m.

GPSC 4 Planning 2.00 p.m. – 6.00 p.m.

GPSC 1 Finance, Services and Property 9.00 a.m. – 12.00 p.m.

GPSC 5 Industry, Resources and Energy 2.00 p.m. – 5.00 p.m.

**Day Four: Thursday 1 September 2016**

GPSC 4 Justice and Police, Arts, Racing 9.00 a.m. – 1.00 p.m.

GPSC 4 Attorney General 2.00 p.m. – 4.00 p.m.

GPSC 1 Treasury, Industrial Relations 9.00 a.m. – 1.00 p.m.

GPSC 1 Premier, Western Sydney 2.00 p.m. – 6.00 p.m.

GPSC 6 Innovation and Better Regulation 4.15 p.m. – 6.00 p.m.

**Day Five: Friday 2 September 2016**

GPSC 5 Primary Industries, Lands and Water 9.00 a.m. – 1.00 p.m.

GPSC 5 The Environment, Heritage 2.00 p.m. – 5.00 p.m.

GPSC 6 Local Government 9.00 a.m. – 11.00 a.m.

GPSC 6 Regional Development, Skills, Small Business 11.15 a.m. – 1.00 p.m.

GPSC 6 Corrections, Emergency Services, Veterans Affairs 2.00 p.m. – 5.00 p.m.

- (4) That supplementary hearings be scheduled during the week of 4 to 7 October 2016.
- (5) That each scheduled day for the initial round of hearings will begin at 9.00 a.m. and conclude by 6.00 p.m.
- (6) That the committees must hear evidence in public.
- (7) That the committees may ask for explanations from Ministers in the House, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.
- (8) That Ministers may not make an opening statement before the committee commences questions.
- (9) That the committees are to present a final report to the House by 16 December 2016.
- (10) That members may lodge supplementary questions with the committee clerk by 5.00 p.m., within two days, excluding Saturday and Sunday, following the hearing.
- (11) That answers to questions on notice and supplementary questions be published, except those answers for which confidentiality is requested, after these answers have been circulated to committee members.

This is the timetable for budget estimates hearings. It is the same timetable as last year. It worked well then and we believe it will work well again this year.

**The Hon. ADAM SEARLE (15:34):** I move:

That the question be amended by omitting paragraph 3 and inserting instead:

- (3) That the initial hearings be scheduled as follows:

**Day One: Monday 29 August 2016**

GPSC 2 Family and Community Services, Social Housing 9.00 a.m. – 12.00 p.m.

GPSC 2 Roads, Maritime and Freight 2.00 p.m. – 6.00 p.m.

GPSC 3 Early Childhood Education, Aboriginal Affairs 9.00 a.m. – 11.00 a.m.

GPSC 3 The Legislature 11.15 a.m. – 12.00 p.m.

GPSC 3 Education 2.00 p.m. – 6.00 p.m.

**Day Two: Wednesday 31 August 2016**

GPSC 4 Justice and Police, Arts, Racing 9.00 a.m. – 1.00 p.m.

GPSC 4 Attorney General 2.00 p.m. – 4.00 p.m.

GPSC 1 Treasury, Industrial Relations 9.00 a.m. – 1.00 p.m.

GPSC 1 Premier, Western Sydney 2.00 p.m. – 6.00 p.m.



GPSC 6	Innovation and Better Regulation	3.00 p.m. – 6.00 p.m.
<b>Day Three: Friday 2 September 2016</b>		
GPSC 5	Primary Industries, Lands and Water	9.00 a.m. – 1.00 p.m.
GPSC 5	The Environment, Heritage	2.00 p.m. – 5.00 p.m.
GPSC 6	Local Government	9.00 a.m. – 11.00 a.m.
GPSC 6	Regional Development, Skills, Small Business	11.00 a.m. – 2.00 p.m.
GPSC 6	Corrections, Emergency Services, Veterans Affairs	2.00 p.m. – 5.00 p.m.
<b>Day Four: Tuesday 6 September 2016</b>		
GPSC 2	Ageing, Disability Services, Multiculturalism	9.00 a.m. – 1.00 p.m.
GPSC 2	Transport and Infrastructure	2.00 p.m. – 6.00 p.m.
GPSC 3	Mental Health, Medical Research, Women, Prevention of Domestic Violence and Sexual Assault	9.00 a.m. – 1.00 p.m.
GPSC 3	Health	2.00 p.m. – 6.00 p.m.
<b>Day Five: Thursday 8 September 2016</b>		
GPSC 4	Trade, Tourism and Major Events, Sport	9.00 a.m. – 1.00 p.m.
GPSC 4	Planning	2.00 p.m. – 6.00 p.m.
GPSC 1	Finance, Services and Property	9.00 a.m. – 12.00 p.m.
GPSC 5	Industry, Resources and Energy	2.00 p.m. – 5.00 p.m.

The amendment seeks to conduct budget estimates hearings over two consecutive weeks, instead of holding all the hearings in a single week. There would be hearings on Monday, Wednesday and Friday of the first week and on Tuesday and Thursday of the second week. Monday, day one, would be as proposed by the Government. Wednesday, day two, would inquire into Justice and Police, Arts, Racing, Attorney General, Treasury, Industrial Relations, Premier, Western Sydney, and Innovation and Better Regulation. That is proposed for Thursday in the Government's timetable. Friday, day three, would be as proposed by the Government. Day four would be as proposed by the Government for Tuesday. Day five, Thursday, would be as proposed for Wednesday in the Government's timetable.

The amendment proposes to extend the time allotted to General Purpose Standing Committee No. 6 on day two. Currently, the Government proposes that it sit from 4.00 p.m. to 6.00 p.m. The Opposition proposes that it sit from 3.00 p.m. to 6.00 p.m. On day three the Government proposes that General Purpose Standing Committee No. 6 inquire into Regional Development, Skills and Small Business from 11.15 a.m. to 1.00 p.m. The Opposition proposes that it sit from 11.00 a.m. to 2.00 p.m. On day four the Government proposes that General Purpose Standing Committee No. 2 inquire into Ageing, Disability Services and Multiculturalism from 9.00 a.m. to 12.00 p.m. The Opposition proposes 9.00 a.m. to 1.00 p.m. On the same day General Purpose Standing Committee No. 3 is scheduled to inquire into Mental Health, Medical Research, Women, and Prevention of Domestic Violence and Sexual Assault from 9.00 a.m. to 12.00 p.m. The Opposition proposes 9.00 a.m. to 1.00 p.m. The Government proposes that Trade, Tourism and Major Events, and Sport be examined between 9.00 a.m. and 12.00 p.m. The Opposition proposes 9.00 a.m. to 1.00 p.m.

It is not that the Opposition cannot take the pace. When Labor was in Government, estimates hearings were conducted over two weeks. When I came into this place, estimates hearings were also conducted over a two-week period. Cramming the hearings into only one week means that this House of review is unable to properly scrutinise the budget estimates. I am sure all governments do it, but this Government has made an art form of holding certain important estimates hearings in parallel so that members of the Opposition have to choose which hearing to attend, rather than being able to attend both. That is the result of jamming all the hearings into one week. Holding the hearings over one week also stretches the resources of the committee secretariat and staff and places unfair pressure on Hansard. From private conversations in this place it appears that all parties and most members regard the current budget estimates process as flawed and unsatisfactory. It does not matter who is in government; it is a sloppy and poor process that will lead to poor administration and worse government.

Therefore we propose this small improvement by conducting estimates hearings for two weeks. We had had some hopes that the crossbench parties, who have at least as much invested as the Opposition in being able to get answers and information from the Government, would join with us to just make this small change to the Government's proposal. I am still hopeful that that may occur but I think the sun may be setting on that proposal. Certainly I ask the Christian Democratic Party and of course the longest serving member of the crossbench, Reverend the Hon. Fred Nile, to give very careful consideration to this matter because it really does go to the

capacity of this House to properly evaluate and scrutinise the budget estimates. Whether this amendment is successful or not, I know there is a committee looking at the processes of the committee system in this place and that one of them is the budget estimates process.

On behalf of the Opposition I earnestly hope, whether this amendment is successful or not, that all members of this House—Government, Opposition, crossbench—recognise the utility of proper scrutiny of Government actions through the budget estimates and bring our best minds to bear to try to improve what is a very poor process. It is nothing like Senate estimates. If it is worth persevering with the estimates process—and I think it is—we need to lift the game. It is not about the questions, it is about structure. It is about the time that is allowed. It is about a whole range of things that go to the culture of the process. We want to lift the standard and I ask for members' support to take this small step in doing so.

**The Hon. ROBERT BROWN (15:41):** I briefly put the position of the Shooters, Fishers and Farmers Party. Some of what the Leader of the Opposition had to say is correct, but I put on the record that the Committee on the Legislative Council Committee System is considering exactly this position and I think the Hon. Scott Farlow is running a study on this. The second point is the proposal put forward by the Leader of the Opposition does not appear to me to be all that more efficient, in that it simply drops whole days. Yes, it spreads the time but it does not really achieve what we could achieve given proper consideration of the whole committee system. I would prefer that we try to get through this year with the estimates process the way it is and then give proper consideration to the report that will come from the committee on the committee system concerning the structure and organisation of the budget estimates in this House on a larger scale. Therefore, we unfortunately cannot support the Leader of the Opposition's amendment.

**The Hon. WALT SECORD (15:42):** As the Deputy Leader of the Opposition, shadow Minister for Health, shadow Minister for the North Coast and shadow Minister for the Arts, I oppose the motion and support the amendment of the Hon. Adam Searle on the proposed schedule for this year's budget estimates and related papers. I ask members to note carefully the following words:

I believe that the budget estimates system in New South Wales is inadequate.

The amount of time apportioned to dealing with these matters—the questioning of Ministers and officials—is inadequate.

And:

The simple fact is that, in any functioning Westminster democracy, if the Parliament is not exercising a role in the oversight of the Executive then effectively what we have is an oligarchy.

Furthermore:

I am not sure that I want to be part of an institutional process that would give free rein to the Executive.

Those words accurately sum up the disgraceful situation now foisted on this House by the Liberals and Nationals. In fact, I only wish I had written those words, but I have to admit those were the words of a member of the Coalition. Dr Phelps uttered those words about the estimates process in this Chamber on 13 May 2014. He was expressing his own frustration and disappointment about the budget estimates process under Premier Mike Baird. It was a heartfelt observation about democracy and accountability and I share those sentiments. It was a brave stand by a Coalition member, and I commend that. But it was not the first time that he has lamented the failure of the Baird Government to allow a proper estimates process to unfold.

Labor seeks the restoration of a program of at least two weeks duration. This would allow for the proper questioning of the Government, Ministers and departmental secretaries on decisions and actions in relation to the 2016-17 State Budget. There is a lot at stake here and a lot to examine. After all, there will be so many broken promises after 23 June, when the sixth Baird budget is handed down, that this Parliament will have much to hold this Government to account for. But the Premier is shying away from accountability like Dracula from sunlight. Our communities deserve that scrutiny on their behalf. I know that my colleagues Daniel Mookhey, Courtney Houssos, Ernest Wong and Greg Donnelly all want to examine the State's finances. I know that the Hon. Greg Donnelly relishes the annual process, especially when last year's budget paper reported that the Baird Government will increase revenue by 4.3 per cent to \$72.1 billion. That is a significant figure for a significant State.

We need more than one week to examine expenditure across all agencies and departments. Our State's schools, hospitals, roads, social housing, trains, planning and environment all require forensic examination. There is a principle at stake here. The Legislative Council's committee system and the subsequent budget estimates process are essential to the overall role as a House of review in our bicameral system. In the past 5½ years we have witnessed an unfortunate and steady move to reduce the role of the Legislative Council as a House of review and to pull its teeth.

