New South Wales

Legislative Council

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(HANSARD)

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First Session

Wednesday, 21 September 2016

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LEGISLATIVE COUNCIL

Wednesday, 21 September 2016

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

The PRESIDENT read the prayers.

Motions

INDIA AUSTRALIA BUSINESS AND COMMUNITY AWARDS

The Hon. DANIEL MOOKHEY (11:01): I move:

(1) That this House notes that:

(a) the India Australia Business and Community Awards are a wonderful initiative that celebrate the phenomenal depth of talent and dedication to the Australian community displayed by Australian Indians;

(b) these awards, granted in varying categories, showcase the everyday Australian Indians who are making a significant contribution to their communities;

(c) this year's awards will be presented on 28 October 2016, along with the coveted award of Indian Australian Ambassador of the Year; and

(d) these awards play a vital role in celebrating the significant contribution of Australian Indians.

(2) That this House congratulates the nominees for:

(a) Young Professional of the Year: Amit Arora, Ashwin Tyagi, Deepti Sachdeva, Nikhil Wason, Pritika Desai, Priyanka Rao, and Ramnaresh Gorlamandala;

(b) Young Community Achiever of the Year: Amit Arora, Francesca McMillan, Kerry Peterson, Mannu Kala, Pritika Desai, and Reena Augustine;

(c) Community Services Excellence Award: Anju Kalra, Community Migrant Resource Centre, Khimji Vaghjiani, Kulbir Singh Malhotra, Reena Augustine, Subbaram Sundar, and Tata Consultancy Services;

(d) Spirit of Sport Award, Herman Singh Lotey, and Shubika Dubey;

(e) Businesswoman of the Year: Div Pillay, MindTribes Pty Limited; Mittu Gopalan, Freedman and Gopalan Solicitors; Reet Phulwani, K.R Impex Pty Limited; Retu Kaul, Engineers Enterprise Pty Limited; Rohini Kappadath, former Pitcher Partners; Simla Sooboodoo, Hands on Journey; and Uppma Virdi, Chai Walli;

(f) Business Leader or Professional of the Year [Female]: Manisha Angirish, Priyanka Mehta, and Tamanna Monem;

(g) Business Leader or Professional of the Year [Male]: Dalbir Ahlawat, Deepak Nangia; Jignesh Shah, Kam Phulwani, Mrudul [Mike] Vasavada, Professor Kichu Balakrishnan Nair, Rajesh Jagadale, Raju Narayanan, and Sam Johnson;

(h) Travel Agency/Tour Operator of the Year: Desi Travel, Insider Journeys, Mantra Wild Adventures, Helloworld Carlingford, Total Holiday Options, Travel and Taste, and Viv's Travel Bug;

(i) Indian Restaurant of the Year: Bombay Affair, Bombay Street Kitchen, Delhi O Delhi, Saffrron, Saravanaa Bhavan, and the Spice Room;

(j) Australian Exporter of the Year: SoftLabs, Total Alliance Health Projects International Pty Limited, and Victory Aluminium;

(k) Micro Business of the Year: BDS Autocare, Ridhi Sidhi Creations, WaliaJones, KoRa Kandles, and Green;

(l) Small Business of the Year: Ayurvedic Wellness Centre, Charismatics AUS and NZ, Connect Migration Solutions, Footwork Sports Academy, MindTribes, Mobiddiction, Onroad Driving School, Pentagon Group, Reach for Training, The Wizard of Oz Funland, and

(m) Small and Medium sized Enterprises of the Year: Adactin Group Pty Limited, Executive Life Pty Limited, Medicianz Healthcare Pty Limited, Nanda Hobbs Contemporary Pty Limited; Oppenheimer Pty Limited and P and N NSW Pty Limited Territory.

(3) That this House congratulates all the finalists, among an extremely competitive field of over 200 submissions, in all categories of the 2016 India Australia Business and Community Awards.

Motion agreed to.

JAMES COOK BOYS TECHNOLOGY HIGH SCHOOL

The Hon. SHAOQUETT MOSELMANE (11:01): I move:

(1) That this House notes that:

(a) work experience provides high school students with learning, experience and development opportunities influencing students in their choice of future career opportunities;

(b) year 10 student, Yusuf Ayik, James Cook Boys Technology High School, has completed a one week work experience program in the office of the Hon. Shaoquett Moselmane, MLC, at New South Wales Parliament;

(c) James Cook Boys Technology High School, Kogarah, has served the St George area for a period of 60 years, and is celebrating its anniversary on 19 November 2016;

(d) James Cook Boys Technology High School is named after the famous explorer and founder of Australia, Captain James Cook;

(e) Her Majesty Queen Elizabeth II visited James Cook Boys Technology High School in 1970, and in her honour, the school has erected a monument to commemorate this visit;

(f) Mr Marciniak is the Principal of James Cook Boys Technology High School, and Mr Malios is the Deputy Principal;

(g) member for Rockdale, Mr Steve Kamper, MP; former Mayor of Rockdale, Mr Bill Saravinovski, and the Hon. Shaoquett Moselmane, MLC, are all alumni of James Cook Boys Technology High School;

(h) James Cook Boys Technology High School is a strong supporter of multiculturalism; having a student population which consists of 86 per cent from non-English speaking backgrounds coming from 38 different cultural backgrounds;

(i) James Cook Boys Technology High School has an exceptional sporting past in rugby league;

(j) James Cook Boys Technology High School is providing all of its students with an equitable opportunity to engage in their learning with the use of technology by providing every year 7 student with their own laptop;

(k) James Cook Boys Technology High School is committed to ensuring that all students become future focused, collaborative, innovative, and creative thinkers by having a science, technology, engineering and mathematics focus; and

(l) James Cook Boys Technology High School has a rich and proud history in successfully educating young men and with the assistance of passionate community members and ex-students committed to the school and the community will continue to be a great school.

(2) That this House congratulates:

(a) the staff at James Cook Boys Technology High School for their continued effort in