The Executive and the Premier want to reshape the Legislative Council into a pale version of the Legislative Assembly. This is not Queensland. This is a State with a bicameral system. That is why we must resist the moves today by the Government to gut the budget estimates process, hide from scrutiny and trash our Constitution. What a contrast to the Carr Government, when Ministers sat for hours at this very table and responded to question after question. Unfortunately the Hon. Duncan Gay is a hater of scrutiny and accountability. This is a low in accountability and I hope he is proud of it. He is in good company because this move is clearly about hiding weak and incompetent Ministers like Pru Goward, Leslie Williams, John Barilaro—

**The PRESIDENT:** Order! The member is out of order. I remind him that he is on two calls to order and he is about to leave the Chamber.

**Mr David Shoebridge:** Mr President—

**The Hon. WALT SECORD:** David, I would like to remind you that there is no time limit on this debate.

**The Hon. Niall Blair:** Who are you talking to? Put your comments through the Chair.

**The Hon. WALT SECORD:** But the incompetence of the Liberals and Nationals Ministers is no excuse to hide from democracy. Accordingly, Labor opposes the motion. We support—

**The Hon. Niall Blair:** You do not even know how to support it.

**The Hon. WALT SECORD:** You had better get a good night's sleep, Niall.

**The PRESIDENT:** Order! I suggest that the member direct his remarks through the Chair.

**The Hon. WALT SECORD:** Accordingly, I support the amendment to the motion and call on the Baird Government to face the music and allow two weeks of budget estimates hearings.

**Mr DAVID SHOEBRIDGE (15:49):** On behalf of The Greens, I indicate that we support Labor's amendments. If those are not successful then we will vote for the motion because we want budget estimates to happen. In supporting Labor's amendments I have to say that it is not as though we are deeply in love with the terms that the Labor Opposition has put forward. Only a very small amount of additional time has been proposed in Labor's amendments—15 minutes here and 40 minutes there. It is a very marginal difference in the amount of time allocated to portfolios and we would support significantly more time being made available.

**The Hon. Robert Brown:** Hear, hear!

**Mr DAVID SHOEBRIDGE:** We are more than happy to talk with crossbench members, the Government and the Labor Opposition between now and 29 August—or, if we cannot achieve that, in the coming months—so we can make a decision well in advance of budget estimates. We should really be aiming to make this decision in the first quarter of next year for the next budget estimates. It is lovely to decide on process before we get involved in the politics that we are going to grind through that process. We have an obligation to put in place a really good process for budget estimates.

**The Hon. Trevor Khan:** And that is what we are doing in the committee on committees.

**Mr DAVID SHOEBRIDGE:** I have heard a number of interjections about the committee on committees. It is a beautifully parliamentary term, the "committee on committees". I have always enjoyed that. It is doing essential work. There are two aspects of that committee that The Greens are very concerned about—one is getting budget estimates right and the other is putting in place some proper legislative scrutiny in the same manner as the Federal Senate does. Those are two things that I hope that committee is grappling with in detail. In this regard we think there is a marginal improvement with Labor's amendments, because giving a day off between each set of what can be reasonably intense budget estimates hearings allows members to gather their thoughts and to get the documents together for the next round. So we think there are some improvements in that.

**The Hon. Robert Brown:** And put out press releases.

**Mr DAVID SHOEBRIDGE:** Well, it is important to communicate with the public about the information we discover. I accept that interjection from the Hon. Robert Brown. If a tree falls in a forest or in the middle of the Legislative Council, it does not really matter if nobody notices it. So we do support Labor's amendments. Although we are not super enthused by them, they are a marginal improvement. If we cannot succeed with that then of course we will support the substantive motion establishing budget estimates. But we do need to do better.

**The Hon. MICK VEITCH (15:52):** The important thing to remember in this debate—and I have heard people talk about the committee on committees and all those other activities happening outside the Chamber—is that this motion is about setting up budget estimates hearings. It is interesting to note that a lot of the new

backbenchers on the Government side have been interjecting and making comments during this debate. I think in debates like this it is prudent to take on board the views of those who have been on both sides of the Chamber over a period of time.

Putting aside for a moment the motion moved by the Government and the amendments put forward by Labor, the reality is that the budget estimates process in its current form does not deliver for the people of New South Wales what it should. The reality is that people on both sides of the Chamber, and those who have been on both sides of the Chamber, have made the comment that it does not deliver for the people of New South Wales. The discussions with the crossbenchers and in the committee on committees and the moving of this amendment highlight that there is concern about the current budget estimates process. It has to be fixed. It does not deliver for the people of New South Wales.

We have heard interjections saying, "Well, let's sit until 10.00 p.m." We used to do that. We should take on board all the comments that have been made. If we cannot get it right this year then we have to do something next year. Currently the capacity to scrutinise the Executive Government is minimal. The system is not delivering and it is farcical. The processes of the Senate are much more in favour of the people of Australia than the current processes are for the people of New South Wales. The reality is that the amendment put forward is part of an incremental process.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I remind the Hon. Walt Secord that he is on two calls to order.

**The Hon. MICK VEITCH:** The reality is that the amendment put forward by the Opposition is incremental in its improvement. It was done to engage the crossbench and the Government in a constructive conversation about our current budget estimates process. If it has achieved that then that is good. We have to fix the system because it is not working for anyone. I urge all members to support the amendment before the House. We will be supporting the motion, amended or otherwise, because we want budget estimates—but we want an effective budget estimates process; and I am certain that Government members want an effective budget estimates process too, because budget estimates ensures accountability and transparency for government, and that is good for government. It is good for governance in this State.

**Reverend the Hon. FRED NILE (15:55):** Given the speech of the Hon. Mick Veitch, one would think that what we have before us in the Opposition amendments was some radical new plan. I just examined the amendment and it is almost identical to the Government's motion. The only difference is that Monday is allowed for budget estimates, Tuesday is allowed for Australian Labor Party [ALP] media day, Wednesday is allowed for estimates, Thursday is ALP media day, Friday is allowed for estimates and so on. That is the only dramatic change to the program. So I think the ALP and the Deputy Leader of the Opposition are being very cynical here.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I tell the Hon. Walt Secord now that if he makes even one more interjection then he will be called to order for the third time. That is it.

**Reverend the Hon. FRED NILE:** As I said, I do not see any dramatic improvement here on what has already been proposed by the Government. There may be a need for further modification but the ALP has not come up with a plan at this stage. So the Christian Democratic Party will support the motion as moved by the Government.

**The Hon. PENNY SHARPE (15:56):** Every year we have budget estimates. The reality is that the Government does not like them, the Opposition loves them and the crossbenchers, if they have a good media story, like them too. But there is actually a bigger purpose behind the budget estimates committees—that is, the oversight of Executive Government. It is a fundamental part of the role of this Chamber. I remind those on the Government benches that they will not always be on the Government benches. The Hon. Duncan Gay knows this. He sat on this side of the House in opposition for a very long time. He should remember that what goes around comes around. For all of the outrage from both Government and Opposition members in relation to this matter we need to come up with an agreed plan on how we can make estimates better, and I endorse the words of the Hon. Mick Veitch.

I also want to address the issues raised by Reverend the Hon. Fred Nile. No, Labor's amendments to this motion are not radical. We accept that. They represent a very modest and incremental change. But they are an opportunity, right here and right now, to make this year's estimates just a little better—by giving a little more time and a little more scrutiny. Yes, let us be honest here, there are issues around media management. No one is trying to hide from that. But there are also issues around proper preparation and having a proper amount of time.

Members should not forget that the other thing that happens in relation to budget estimates is that, after we have had the hearing, there is an opportunity to put a lot of questions on notice. I cannot speak for all members of this House but I know that many members from this side of the Chamber use the opportunity to put in lots of

questions on notice. This is actually an important part of improving the process. Labor members are not claiming here today that we are resetting the agenda around budget estimates; we are simply asking for what we have not had to date—that is, first of all, a proper negotiation with the Government and a proper discussion about this, and, secondly, a bit more time to make estimates a little more transparent so that we can do our job a little better. Members can choose whether or not to support that.

**The Hon. GREG PEARCE (15:59):** In terms of hypocrisy, we have exceeded the lot today. I am sure the Hon. Adam Searle did not come up with this motion or draft it, because he is above this sort of rubbish. This is clearly the work of the Hon. Walt Secord. The Hon. Walt Secord ought to learn a little bit about estimates committee hearings.

**The Hon. Walt Secord:** Point of order: You have reminded me on several occasions that I am on two calls.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! The Hon. Walt Secord is on two calls to order. One more call to order will see him removed from the Chamber.

**The Hon. Walt Secord:** And the Hon. Greg Pearce knows that very well. He is engaging in provocation and targeting me.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! There is no point of order. If the Hon. Greg Pearce goes beyond the standing orders he will be called to order. I am alive to certain matters as well. The Hon. Walt Secord knows he is on two calls. We will all be very careful where we go.

**The Hon. GREG PEARCE:** As I was about to say, the real problem is that in the past five years—although I have not been to every estimates committee hearing—I have never seen an Opposition member refer to a budget paper. None of them has referred to the budget papers in estimates. That is what it is really all about. They engage in stunts, just as the Hon. Walt Secord took a cowardly swipe at several Ministers in his speech. When he is purporting to be debating an important issue about how estimates hearings should operate, what does he do? He uses his speech to take a dirty, cowardly swipe at several Ministers. Shame on the Hon. Walt Secord. It is a pity that I have to call him the Hon. Walt Secord.

**The Hon. Lynda Voltz:** Point of order: I ask that the Minister withdraw that remark. To say that it is a shame to have to call the member honourable is a reflection on the member.

**The Hon. Ben Franklin:** To the point of order: I think the Hon. Greg Pearce meant it was a shame that he did not pronounce the name Secord correctly.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! That is not the case. I uphold the point of order. I ask the member to withdraw his comment.

**The Hon. GREG PEARCE:** I withdraw it. The point of my intervening in this debate is to say to members opposite that if they are fair dinkum let us have a debate about this, let us work on it. Let us not spend time with members taking cowardly swipes at Ministers and suggesting that there are problems with the estimates process when the problem is that Opposition members do not even turn up with budget papers to the hearings.

**The Hon. LYNDIA VOLTZ (16:02):** I support the amendment to the motion. I am surprised by the comments of the Hon. Greg Pearce in regard to transparency of government through estimates committee hearings. That is exactly what this process is about. He thinks that the Opposition asking not dissimilar questions to those that Government members asked when in opposition is somehow a cowardly swipe at Ministers. To be fair to our Ministers when we were in government, it was always a mixed bag. I can recall people such as Michael Costa saying to Opposition members at estimates, "We're not asking any Government questions. You can have our time." We had no fear of the estimates process. Some of our Ministers were fearless. John Della Bosca would answer questions. Ministers are a mixed bag in all governments.

**The Hon. Greg Pearce:** We asked questions. We used the time.

**The Hon. LYNDIA VOLTZ:** I hear the interjection by the Hon. Greg Pearce that they asked questions. I am happy for him to look at the questions we asked last year in the examination of the Mental Health, Medical Research, Women, and Prevention of Domestic Violence and Sexual Assault portfolios and the non-answers we got. When it comes to transparency of government there are no questions more important than those relating to the treatment of women who are subject to domestic violence, the availability of social housing and refugees and the treatment of people with mental illnesses by crisis teams. If the Hon. Greg Pearce thinks they are not the type of questions that the Opposition should ask at estimates hearings then the Hon. Greg Pearce knows nothing about what happens in estimates. They are exactly the types of the questions we ask, and they are exactly the types of questions that Ministers refused to answer last year.

Let us look, for example, at our amendment to the timetable for the examination of the portfolio areas of Trade, Tourism and Major Events, and Sport. For the portfolio of Sport the Opposition will get 15 minutes to ask questions. We will have only 15 minutes to ask the Government about its failed stadia strategy, including where is the money going, where is the business plan and how much did it cost the Government to buy out Stadium Australia? The Government will not release those figures as part of its budget documents but we will ask about those matters at budget estimates. We will get nothing from the Government in response. Ministers will say that it is commercial in confidence. They will say, "We won't tell you where the public money is going", and "We will not answer your question." They will say, "We will refer it to another person", and "We will take it on notice", or they will refer us to their website that provides no answer.

To cry foul because we have asked for an extra 10 or 15 minutes to ask about large investments and question where the money is going is hypocrisy on the grandest scale. Budget estimates hearings are where we review the Government and where we ask the questions. To members on the crossbenches who say they will sit here until 8 o'clock, I say I am quite happy to sit here until 8 o'clock. I will sit here until midnight or until 3 o'clock in the morning. I do not care how long I have to sit here. I want to be given the right to ask the questions that the people of New South Wales expect answers to.

**The Hon. PETER PRIMROSE (16:06):** I will make two comments in relation to this motion. The first is in response to the Hon. Greg Pearce's comments about not taking budget papers into estimates hearings. As the member would be aware, the tradition and practice of this place is that members no longer have to refer to the budget papers. That is the practice. It is in the standing orders that we adopted. Reverend the Hon. Fred Nile would appreciate that when we first began we had to refer to line items. We no longer do. Estimates hearings in this place have evolved just as they have evolved in the Senate.

I am aware of only one incident in the last round of estimates hearings when someone did not have a copy of the budget papers. That was during the examination of the Local Government portfolio. As the shadow Minister I asked the first question on behalf of the Opposition in relation to—from memory—line item 8-32 of the budget papers. I asked the Minister to indicate why there was X amount there the previous year and three asterisks there that year. It is in the *Hansard*. The Minister said, "I don't know, we don't have a copy of the budget papers." The Minister for Local Government came to the hearing without bothering to bring along a copy of the budget papers. The Minister is perfectly entitled to do that, but it was the only time last year that I can recall someone not having a copy of the budget papers when they required them.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! Interjections are disorderly at all times, whether they are from the Hon. Greg Pearce or from Opposition members.

**The Hon. PETER PRIMROSE:** My simple point is that it is certainly valuable to bring the budget papers to the hearings but it is not required. However, I think it might be relevant for Ministers to have a copy of their budget in front of them when they are asked questions at budget estimates. My other simple point, which I have made before, is that this House is not "LA lite". If this House wishes to simply be a pale version of the Legislative Assembly then so be it. Increasingly, that is how the thing seems to be developing. People in this place increasingly seem to think that you judge success by how much you ape what is happening in the other place.

That is not the role of the Legislative Council; we are different. The Legislative Council has unique traditions and a unique role in developing legislation, in our committee system and in our estimates committee hearings to keep governments accountable regardless of who is in power. Indeed, the more we try to constrain that, the more we are moving to becoming a pale version of the Legislative Assembly. I urge members again that we should not keep going down the path of becoming "LA lite" because estimates hearings, for better or for worse, are one of the major ways in which this House continues to perform its historical role of keeping governments accountable regardless of who is in power.

**The Hon. WALT SECORD (16:10):** Mr Deputy President—

**The Hon. Duncan Gay:** You have spoken.

**The Hon. WALT SECORD:** I am seeking to speak under Standing Order 89. I was misunderstood and misrepresented by the Hon. Greg Pearce. It is allowed and I have used this provision previously.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The Hon. Walt Secord will be aware that Standing Order 89 provides that a member who has spoken on a question may speak a second time only to explain a matter on which he or she has been misquoted or misunderstood. The member may not introduce any new matter.

**The Hon. WALT SECORD:** Under Standing Order 89 I seek to speak a second time. I was misunderstood and misrepresented by the Hon. Greg Pearce. He made reference to the drafting of the amendment that we are debating.

**The Hon. Greg Pearce:** A bit of a glass chin, is it?

**The Hon. WALT SECORD:** For the record and the edification of the House, the Hon. Adam Searle drafted the amendment. I would like to remind the Hon. Greg Pearce that he is hunting the wrong person.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** That is not a matter on which the Hon. Walt Secord was misquoted or misunderstood. The member will no longer be heard.

**The Hon. ROBERT BROWN (16:12):** I wish to speak under Standing Order 89 to address the same issue. I bring to the attention of the House that I was misquoted by not one but two Opposition members in relation to my statement that we used to sit from 6.30 p.m. to 8.30 p.m. That turned into we could sit up till 8.00 p.m. and I think the Hon. Lynda Voltz said, "I don't care if we do sit until 10.30 p.m." It is clearly in *Hansard* that I said 6.30 p.m. to 8.30 p.m., two hours per day, five days a week. I was misquoted.

**The Hon. PAUL GREEN (16:12):** I appreciate what the Hon. Peter Primrose has said, but the same topics will be addressed in the same amount of time on different days over two weeks. The scrutiny will stand as it is but the amount of time in which to prepare questions, if the Government is doing so badly, will be longer.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:13):** In reply: I thank honourable members for their vigorous contributions but, unfortunately, they were aimed at another motion before this House. I indicate that the Government will be opposing the Opposition's amendment. The rhetoric that indicates, as the Hon. Walt Secord said, that the amendment will allow his colleagues to go to these committees when they cannot under ours is flawed. In fact, the schedules are exactly the same except there is a day between them. His colleagues supported his premise but they were wrong. Those opposite should never let him lead them in anything because this is the sort of thing that happens when one is lazy and loose with the truth as he is.

**The Hon. Greg Donnelly:** Point of order: The use of the words "lazy and loose with the truth" is completely inappropriate. I ask that the Minister withdraw the reflection.

**The Hon. DUNCAN GAY:** I withdraw the comment. It is self-evident.

**The Hon. Greg Donnelly:** Point of order—

**The Hon. DUNCAN GAY:** Unreservedly. Those opposite also indicated that during their time in office there were two weeks of budget estimates starting at 9.00 a.m. and going through to 6.00 p.m. five days a week. I then observed the looks on the faces of some in this Chamber who could not remember it—and I include myself in that. So we looked at *Hansard* and it showed that was not the case. In fact, *Hansard* shows that budget estimates either went from 4.00 p.m. to 6.00 p.m. or 8.00 p.m. to 10.00 p.m. after sitting days for three days a week. The rhetoric of the Hon. Walt Secord is "We are trying to hide this in the dark of night. We do not want anyone to see it. We want you to do what we did." Those opposite tried to hide it in the dark of night away from the scrutiny of the public and the media. Thank goodness this enlightened Government has moved it into daylight so it can be seen. I urge my colleagues to not support the amendment but to support the original motion before the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The Hon. Duncan Gay has moved a motion with respect to budget estimates 2016-2107, to which the Hon. Adam Searle has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....15

Noes .....20

Majority.....5

#### AYES

Dr Faruqi  
Mr Mookhey  
Mr Primrose  
Mr Veitch  
Ms Houssos

Mr Buckingham  
Mr Moselmane (teller)  
Mr Searle  
Mr Wong  
Ms Sharpe

Mr Donnelly (teller)  
Mr Pearson  
Mr Shoebridge  
Ms Cotsis  
Ms Voltz

#### NOES

Dr Phelps  
Mr Brown  
Mr Farlow

Mr Amato  
Mr Clarke  
Mr Franklin (teller)

Mr Blair  
Mr Colless  
Mr Gallacher

## NOES

Mr Gay  
Mr Mallard  
Ms Cusack  
Ms Taylor

Mr Green  
Mr Mason-Cox  
Ms Maclaren-Jones (teller)  
Reverend Nile

Mr MacDonald  
Mr Pearce  
Ms Mitchell

## PAIRS

Mr Secord

Mr Harwin

**Amendment negatived.**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question is that the motion of the Hon. Duncan Gay be agreed to.

**Motion agreed to.**

*Committees***COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION****Reference**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I report receipt of the following message from the Legislative Assembly:

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

(1) That this House refers:

- the statutory review of the Public Interest Disclosures Act 1994 under section 32 of that Act, and
- the Public Interest Disclosures Steering Committee's *Review of the Commonwealth Public Interest Disclosure Legislation* dated January 2014, for consideration as part of that statutory review,

to the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission.

(2) That a message be sent to the Legislative Council requesting it pass a similar resolution.

**The Hon. DUNCAN GAY:** I move:

That consideration of the Legislative Assembly's message stand an order of the day for a future day.

**Motion agreed to.**

*Business of the House***POSTPONEMENT OF BUSINESS**

**The Hon. DUNCAN GAY:** I move:

That Government Business Order of the Day No. 1 be postponed until a later hour.

**Motion agreed to.**

*Bills***CRIMES (HIGH RISK OFFENDERS) AMENDMENT BILL 2016****Second Reading**

**The Hon. DAVID CLARKE (16:27):** On behalf of the Hon. John Ajaka: 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 Government is pleased to introduce the Crimes (High Risk Offenders) Amendment Bill 2016. The bill will amend the Crimes (High Risk Offenders) Act 2006 to clarify how the existing scheme for continued detention and extended supervision applies to offenders serving sentences of imprisonment for violent offences. This bill is another demonstration of the commitment of the Government to protect the safety of our community.



The Act enables the State to apply to the Supreme Court for preventative orders to supervise or detain high risk violent or sex offenders who pose an unacceptable risk of committing a serious violent or serious sexual offence on their release from imprisonment into the community. The primary object of the Act is to ensure the safety and protection of the community. A further object is to encourage high risk violent and sex offenders to undertake rehabilitation. The extended supervision and continuing detention of offenders is to manage a very small cohort of 'high risk' offenders after their sentence ends.

When introduced in 2006, the Act originally only applied to high risk sex offenders. In 2013, this Government recognised the need to extend the regime to high risk violent offenders, who can pose an equally concerning risk to community safety. The Act already covers high risk violent offenders who are serving sentences for imprisonment for offences that involve conduct that causes the death of another person or grievous bodily harm. The person must have intended to cause the death of another person or grievous or actual bodily harm or be reckless as to whether they do so.

The bill will clarify that the Act applies to violent offenders who have been imprisoned for the offences of:

1. wounding with intent to cause grievous bodily harm
2. manslaughter by unlawful and dangerous act, and
3. murder that occurs in the course of committing another serious crime, known as "constructive murder".

The offences have maximum penalties similar to those already clearly covered by the Act. The bill addresses limitations where some very violent crimes, such as shootings and stabbings, are potentially not covered by the Act due to the technical elements of the offence the person was charged with. The Act was intended to cover these types of offending, however a technical limitation in drafting of the Act has recently been identified. In some individual cases, there are no distinguishing features between these offences and the offences currently covered by the Act—the nature of the violent offending of people who have been imprisoned for these offences is sometimes just as serious in nature as that of offenders currently covered by the Act. There is a concern that the present definition of serious violence offence in the Act could apply haphazardly to some criminal offences, but not others of objectively greater seriousness.

The Government is committed to ensuring that the community is protected from the high risk of reoffending posed by such individuals. The amendments will enable offenders who pose an unacceptable risk of committing further violent offences to either be detained for a set period after their sentence ends or be subject to supervision by Corrective Services in the community. This bill does not make every violent offender subject to the Act. These orders continue to be for the ongoing supervision of dangerous offenders who have committed extremely serious offences and who have been assessed by experts and by the Supreme Court as meeting an unacceptable risk threshold. The serious violent offences the subject of this bill are all serious indictable offences—they are offences which are punishable by imprisonment for 25 years or life.

The regime under the Act is used only for a small number of offenders in the most serious cases. Only one continuing detention order and nine extended supervision orders have been made since the provisions were introduced in 2013. The bill is not intended to result in a significant increase in the number of people who are subject to extended supervision or continued detention.

The people who need to be subject to these orders to protect the community are identifiable through a risk assessment process, including consideration by the High Risk Offender Assessment Committee established by this Government in 2014. The committee is chaired by the Commissioner of Corrective Services and comprises representatives which include members of justice, law enforcement and human service agencies.

The Supreme Court ultimately determines whether an order should be made. In assessing whether an extended supervision order or continuing detention order is needed, the person's offence is looked at alongside other factors, including their:

- criminal history,
- pattern of offending behaviour,
- psychiatric/psychological issues,
- institutional behaviour; and
- the offender's attempts to rehabilitate, including through program participation in prison.

Expert evidence, including reports by independent psychiatrists and psychologists who have examined the offender, is provided to the court to inform its decision on the offender's risk of reoffending. When an offender is detained, the offender is regularly reviewed by a clinical committee and referred to programs to address the causes of their offending.

Offenders supervised in the community are subject to conditions imposed by the court, such as regular reporting to Corrective Services NSW, electronic monitoring and participation in treatment and rehabilitation programs. Breaching a supervision order is a criminal offence punishable by five years' imprisonment or a \$55,000 fine or both. These orders are also regularly reviewed by Corrective Services to ensure that the orders are still appropriate.

A broader statutory review of the Crimes (High Risk Offenders) Act is also underway to examine whether the Act is achieving its objectives. In undertaking that review, the Attorney General has asked the Department of Justice to consider, and consult with stakeholders, in relation to options for better managing high risk offenders and whether the factors the Supreme Court is required to consider in making an order for continuing detention or extended supervision align with the Act's objectives. The report is due to be completed by March 2017.

The amendments in this bill are being progressed in advance of that broader statutory review as limitations in the Act pose a real and immediate threat to community safety. The Government thanks the stakeholders who were consulted in the drafting of this bill in New South Wales, including the Bar Association, the Law Society, Legal Aid, the Office of the Director of Public Prosecutions, Police, Public Defenders Office, and the Serious Offenders Review Council. I now turn to the detail of the bill.

Item 1 of the bill would amend the definition of "serious violence offence" in section 5A of the Act. The definition of "serious violence offence" effectively defines who is a "high risk violent offender". It does this in two ways. First, to be considered a high risk violent offender the person must have been sentenced to imprisonment for a serious violence offence. Secondly, the court must

be satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious violence offence if he or she is not kept under supervision.

Item 1 would clarify that the Act covers some types of murder that occur during the commission of a serious crime, such as during an armed robbery. This is referred to as constructive murder. Other types of murder are already serious violence offences. Constructive murder often involves the offender engaging in violent acts. Courts have consistently held that constructive murder is just as serious as other types of murder.

Item 1 also clarifies that reckless conduct that causes the death of another person also includes a reference to manslaughter caused by an unlawful and dangerous act. The offence of "manslaughter by unlawful and dangerous act" can also involve acts that amount to serious violence. While often this offence occurs as a once-off error of judgement, unfortunately for some offenders the offence forms part of a pattern of recurring violence.

Finally, the bill clarifies that a serious indictable offence that is constituted by a person engaging in conduct that causes grievous bodily harm, includes conduct that wounds another person. The person must still have intended to cause the death of another person or grievous bodily harm. In practice, offenders are sometimes convicted of the offence of wounding when the harm caused was grievous bodily harm. This is because it is easier for the prosecutor to prove the offence of wounding and the same maximum penalty applies. This is creating limitation in the Act whereby people who have engaged in the same criminal conduct, such as shooting or stabbing someone, are either covered or not covered by the Act depending on what offence they were charged with and convicted of.

Currently, an offender who is convicted of attempting to cause grievous bodily harm but who in fact did not harm the victim would be covered by the Act, but an offender who is convicted of actually wounding the victim would not be covered. The bill will address these limitations by clarifying that applications can be made in respect of offenders serving sentences of imprisonment for the offence of wounding with intent to cause grievous bodily harm. It is the offenders who are serving sentences of imprisonment for wounding, but who intended to cause grievous bodily harm, to which it is envisaged the Act would apply in practice.

Item 2 deals with savings and transitional matters. It provides that the amended definition of "serious violence offence" will apply to sentences imposed and offences committed before the amendments commence. This is consistent with the high risk violent and sex offender schemes which also applied to pre-existing offences in this way.

The bill will commence on the date of assent. By clarifying the Act's application, the bill ensures the Act fulfils community expectations of what serious violence offences should be covered. With this bill, the Government is promptly responding to newly identified potential limitations in the Act that pose a real and clear threat to community safety. The Government will not allow the community to be placed at risk.

I commend the bill to the House.

**The Hon. ADAM SEARLE (16:27):** I lead for the Opposition in debate on the Crimes (High Risk Offenders) Amendment Bill 2016. The Opposition does not oppose the bill. The object of the bill is to amend the principal Act, the Crimes (High Risk Offenders) Act, to include within the continuing detention and extended supervision regime offenders convicted of the indictable offences of constructive murder, which is murder occurring in the course of the commission of another serious offence, manslaughter by unlawful and dangerous act, and wounding with intent to cause death or grievous bodily harm.

Despite the exaggerated claims made by the Government in the other place when introducing this bill, this bill is modest. The bill seeks to clarify and extend the class of violent offenders in relation to whom the State can apply for an extended supervision order or a continuing detention order. In her second reading speech the Attorney General noted that the Act was originally intended to cover the types of offence covered in this bill. The regime was originally established by the Labor Government in the Crimes (Serious Sex Offenders) Act in 2006. As the title suggests, the regime at that stage applied only to serious sex offenders. In 2013 the Crimes (Serious Sex Offenders) Amendment Bill was adopted by the Parliament to include high-risk violent offenders. This flowed from a referral by then Premier Keneally in 2010 to the NSW Sentencing Council and a subsequent report. The legislation was amended again in 2014 to, among other things, establish the High Risk Offenders Assessment Committee.

The legislation currently allows an application to be made to the Supreme Court in relation to certain categories of convicted offenders for an order to supervise or detain the offender even though their sentence has expired. Orders can be made only by the Supreme Court, as is appropriate, and only if the court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious offence if not kept under supervision. Unsurprisingly, there are relatively few offenders against whom orders are made. I note that in her second reading speech in the other place the Attorney General acknowledged that since 2013 only one continuing detention order and nine extended supervision orders have been made.

In answer to a supplementary question on notice at budget estimates, the then Attorney General indicated that as at 1 September 2014 there were 35 offenders in New South Wales in the community on an extended supervision order—35 were sex offenders and one was a violent offender. At that stage no-one was subject to a continuing detention order. In mid-2015 a media report indicated that there were 37 persons living on extended supervision orders, which gives a sense of the scale of this regime. The scheme is different from earlier strategies such as habitual offender legislation. Detention is not unlimited and is not imposed at the time of sentence. It is imposed at a later period and is still at variance with traditional common law principles.

Currently, apart from serious sex offenders, the legislation applies to offenders convicted of a serious indictable offence that consists of engaging in conduct that causes the death of another person or grievous bodily harm to another person with the intention of causing, or while being reckless as to causing, the death of another person or grievous or actual bodily harm to another person. It also extends to attempting to commit or conspiring with or inciting another person to commit that kind of offence. This is set out in subsections (1) and (2) of section 5A of the principal Act.

The only substantive part of this bill is to include a new section 5A (2A) to clarify the existing provisions of the Act. New subsection (2A) provides that the conduct referred to in section 5A (1) (a) includes murder committed during or immediately after the commission of a serious crime, manslaughter caused by an unlawful and dangerous act, and conduct that causes the wounding of another person, but only if the conduct was engaged in with the intention of causing the death of another person or their grievous bodily harm. Provision is also made to have application to offences committed before the commencement of the Act and to persons serving a prison term before the Act commences. The Opposition did not oppose the 2013 legislation and this bill will ensure that the 2013 legislation has the effect that was intended at the time. Accordingly, the Opposition does not oppose the bill.

**Mr DAVID SHOEBRIDGE (16:32):** I speak on behalf of The Greens on the Crimes (High Risk Offenders) Amendment Bill 2016. The alleged object of the bill is to ensure that the class of violent offenders in relation to whom the State of New South Wales can apply to the Supreme Court for orders requiring their continuing detention beyond the term of their sentence or extended supervision beyond the term of their sentence can extend to those people who have been convicted of any of the following serious indictable offences. The first is murder that occurs in the course of the commission of another serious crime, known as constructive murder. The typical case of constructive murder is somebody drives a getaway car, parks outside a shop or bank with the intention to commit a robbery and in the course of the robbery someone is killed. In that case the common law says that any accomplice of that criminal act can be convicted of constructive murder and can be sentenced to murder.

The second offence is manslaughter by unlawful and dangerous act. Manslaughter in those circumstances does not necessarily require the intent to kill; recklessness can be sufficient in those circumstances. The third offence is wounding with intent to cause death or grievous bodily harm. Of course the Crimes Act definition of "wounding" in that circumstance can be simply a tiny break in the skin; that would be sufficient to amount to wounding. Of course there is the additional element of the Crown having to prove intent to cause grievous bodily harm or death.

This is not a small extension of the scheme; it is quite a significant extension of the scheme. The original 2006 Crimes (High Risk Offenders) Act created a regime for the ongoing supervision and detention of persons who are described as high-risk offenders despite their custodial sentence having been completed. The Act originally created two categories of high-risk offender—high-risk sex offenders and high-risk violent offenders in respect of whom different types of orders could be made, either extended supervision orders or continuing detention orders. An extended supervision order, which the Government now proposes can be made in relation to an expanded class of individuals, imposes obligations on offenders once they are released from custody and in fact can include electronic tagging and directions about where a person can or cannot live.

Continuing detention orders, as the name suggests, requires the person to remain in jail despite the fact that the prison term had been completed. It can be imposed upon breach of an extended supervision order or where there are altered circumstances. Despite someone being released on an extended supervision order, in circumstances where, for instance, their accommodation may no longer be provided through no fault of their own, the person could find himself or herself the subject of a continued detention order and be put back in jail, even though—and I stress—the sentence in relation to the offence for which the person was originally convicted had expired. The whole concept of finality in the criminal law is removed with these extended supervision orders and continuing detention orders.

In 2014 the then Crimes (High Risk Offenders) Amendment Act created a third type of order, called an emergency detention order. This could be made against somebody who was the subject of an interim or even an extended supervision order. That Act set in place a three-step process before an extended supervision or a continuing detention order could be issued. The first was that an application had to be made by the Attorney General to the Supreme Court. The second was that the Supreme Court had to conduct what is described in the legislation as a preliminary hearing and I think it had 28 days in which to do that. The last was that the Supreme Court had to determine the application in what is described as a substantive hearing—basically a final hearing.

The court is empowered to make interim as well as final extended supervision and detention orders. There is provision for an appeal to the Court of Appeal in this case, because of the nature of the jurisdiction not being in the criminal jurisdiction, from any determination of the Supreme Court to make or refuse to make an extended

supervision order or a continuing detention order. That is not a de novo hearing, of course. Error has to be established. I am grateful for assistance in what is a complex area of law from the University of New South Wales [UNSW] Law Journal article on "Post-Sentence Preventative Detention and Extended Supervision of High Risk Offenders" by UNSW law lecturer Tamara Tulich, who assisted me in getting together a comprehensive summary of the law. I found her article very informative. The Greens oppose this extension of the scheme for the same reason that we opposed it in the first place. It undermines the basic criminal justice principle of finality in the punishment and sentencing of an offender.

Once citizens who have been tried, convicted and sentenced have completed their sentence in accordance with the law, as imposed not by a politician but by an independent judicial officer, they should no longer be subject to the sanctions of the criminal justice system. That is what The Greens believe. If those persons commit further crimes they should be tried and, if found guilty, convicted and jailed for those crimes. The increase in police and State oversight of individuals continues. There is an endless increase in the number of criminal laws that allow the police and the State to jail people who have not committed an offence, as well as those who have committed an offence. The laws allow the authorities to jail people to ask them questions, jail them to prevent them from doing things, jail them when they breach an order preventing them from doing things and jail them when they breach an order requiring them to do certain things.

The endless growth of police powers in New South Wales has to stop at some point. The tide of civil rights needs to turn. New South Wales is in danger of becoming a police State. Most of the laws necessary to create a police State have been put on the statute book in the past five years; they just have not been exercised. Some of them have not even been proclaimed yet. Heaven help us when they are exercised by a maligned government that has had a good look at the power that this House and this Parliament have given the police and authorities in this State. This Parliament has given them the ability to jail and interrogate without the need to provide any evidence of a crime having been committed or any intention to commit a crime. The laws allow authorities to jail children and interrogate them for 14 days. They allow the continued detention of people the Government does not like, for the whole of their natural life, without that detention having to be attached to a criminal offence.

Of course The Greens oppose this extension of the laws. There is an idea that we will achieve wonderful security by handing up all our liberty. The principle is quoted repeatedly. It is a false political surrender. We need the courage to stand up and protect our liberties as much as we need the courage to stand up and put in place additional security. We ought to prize our liberties every bit as much as we prize our security. For years, the only word that governments have focused on is security. Liberty has not just taken a backseat; liberty has been locked in the boot. It is time that that changed.

**Reverend the Hon. FRED NILE (16:42):** The Christian Democratic Party supports the Crimes (High Risk Offenders) Amendment Bill 2016. The bill clarifies the types of offenders to whom the existing continuing detention and extended supervision scheme under the Crimes (High Risk Offenders) Act 2006 applies. The bill will amend the Act so that applications to the Supreme Court can be made for extended supervision or continuing detention for offenders nearing the end of their sentence who have committed certain criminal offences. The offences are very serious. Our party supports the proposition that the people who commit these offences should be considered for extended supervision or detention to protect the community. If they have committed such serious offences and do not cooperate with the rehabilitation program in prison there is a high chance that they will reoffend. The criminal offences are as follows: wounding with intent to cause grievous bodily harm; manslaughter by unlawful and dangerous act; and murder that occurs in the course of committing another serious crime, which is referred to as "constructive murder". The maximum penalties for these offences are similar to those for offences already covered by the Act—that is, imprisonment for 25 years or life.

Safeguards will continue to apply under the Act, such as the requirement for psychological and psychiatric examination of an offender before an application under the Act can be made. The Supreme Court will still need to be satisfied that the person poses an unacceptable risk of committing a serious violence offence if released from prison without supervision. There have been cases which may not directly apply to this legislation where people have been released from prison and then have committed another serious offence such as the rape and murder of a woman. That is why we believe that community protection has to be a priority for the Government. The community expects that. The Government is providing that with this legislation, which the Christian Democratic Party supports.

**The Hon. DAVID CLARKE (16:45):** On behalf of the Hon. John Ajaka, in reply: I thank members for their contribution to the debate. The Crimes (High Risk Offenders) Amendment Bill 2016 will clarify how the existing scheme for continued detention and extended supervision applies to serious violence offenders under the Crimes (High Risk Offenders) Act 2006. Continued detention and extended supervision are necessary to protect the community from a small number of offenders. These are offenders who have committed very serious crimes,

who have not been rehabilitated in prison and who have been assessed as posing an unacceptable risk of committing further serious violence offences.

As the debate in this House has shown, these amendments ensure that the Act fulfils community expectations of what serious violence offences should be covered by the scheme. The Government is committed to ensuring that the community is protected from the high risk of reoffending posed by this small group of individuals. I will address particular matters that have been raised by members in the debate. With regard to individual rights and liberties, this bill merely clarifies the provisions relating to high-risk violent offenders in the Act. The scheme has an impact on a small group of high-risk offenders and is underpinned by powerful safeguards that ensure applications are made only in appropriate cases for the safety and protection of the citizens of New South Wales. Only nine extended supervision orders and one continuing detention order have ever been made for violent offenders since these arrangements were introduced in 2013. This balancing of rights was upheld by the High Court of Australia in the case of *Fardon v Attorney-General for the State of Queensland*, which considered similar Queensland legislation.

Safeguards will continue to apply under the Act that will support individual rights and liberties, including the requirement for independent psychological and/or psychiatric examination of the offender. Orders may be imposed for up to five years, and the appropriateness of the order will be regularly reviewed, every 12 months. Once an offender is identified as needing to be considered for an order, the High Risk Offenders Assessment Committee, which includes members of justice, law enforcement and human service agencies, decides whether a person should be referred for an extended supervision order or a continuing detention order. The functions of the High Risk Offenders Assessment Committee include review and assessment of high-risk offenders and making recommendations to the Commissioner of Corrective Services for appropriate action by the State, such as applying for a continuing detention order or extended supervision order in respect of the offender.

The Supreme Court will need to be satisfied that the person poses an unacceptable risk of committing a serious violence offence if released without supervision. Extended supervision is an important way of improving community safety. This is particularly so when the offender is not released on parole and would otherwise be released from prison into the community without any supervision. Concerns have been raised about the retrospective application of the bill to persons currently serving sentences of imprisonment. The bill will clarify what is a serious violence offence under the Act.

Some very violent crimes, such as shootings and stabbings, potentially are not covered by the Act due to the technical elements of the offence with which a person was charged. The Act was intended to cover these types of offending; however, a technical limitation in the drafting of the Act has recently been identified. When the high-risk offenders scheme was extended to high-risk violent offenders in 2013, it applied to sentences imposed and offences committed before its commencement. When the Act commenced in 2006 for high-risk sex offenders, it applied retrospectively.

Why does the bill expand the high-risk offenders scheme to include wounding? The level of harm caused by wounding with intent to cause grievous bodily harm can sometimes be just as serious as other offences already covered by the Act. The maximum penalty for wounding with intent to cause grievous bodily harm is the same as the offence of "cause grievous bodily harm with intent", which carries a term of imprisonment for 25 years.

Some examples chosen at random of actual crimes not currently covered by the Act that would be covered by the amendments are: the victim suffered 33 cuts, a punctured lung and lost his left eye; the victim was repeatedly stabbed in the face, neck and hands; the victim sustained injuries to her scalp, shoulder and arm, as well as a wound to her forehead requiring surgery and lacerations to her left breast, causing a potentially life-threatening wound to the chest cavity. I commend the bill to the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question is that this bill be now read a second time.

**Motion agreed to.**

### **Third Reading**

**The Hon. DAVID CLARKE (16:51):** On behalf of the Hon. John Ajaka: I move:

That this bill be now read a third time.

**Motion agreed to.**

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

**Debate resumed from 11 May 2016.**

**The Hon. PETER PRIMROSE (16:52):** The main purpose of the Taxation Administration Amendment (Collection and Disclosure of Information to Commonwealth) Bill 2016 is to amend the Taxation Administration Act 1996 to enable the Chief Commissioner of State Revenue to collect and disclose to the Commissioner of Taxation of the Commonwealth information about the transfer of freehold and leasehold interests in real property in New South Wales. The Opposition does not oppose the bill. The bill was introduced as a result of an agreement reached in October 2015 between the Treasurers of the Commonwealth, State and Territory governments, who agreed to the establishment of a national register of foreign ownership of land titles. This bill gives effect to that agreement in New South Wales.

This bill will give greater integrity and strength to the taxation and funding regime at a State and Federal level, such as land tax, first home owners' benefits, goods and services tax and capital gains tax. However, in the second reading speech the Minister was silent on the other effects of the bill, including the collection and disclosure of reportable information by the head of a public service agency. New section 80E will enable that to occur. New section 80F goes one step further and will enable the Treasurer to direct the head of a public service agency to disclose information. This disclosure by public service agencies could have far-reaching implications for privacy—an issue that has not been adequately addressed by the Government.

The bill will also enable detailed and additional processes during land sales, resulting in related amendments to the Conveyancing (Sale of Land) Regulation 2010. Additional details will require proof of identity, including nationality and residency of both the vendor and the purchaser. As this bill introduces new red tape these additional processes will place a burden on real estate agencies, conveyancers, lawyers, financial institutions and Land and Property Information [LPI], and buyers, sellers, small businesses and government departments will pay for it in the long run.

Any privatisation of LPI would be diametrically at odds with this bill. The assumption in this bill is that the Chief Commissioner of State Revenue will have access to land titling and registration in New South Wales. But that is the same business unit that it has been suggested will be privatised and separated from LPI. The net result is that a fee-for-service to access information under any future privatised model will place a cost burden on taxpayers and could be referred to by some as simply fattening the pig for sale.

I ask the Parliamentary Secretary to respond to a couple of questions when he replies to debate on this bill. First, how will the bill work with a possibly privatised land titling and registration service? Secondly, how will this bill reduce red tape, one of the objectives that the Government set for itself? Finally, how will this bill ultimately save taxpayers money? I look forward to the Parliamentary Secretary addressing these points when he responds to this debate.

**The Hon. PAUL GREEN (16:56):** On behalf of the Christian Democratic Party I speak briefly in debate on the Taxation Administration Amendment (Collection and Disclosure of Information to Commonwealth) Bill 2016, which has as its object to amend the Taxation Administration Act 1996 to enable the Chief Commissioner of State Revenue to collect and disclose to the Commissioner of Taxation of the Commonwealth information about the transfer of freehold and leasehold interests in real property situated in New South Wales. The information is proposed to be used by the Australian Taxation Office for the purposes of data-matching and ensuring compliance with the taxation laws of the Commonwealth. In addition, the information, including nationality and residency of vendors and purchasers, will be used for the purposes of a National Register of Foreign Ownership of Land Titles to be administered by the Australian Taxation Office. The Christian Democratic Party applauds this amendment.

This bill will now enable New South Wales to obtain the full snapshot of real property data and the national register is designed to strengthen the integrity of the foreign investment framework. The Government welcomes foreign investment but has to weigh up the benefits of such investments across New South Wales in this case. In 2014 I was the chair of the Select Committee on Social, Public and Affordable Housing which was established to inquire into and report back on the demand for housing in New South Wales. The committee found that one of the main factors affecting housing affordability was the growth in house prices, with significant increases in prices across New South Wales and, more specifically, in Sydney. The committee heard evidence to the effect that the growth in house prices was connected to policies that favour investors, including negative gearing and capital gains tax discounts. The committee also established that another issue affecting housing

affordability was the artificial inflation in house prices as a result of foreign investment. In his submission to the inquiry, Mr John Willmont stated:

Properties are being marketed offshore for 10 to 15 per cent above the domestic market. These new overinflated sales, because of the number of them, significantly increase the domestic price of future supply of off the plan purchases and ultimately the broader market.

In its 2014-15 annual report the Foreign Investment Review Board stated:

Approved investment in real estate (comprising commercial and residential proposals) was \$96.9 billion in 2014-15 (compared with \$74.6 billion in 2013-14).

The annual report goes on to say:

China remains the largest source of proposed foreign investment in Australia, mainly driven by a large increase in residential real estate approvals. The other major sources of proposed investment were the United States, Singapore, Japan and Canada.

The value of approvals for China has increased by around 68 per cent since 2013-14 and account for around 33 per cent of the total value of approvals by foreign country in 2014-15 (excluding the value attributed to advanced 'off-the-plan' developer certificates in Australia).

This bill aims to address these concerns by improving transparency of foreign ownership and by obtaining better quality information to support policy development and to improve compliance across State and Federal taxes. The Christian Democratic Party believes everyone has the right to have a place to call home. Access to affordable housing is imperative. The Christian Democratic Party calls on the Government to provide the foundation for much-needed revitalisation and growth of affordable housing for all Australians, particularly in New South Wales. The Christian Democratic Party commends the bill in the hope that the Government will improve housing affordability by ensuring foreign investment is compliant, fair and directed at maximising housing for all Australians. Foreign investment in Australia needs to be monitored and to be more transparent, and we applaud moves in that direction.

I note that foreign investment, particularly in residential properties across New South Wales, is more likely to be building new supply. The demand for housing is still there, and it is one of the great challenges around social, public and affordable housing. We have to meet that demand. But we also need to look at the supply chain. We must not forget that new buildings involve carpenters, electricians, whitegoods, furnishings and the like. A lot of downstream products are purchased for these new homes, and this is important for many small businesses. So we must not be too quick to extinguish foreign investment; we just need to be mindful of who is buying what and where it leads. We need to ensure that things are done in the right way and in the right order. I commend the bill to the House.

**Mr DAVID SHOEBRIDGE (17:02):** On behalf of The Greens I speak in debate on the Taxation Administration Amendment (Collection and Disclosure of Information to Commonwealth) Bill 2016. The Greens do not oppose this bill but we note some concerns relating to privacy issues and we foreshadow one amendment that we seek to move in the Committee stage. The Taxation Administration Amendment (Collection and Disclosure of Information to Commonwealth) Bill 2016, hereafter referred to as the bill, amends the Taxation Administration Act 1996 to allow New South Wales to share information regarding real property with the Australian Taxation Office.

The Government says that the reform is intended to help facilitate the creation of a National Register of Foreign Ownership of Land Titles and to ensure compliance with taxation laws. There is nothing in the bill about housing affordability. There is nothing in the bill about reducing house prices; it is just about creating a National Register of Foreign Ownership of Land Titles. The Government said that information will be collected at the point of transfer—currently by the Land Titles Office, I assume—by an entity of a freehold or lessee interest in real property. The creation of a national register was agreed to at the Council of Federal Financial Relations on 16 October 2015. It is said to be part of the Commonwealth Government's foreign investment reforms, and very modest reforms they are.

Specific provisions of the bill include a definition of what constitutes "reportable information". Rather helpfully, the bill provides that reportable information is defined by reference to subdivision 396-B of division 396 of part 5-25 of chapter 5 of schedule 1 to the Taxation Administration Act 1953 of the Commonwealth. It really throws a huge amount of light on what is reportable information! If members ever make the mistake in life of having a look at subdivision 396-B of division 396 of part 5-25 of chapter 5 of schedule 1 to the Taxation Administration Act 1953 of the Commonwealth, they will find about five pages of relatively incomprehensible Federal legislation. It is described as "information about transactions that could have tax consequences for taxpayers".

It is not entirely clear exactly what information in those 5½ pages of Commonwealth legislative gobbledygook will be picked up as reportable information under the bill. I would be interested to know what the

Parliamentary Secretary, the Hon. Rick Colless, makes of the definition of "reportable information" in that subdivision 396-B of division 396 of part 5-25 of chapter 5 of schedule 1 to the Taxation Administration Act 1953 of the Commonwealth. As we read through it, it appeared that the only information that could potentially fall within the scope of what the Minister and the Parliamentary Secretary have referred to as reportable information in their second reading speeches is that found in subdivision 396-6, "the information required", in subparagraph 1B, being information that "may relate to identifying the parties to the transaction". That really does not clarify anything.

So what is the reportable information, I ask the Parliamentary Secretary? Where is the Commonwealth legislative assistance that will inform the Chamber what the legal requirements of this State are to provide that information? What is the reportable information and where in that subdivision of the subdivision of the schedule is the relevant information referred to that has been picked up in the second reading speeches of the Parliamentary Secretary and the Minister?

Having dealt with schedule 1, new section 80C, I now turn to schedule 1, new section 80D. Apart from not knowing what the reportable information is—and, really, neither the bill nor the second reading speech has shed adequate light on that—we are concerned about new section 80D, which waives the application of the Privacy and Personal Information Protection Act 1998 relating to the collection and disclosure of—rather helpfully—reportable information for the purposes outlined in the bill. I will come back to that briefly later. Schedule 1, new sections 80E and 80G allow for information to be collected in New South Wales by the Chief Commissioner of State Revenue, through the Office of State Revenue and other public service agencies, and then disclosed to the Commissioner of Taxation of the Commonwealth.

Schedule 2 amends the Conveyancing (Sale of Land) Regulation 2010 to require a vendor to serve a purchaser, before completion, with a current land tax certificate that shows whether any land tax is charged on the land. This appears to be required for the purposes of data collection. According to the bill the amendment will "enable the Chief Commissioner to collect information about the vendor for disclosure to the Taxation Commissioner". What the nature of that information is, and where the legislative requirement in the Commonwealth is that says that has to happen, is all very opaque.

According to information provided by the Government in crossbench briefings, the Office of State Revenue already collects property data that is provided to the Australian Taxation Office [ATO]. It is unclear what that data is and what is the nature of that data. This bill is said to be required to facilitate the collection of additional information which will then be sent to the Australian Taxation Office on a quarterly basis to inform this new growing national database. It is some sort of growing accumulation of information held by the ATO—for what purposes we are not entirely clear; it seems to be for tax purposes but we are not sure whether it is also for some regulation of land ownership.

**The Hon. Catherine Cusack:** For housing information purposes.

**Mr DAVID SHOEBRIDGE:** I note the interjection of the Hon. Catherine Cusack. It may be for housing information purposes—although arguably, when one looks at the provisions in this bill, one finds that the Government at least is making the case that this is only for taxation-related actions. No doubt the Parliamentary Secretary will clarify that. In May last year the Federal Government announced a package of measures said to strengthen the foreign investment framework to ensure that the rules are enforced. It said:

The ATO will be given responsibility for regulating foreign investment in residential real estate, including stronger enforcement, audit and compliance of the existing rules. Greater enforcement will be supported by enhanced data matching systems to pinpoint possible breaches.

According to the ATO website, States and Territories are required to pass on a range of information from 1 July this year, including some "foreign identity details". The ATO website is not a great deal more enlightening than the bill about what information will be provided about foreign land holders. It simply says, "For each transaction, your report should include ...". The six dot points that follow include the property details, the price, the identity of the purchaser, the address and date of birth of individuals, and names and ABNs of non-individuals and then it says "some foreign identity details". The question is what foreign identity details? Where is the requirement in Commonwealth law that allows that to be enforced and are the details about where they have visited, their visas or their nationality? We do not know.

I always appreciate the Government's crossbench briefings. I appreciate the Government maintaining the institution of explaining in reasonably straightforward terms the rationale of its legislation. I make it my practice to always attend the crossbench briefings to get the answers rather than have an uninformed debate in the Chamber. They are useful. The crossbench briefing document on this bill states that "all information will be subject to the same privacy protections as all the other data collected by OSR for tax administration purposes". However, that is not made clear in the legislation. New section 80D explicitly waives the application of the Privacy and Personal



Information Protection Act 1998 in respect of collecting and disclosing reportable information. The briefing note says that privacy will be protected, but the new section provides:

80D Relationship with other NSW laws

- (1) Nothing in this Act or any other Act or law (including the Privacy and Personal Information Protection Act 1998) prevents the collection or disclosure of reportable information in accordance with this Division.
- (2) Nothing in this Division prevents the collection or disclosure of reportable information in accordance with any other provisions of this Act or any other Act or law (including the Privacy and Personal Information Protection Act 1998).

On the one hand a statement is made that privacy is protected. On the other hand, all of the protections under the Privacy and Personal Information Protection Act are removed in relation to reportable information. What is reportable information? I repeat that the bill provides that reportable information is information as defined by reference to subdivision 396-B of division 396 of part 5-25 of chapter 5 of schedule 1 to the Tax Administration Act 1953. We do not know what it is but we do know that all privacy protections have been removed in relation to reportable information.

The Government has said in response that the current part 9, division 3 of the Taxation Administration Act 1996 titled "Secrecy" contains adequate protections in relation to the collection and disclosure of information in that it limits such disclosure to persons listed in the Act. In that regard the Commonwealth Taxation Administration Act 1953 is said to have similar provisions. However, the real concern is once the information is provided to the Australian Tax Office, what protections are in place? It is just going off into a dark box. It does not appear that any effort has been made to understand what privacy protections are in place at a Commonwealth level once that detailed personal data is provided to the ATO. Once it is provided to the Commonwealth the State loses control over the use and application of the data. Such control would obviously be outside the scope of any New South Wales law.

There are some protections under the Commonwealth Taxation Administration Act 1953. Division 355 refers to confidentiality of taxpayer information, but that still allows for disclosure of taxpayer information for certain purposes and it is not clear whether the information provided under the New South Wales Act as reportable information falls within the definition of taxpayer information. It is not coming from an individual about their taxation obligations; it is coming from a separate source in the New South Wales Government in relation to the national register. The Government has stated that the Commonwealth Act contains similar privacy provisions to State law and is therefore adequate in protecting an individual's privacy. We do not see that. For that reason The Greens will move an amendment in the Committee stage to explicitly say that new section 80D does not exclude the operation of the recently inserted section 19 (2) of the Privacy and Personal Information Protection Act 1998.

We had this debate at the end of last year when we amended the Privacy and Personal Information Protection Act. Previously there had been no protections. Once a New South Wales agency handed information to an external jurisdiction—either another State or Territory or the Commonwealth—it had no protection at all in New South Wales law. Obviously, a lot of information needs to be shared in a Federation, such as information in relation to taxation, health and education. There can be many benefits from sharing information nationally. However, before the end of 2015 there was nothing in New South Wales law that said when New South Wales is sharing data with other jurisdictions we need to check that they have their own privacy protections in place.

Our amendment proposes that section 80D contain a new subsection (4) that says that the section does not authorise the disclosure of reportable information contrary to section 19 (2) (a) to (h) of the Privacy and Personal Information Protection Act 1998. The amendment that has been circulated says (a) to (g) but I indicate that the amendment we will move in the Committee stage will say (a) to (h), which picks up all of section 19 (2). We think that amendment would be sufficient to address our privacy concerns. It would mean that the 2015 amendments to the Privacy and Personal Information Protection Act would apply to the disclosure of information under this Act. I assume it will be a relatively prompt discussion in Committee of the whole.

**The Hon. RICK COLLESS (17:16):** On behalf of the Hon. Duncan Gay, in reply: I thank the Hon. Peter Primrose, the Hon. Paul Green and Mr David Shoebridge for their contributions to debate on this bill. This bill delivers on the commitment of all Australian Treasurers, with the exception of the Northern Territory Treasurer, to implement a national register of foreign ownership of land titles. The bill will facilitate the collection and provision of additional data to the Australian Taxation Office [ATO], which will maintain the Commonwealth's national register. 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 GST and capital gains tax laws.

In New South Wales the Office of State Revenue [OSR] is the agency best placed to collect the data and provide the data returns to the ATO through existing data exchange channels. The OSR will also aggregate land

and property information data for provision to the ATO. The data collection will be incorporated into existing requirements for property revenue transactions and require changes to the OSR systems, including electronic forms used by the conveyancing industry. The OSR has designed the collection process with industry to minimise disruption. The OSR will provide assistance to the conveyancing industry through targeted education and communication programs.

In relation to privacy issues that have been raised, the data will be subject to the normal privacy provisions that apply to all individual and business information that is retained for tax administration purposes. The privacy protections were developed in consultation with the Privacy Commissioner. In New South Wales these provisions protect the privacy of information in the administration and enforcement of tax laws including stamp duty, land tax, payroll tax, gaming machine tax and the parking space levy.

Specifically part 9, division 3 of the NSW Taxation Administration Act 1996 prohibits the disclosure of tax-related information except to persons listed in the Act, and the Commonwealth Taxation Administration Act 1953 includes similar provisions. Other State agencies such as Treasury will have access to statistical data only for policy development purposes where the owners are not identified. The Privacy and Personal Information Protection Act 1998 restricts collection to only the data required for OSR's tax administration. An exemption is required for OSR to collect foreign status information on behalf of the Australian Taxation Office.

The data that is collected will be protected in exactly the same way as all other tax data at both State and Federal levels. The Commonwealth Government has committed to provide funding support to meet the costs of changing data collection systems in participating States. New South Wales looks forward to finalising these arrangements as soon as possible. In conclusion, the bill delivers on the commitment of New South Wales to comply with the Commonwealth Government's National Register of Foreign Ownership in time for the 1 July introduction of reporting requirements. I commend the bill to the House.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The question is that the bill be now read a second time.

**Motion agreed to.**

#### **In Committee**

**The TEMPORARY CHAIR (The Hon. Bronnie Taylor):** There being no objection, the Committee will deal with the bill as a whole.

**Mr DAVID SHOEBRIDGE (17:21):** I seek leave to amend The Greens amendment No. 1 on sheet C2016-056 by deleting "(g)" and replacing it with "(h)".

**Leave granted.**

I move:

No. 1      **Relationship with Privacy and Personal Information Protection Act 1998**

Page 3, Schedule 1 [2], proposed section 80D. Insert after line 32:

- (4)      This section does not authorise the disclosure of reportable information contrary to section 19 (2) (a)–(h) of the Privacy and Personal Information Protection Act 1998.

I would love to go on about the definition of "reportable information" again. I would also like to talk more about the intricacies of the privacy laws and the interaction between New South Wales and Commonwealth privacy laws but I have done that already. I know that members are keen for me to restate it as incoherently as I did during the second reading debate but, sadly, I will resist. The Greens have moved this amendment because we say that New South Wales should ensure that there are adequate privacy protections in place before the information is provided to the Commonwealth. We say this amendment will do that. I commend the amendment to the House.

**The Hon. RICK COLLESS (17:23):** As I explained in my speech in reply the Australian Taxation Office is already bound by quite substantial Commonwealth privacy protections through the Commonwealth Taxation Administration Act 1953. They are bound to treat this personal and private data in exactly the same way as all other Australian Taxation Office data is dealt with. For that reason the Government opposes the amendment.

**The Hon. PETER PRIMROSE (17:23):** I listened with great interest to the argument proposed by The Greens in relation to this amendment as well as to the detail and the questions raised. I do not think the Government has adequately addressed those concerns. There can be no second chances in relation to privacy once the information leaves this jurisdiction. The Opposition will be supporting this amendment because the Government has not been able to adequately respond to the concerns raised by Mr David Shoebridge.

**The TEMPORARY CHAIR (The Hon. Bronnie Taylor):** The question is that the amendment be agreed to.

**Amendment negatived.**

**The TEMPORARY CHAIR (The Hon. Bronnie Taylor):** The question is that the bill as read be agreed to.

**Motion agreed to.**

**The Hon. RICK COLLESS (17:25):** 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 (17:26):** On behalf of the Hon. Duncan Gay: I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. RICK COLLESS (17:26):** On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a third time.

**The Hon. PETER PRIMROSE (17:26):** At this stage of the third reading I place on the record that the Opposition asked three key questions in relation to this bill at the end of my speech in the second reading debate. Those questions related to how this bill will work with a possibly privatised land titling and registration service; how the bill from the Government's perspective would reduce rather than increase red tape; and how ultimately the Government conceives that this will be saving taxpayers' money—

**The Hon. Catherine Cusack:** Point of order: The conventions of the House as to third reading speeches are clear—namely, they give a member the opportunity to say why a bill should not be passed. It is not an opportunity to go back over material that has already been traversed. I ask that the Deputy President draw the member's attention to the narrow parameters of a third reading speech.

**The DEPUTY PRESIDENT (The Hon. Paul Green):** I note that former President Johnson ruled that the prime purpose of the third reading of a bill is to ensure the last opportunity to oppose the legislation. The debate on the third reading of a bill should be confined to that question. I caution the member to be very tight in opposing the third reading of this bill.

**The Hon. PETER PRIMROSE:** I shall wait until next time.

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

**Motion agreed to.**

### *Adjournment Debate*

### **ADJOURNMENT**

**The Hon. DUNCAN GAY:** I move:

That this House do now adjourn.

### **WORKPLACE FLEXIBILITY**

**The Hon. COURTNEY HOUSSOS (17:29):** This evening, in the context of a Federal election and an impending State Budget, I would like to update the House on an issue which is of serious concern to many working families around this State and which is increasingly gaining the attention of modern economists and academics who are looking to build a more resilient and productive workforce into the future. The issue is, of course, flexible working arrangements—something I have spent a great deal of time talking about during my time in this place. As I have said many times, with all the advances in modern communication technology, we no longer need to be wedded to the idea of a nine-to-five work week, on-site, Monday to Friday, with rigid hours and few, if any, concessions.

Time and time again we see report after report clearly identifying the individual, community and economic benefits of more flexible working arrangements, and these arrangements, first and foremost, must be mutually beneficial. It should be about recognising the changing nature of work, and reflecting a modern and productive framework for people to balance the increasingly competing aspects of their lives—be it with their family and friends, or in their community, or with a hobby, or in relation to caring or other responsibilities.

I was fortunate to visit a shining example of this in practice in Cooma last week at Birdsnest, a local business in the Snowy Mountains region, which is an excellent illustration of a modern workplace. I thank Tanya Ward for her time in showcasing a fantastic and innovative regional business that continues to grow and evolve, and to learn from its occasional mistakes. The owner, Jane Cay, started the business in 2004 when she bought the local dress shop in town. Jane used her extensive business experience to expand what began as a simple dress shop and by 2008, after its turnover reached a million dollars—in a town of 7,000 people—Jane decided to move into the online space as well as keep the shopfront.

The business's growth then and since has been incredible. Now relocated to a larger location, including using a former supermarket as its warehouse, Birdsnest has grown to employ 110 locals across a range of skill-sets, from complex operations, management, information technology [IT] and graphic design through to "picking and packing". It also takes between six and eight trainees each year. Placing the customer at the centre of its business has been a key focus of Birdsnest, and a way in which it has differentiated itself in an increasingly competitive retail market. To encourage this excellent standard of customer service, Birdsnest actively promotes a positive working environment, which leads me to its remarkable flexible working arrangements.

Most of Birdsnest's staff work part time according to their availabilities. The business has a range of shift options which accommodate school pick-ups and drop-offs and various other family and community commitments. This flexibility is not just for picking and packing staff; as is best practice, it extends right to its top management. As we plan for the post mining boom economic reality, especially in regional areas, businesses like Birdsnest show us how it can be done: smart business attuned to the needs of their workers and a modern marketplace, capitalising on their comparative advantages in a range of areas, including logistics, and their success is obvious. But whilst the private sector and business continue to roll out a range of flexible working arrangements, as they see the real benefits of flexible working, it is against a backdrop of serious government inaction.

A report released this month by the Work and Family Policy Roundtable, which includes 34 academics from 16 universities, has made it very clear that we are moving backwards when it comes to work, care and family policies. The report specifically mentions the recent Federal cuts to our universal paid parental leave scheme, which will have the effect of leaving many new mothers and fathers with less time with their baby during those crucial early months, and it highlights that ensuring flexible working is accessible by all workers—in practice, not just in policy—throughout their working life is a key method of addressing the challenges of work, care and family responsibilities. We should be looking to examples like Birdsnest in Cooma and broadcasting those successes to other sectors, including the public sector, so our economy and our communities can benefit from smart and modern workplaces that encourage higher productivity and a better work-life balance. In the few seconds remaining I would also like to wish my childhood friend Julia Smithurst a very happy birthday.

### PEST ANIMAL MANAGEMENT REVIEW

**The Hon. ROBERT BROWN (17:34):** The subject of my contribution to the adjournment debate tonight is dear to my heart: scientists, particularly scientists on the Government payroll. Tonight I wish to talk about the New South Wales Natural Resources Commission and the review it is currently conducting on pest animal management. This is not the first review of pest animal management undertaken by the New South Wales Government, and I dare say it will not be the last, but it seems that government in this State, whatever its persuasion, is very slow to learn from the mistakes of previous departmental reviews on pest animals.

Regrettably, the commission's draft report and recommendations released for public comment in March are marred by a litany of errors, bias and misrepresentation of the findings of published scientific papers. That is a big sin when it comes to academic work. The draft report also contains a worrying level of misguided anti-deer and anti-hunting dogma taken straight from the minuscule and shadowy, but grandly titled, Invasive Species Council. It is my public duty to expose the worrying lack of governance and the blatant partiality displayed by the commission in its draft report. I will touch on just three of the multitude of errors. First, there are a number of false and deliberately misleading claims that try to discredit hunting. On pages 74, 76 and 78 the commission's draft report states:

Shooting is always expensive, labour intensive, and time consuming.

However the use of recreational hunting as the primary population control measure for deer is ineffective.

However shooting is proving inadequate at containing overabundant deer populations.

Not surprisingly, the studies purported by the commission to support these statements provide no evidence whatsoever for these malicious interpretations. It is clear the cited papers were used in the hope that the claims would never be checked. In doing so, however, the commission has made the fatal mistake of forgetting that hunters are very skilled at detecting faint spoor and tracking a quarry. In this case, the commission has left a trail that was really quite easy to follow.

Secondly, the so-called fact sheets produced by the commission are not factual at all. They should have been called opinion sheets, because that is all they are—opinions taken straight from the Invasive Species Council's own verbal garbage and simply regurgitated by the commission. In the commission's deer management fact sheet it claims that there are no mechanisms available to compel landholders to control deer, yet in attachment three of the same draft report it states:

The biosecurity Act 2015 included a range of tools for the management of biosecurity threats and risks including emerging and widespread pests.

The duplicity of the commission could not be clearer. The comprehensive rights allowing farmers to control deer on their own land under the Game and Feral Animal Control Act and the Biosecurity Act were never adequately communicated by the commission, and that is an inexcusable omission.

Finally, in its summary of stakeholder submissions to the earlier issues paper, the commission states that a "notable number" of submissions suggested there is a pressing need for deer to be transitioned from game status to pest status. Again the commission threw this exaggerated comment into the draft report hoping that nobody would check. Well, Commissioner Keniry, we did check and we found that only four of the 176 submissions to the earlier issues paper made any reference to declaring deer as a pest, or removing the requirement for a hunting licence to hunt deer on private property.

If we are to truly make headway in effective management of pest and game animals in this State, the Minister for Primary Industries would do well to instruct the Natural Resources Commission before completing its final report for the Premier to, first, ensure that the commission and the New South Wales advisory committee comply with the commission's code of conduct by declaring any perceived or real conflicts of interest—and, boy, were there some doozies—and, secondly, to stick to the facts instead of pushing the anti-deer and anti-game bird agenda of the so-called Invasive Species Council. Finally, I say to the commission and the commissioner: Hunters in New South Wales and beyond will be watching your final report and recommendations to the Premier very closely.

## FEDERAL ELECTION

**The Hon. Dr PETER PHELPS (17:39):** Elections always offer us a choice of differing visions for the future. In the case of the Labor Party in the current Federal election we see a vision of debt and despoliation. Labor is proposing the introduction of a brand new carbon tax, a new slug on coalminers across the State and threats to cut the diesel fuel rebate, led by people such as Justine Elliott and Janelle Saffin, who have come out on Facebook to declare they want a ban on subsidies to fossil fuel companies. This can only mean the abolition of the diesel fuel rebate scheme, with all the implications that would have, not only on miners but also on farmers. One must ask: What sort of vision does the Labor Party want? The Labor Party conveniently makes it quite clear in its Climate Change Action Plan policy paper, which outlines what it will do about a clean energy future. The policy paper states:

... a clean energy future is not negotiable ... [but] We do recognise that there will be uneven impacts across Australia with some industries and regions impacted by change, especially those with a heavy reliance on fossil fuels like the Latrobe Valley, Illawarra, the Hunter and the Collie River Valley, along with other emissions intensive trade exposed sectors.

The Labor Party's own policy says that it will slug the Illawarra and the Hunter. Congratulations, Labor Party. Even today, when the news is coming through that some of the best employment growth in this State is taking place in the Hunter and in the Illawarra, the Labor Party is promising to put the brakes on that, to screw down the people of the Hunter and the Illawarra, to make them the unemployed people that they were not so long ago before this Government came to office and instituted a series of reforms. Across all of New South Wales Labor's big new carbon tax threatens 30,000 direct jobs, and how many other jobs indirectly related to that will be affected?

Let us consider the different visions for Aboriginal Australia. The Australian Labor Party said that it would employ more Aboriginal rangers. Malcolm Turnbull is offering a \$115 million boost for entrepreneurs to stimulate growth of Indigenous-owned businesses. Labor's vision is to have Aborigines dependent on government for their salaries versus the Liberal vision of having people being encouraged to develop, manage and grow their own businesses. As I said in this place five years ago, the Left "like their blacks traditional, preserved, kept for the next 40,000 years in a cultural amber for them to enjoy and, as an inevitable consequence, to have an Aboriginal community that is impoverished for eternity". That is what Labor wants.

Labor has backflipped on the schoolkids bonus. It did not even take it to shadow Cabinet or tell the shadow Minister, Jenny Macklin, who was spruiking it only two days before it was declared, that it was gone. There was then the Medicare scare campaign of a \$25 increase in the cost of visits. Even bringing in indexation, how does that work, considering indexation of the current scheduled fee would only result in an increase of 60¢ per visit? Yet Labor says, "No, because you do not have indexation you are going to have a \$25 increase in the cost of visits." That is absolutely untrue. Labor also forgets that there was an increase in bulk-billing rates over this period of time and that the pay for general practitioners increased by over \$70,000 a year in the intervening period of time.

In fact, Labor's plan for growth is a farce. It is a grab bag of platitudes and socialist idealism, so all-encompassing that it is effectively useless. Let us have a look at what Labor says will boost growth in Australia. Labor says that Medicare, the National Disability Insurance Scheme, action on climate change, public transport, tackling poverty, early childhood development, balancing carer responsibilities, reducing job insecurity, fairer distribution of income, fairer workplace conditions, universal superannuation, fairness and inclusion, renewable energy and access to housing for first home buyers will all boost growth in Australia. This is Labor's plan for growth, is it? It is no plan at all. It is a complete and utter farce and the voters of New South Wales and Australia will see through it. They will vote against this ridiculous Labor Opposition when the time comes.

### CLUBS AND COMMUNITY AWARDS

**The Hon. SOPHIE COTSIS (17:44):** On Friday 6 May 2016 I had the privilege with many members of Parliament, including the Leader of the Opposition and the Premier, to attend ClubsNSW 2016 Clubs and Community Awards. The awards were held at the Royal Hall of Industries in Sydney's Moore Park and showcased the outstanding contribution made by local clubs to communities across New South Wales. The awards recognise many wonderful clubs for the programs they run in the community. For example, the winner in the arts and culture category was Canterbury Hurlstone Park RSL, which won the award in recognition of its songwriting initiative that brought together eight local schools and international music producers.

The awards also recognised individuals for their contribution to the community. For example, Jhan Leach, Executive Officer of Blacktown Women's and Girls Health Centre, was presented with the Heart of the Community award for her work on behalf of women in Western Sydney. I congratulate all the winners on the evening and I thank ClubsNSW on its work in recognising the contribution that so many people make across our State. I recognise also the work that individual clubs do to acknowledge achievements in local communities. Many of those clubs contribute to local sporting groups, local environment groups and local ethnic groups. One area that a number of clubs have taken on is disability employment, and helping disability providers and groups. I commend those clubs. I would like to see more clubs taking on people with disabilities.

Clubs employ more than 41,400 staff and approximately 20,000 people in regional New South Wales. They utilise more than 44,000 volunteers and are social hubs to more than 5.7 million club members. Each year clubs make a \$3.2 billion economic contribution to the New South Wales economy and a \$1.2 billion social contribution. For example, later this month the Lantern Club in Roselands will hold its first ever community celebration evening. The purpose of this event is to celebrate the achievements of many community and sporting groups that the Lantern Club has formed relationships with. The recognition of community groups and outstanding individuals is just one way that clubs contribute to our community.

Clubs, by their very nature, are places of social inclusion where young people, families and seniors can come together. Clubs provide meeting spaces for local community groups and they provide local jobs, including many employment opportunities for young people, older people and women. One of the greatest contributions clubs make is through their grants program. Last year clubs provided more than \$100 million to deserving causes through the ClubGRANTS program. Since the scheme began clubs have given more than \$1 billion to important causes in the community.

I refer to an article in *NewsLocal* on 6 May 2016 stating that a New South Wales first program will find jobs for at least 30 Syrian and Iraqi refugees at Western Sydney clubs. This program has received the backing of Settlement Services International [SSI]. Bankstown Sports Club and Revesby Workers Club are the first two clubs to have signed on to guide refugees fleeing war zones into training and eventually permanent employment when they arrive in New South Wales. ClubsNSW is also investing \$50,000 for a support program to prepare refugees for work in Australia.

More than 1,400 people have been settled as of 16 May, with more to come over the next 12 to 18 months. SSI, which has its office in south-west Sydney, is one of several settlement services contracted to support special humanitarian visa holders. SSI chief executive, Violet Roumeliotis, said the job scheme would complement a concerted effort in the settlement sector to find employment for new arrivals. She said:

The benefits of employment are multifaceted, leading to better health, financial independence and self-confidence. Ultimately this helps people develop a sense of identity and connectedness with their community.

The Bankstown and Revesby clubs are the only clubs at this stage to offer assistance. I call on other clubs to offer to take on more refugees. Since the ClubGRANTS program began, clubs have given more than \$1 billion to important causes. Recently I attended the opening of the upgrade of Anzac Park in Campsie. The upgrade of Anzac Park was a \$490,000 investment. It was made possible with \$240,00 from the local council and \$250,000 from the ClubGRANTS program. I commend ClubsNSW chief executive officer Anthony Ball and his team, as well as all the hardworking board members and staff who work at ClubsNSW. I commend also Tara Moriarty from United Voice for her representation of clubs and their employees.

### OFFSHORE DETENTION CENTRES

**Dr MEHREEN FARUQI (17:49):** I currently have a motion on the *Notice Paper* which I wish I had never had to read. It draws to the attention of the House the recent self-immolation, in two separate incidents, by two refugees held at the offshore asylum seeker detention centre at Nauru. One of the refugees, known as Omid, subsequently died from his injuries. Organisations such as the United Nations Human Rights Council have repeatedly criticised Australia for offshore processing and inhumane treatment of refugees and asylum seekers. Locking up people who seek asylum, especially in conditions that lead them to self-harm and attempt suicide, is government policy of the lowest order. The Australian Government must close the offshore detention centres at Nauru and Manus Island as a matter of urgency and relocate all detainees to Australia.

It is now often remarked that we have reached such a low point in the refugee "debate" in this country that it could not possibly sink any lower. I use inverted commas when I call it a "debate" because to do otherwise would imply that reason, logic and compassion are being employed. Every time this debate takes place we are proven wrong and a new low is reached. Fifteen years after the *Tampa* incident, the Australian Government and the Opposition are a tight partnership in their support for offshore camps and for the so-called boat turn-backs. It is a blunt and cruel deterrent, plain and simple. It says, "If you try to come here, if you escape the horrendous persecution that you currently endure, we will lock you up in conditions that have led many others to suicide and self-harm and have caused irreversible physical and psychological damage." In May, on Sky News, in response to a question about the proposal by The Greens to significantly increase the refugee intake as part of our immigration policy for the 2016 election, Minister for Immigration and Border Protection Peter Dutton said:

They won't be numerate or literate in their own language, let alone English. These people would be taking Australian jobs, there's no question about that.

This is clearly well beyond the usual dog-whistling of elections gone by. While completely offensive and repulsive to many of us, Mr Dutton's comments are useful in that they reveal much about the Government's approach to the so-called refugee problem. The mask is off now. What was Prime Minister Malcolm Turnbull's reaction when asked about these comments? He said that Mr Dutton is "an outstanding immigration Minister". For the Coles and Woolworths duopoly that is the two major parties, this has never really been about the Government's faux concern for deaths at sea. It has never been about Australia doing its fair share. It has been about old-school xenophobia and promoting a climate of fear through the border security state.

To the Government and the Opposition this is about apparently useless, unintelligible immigrants who threaten our security and our livelihood. Since its election in 2013 the current Federal Government has done everything it can to promote the ridiculous idea that Australian borders are under perpetual existential threat. First, the Federal Government renamed the Department of Immigration the "Department of Immigration and Border Protection". Then it spared no expense in amalgamating Customs and parts of Immigration to establish what it calls the Australian Border Force. This paramilitary agency, with officers decked out in military-style gear and equipped with guns—and, potentially, tasers—patrols the borders and reinforces the climate of fear.

The narrative of border security and protection continues to dominate the actions of this Government, as it has done for governments of both stripes over the past 15 years. Refugees are positioned as people to be feared, when they have not even reached the border. They are blamed and demonised for either taking our jobs or eating up the resources of our welfare system when they cross it. The Greens will continue to challenge this bipartisan approach of cruel deterrence and demonisation for what it is: an extraordinary abuse of people's rights and welfare. People are supporting The Greens now more than ever as they learn more about what has happened at Nauru and Manus. Labor and coalition members of Parliament may be falling over each other to support indefinite detention and deny people asylum, but make no mistake: Our treatment of refugees is another indelible stain on the human rights record of this country.

### CHAFFEY DAM UPGRADE

**The Hon. TREVOR KHAN (17:54):** Prior to the 2011 election I was the duty member of the Legislative Council for Tamworth. It was my great honour to hold that role from when I was first elected in 2007 until 2011.

**The Hon. Ben Franklin:** You were magnificent.

**The Hon. TREVOR KHAN:** Indeed, that was my view. In 2011 we were gifted with the election of the now member for Tamworth, Kevin Anderson. At the 2011 election a clear commitment was made by the Coalition and the incoming member, Kevin Anderson, to the augmentation of Chaffey Dam. The project was vital for Tamworth and the region because, prior to that time, droughts had had a serious impact on the storage capacity of Chaffey Dam. The town had been under the most severe water restrictions. The meatworks was facing the prospect of closure, which would have put hundreds of people out of work and seriously affected the investment potential and future growth of Tamworth.

In that context the commitment was made that funding would be provided for Chaffey Dam. There was agreement from Tamworth Regional Council to commit funding to the dam, and promises of funding were obtained from the Commonwealth Government to proceed with the dam. Work on the dam commenced in 2014. By May of this year the augmentation of that dam was finally completed. The capacity of the dam has been increased from 62 gegalitres to 100 gegalitres. That is a substantial increase.

The Deputy Prime Minister and Minister for Agriculture and Water Resources, Barnaby Joyce, was present at the ceremony to mark the completion of the works. He was joined by the New South Wales Minister for Primary Industries, and Minister for Lands and Water, the Hon. Niall Blair; and the ever-present local member for Tamworth, Kevin Anderson. At the ceremony Mr Joyce observed that when he came to New England Chaffey Dam was underfunded, unapproved and unbuilt, and that since he had been there the funding had been obtained and the project had been approved and built. Mr Joyce said:

This upgrade project will help ensure the future water security of Tamworth and the Peel Valley and it is a point of personal pride to see this project signed, sealed and delivered within three years, after I made a commitment to the project during the 2013 election campaign.

**The Hon. Robert Brown:** What a top bloke he is.

**The Hon. TREVOR KHAN:** Indeed, he is a top bloke. He continued:

It goes to show that when a personal commitment meets the ... ability to deliver, things get done—and done quickly.

Despite the cynicism in some circles about politicians, this project is evidence that effective teamwork between all three levels of government brings the best benefits for the community—in this case, the Tamworth area and Peel Valley Irrigators.

He pointed out:

Having just announced a new \$2 billion National Water Infrastructure Loans facility to help state and territory governments build water infrastructure ... we can all look to the Chaffey Dam upgrade as a great example of how it should be done.

With a Liberal-Nationals Government at the Federal level and a Liberal-Nationals Government at the State level there are great opportunities for further water infrastructure to be built in New South Wales. The combination of committed State and Federal Liberal-Nationals governments will ensure progress for regional New South Wales.

#### STATE OF ORIGIN

**Mr SCOT MacDONALD (17:59):** I wish Queensland all the best in the State of Origin game tonight. I am sure the rest of the House will join me in that.

#### STATE OF ORIGIN

**The Hon. SHAOQUETT MOSELMANE (17:59):** Go the Blues! I think the Blues will smash the Queenslanders in the State of Origin. We will see it all tonight.

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

**Motion agreed to.**

**The House adjourned at 18:00 until Thursday 2 June 2016 at 10:00.**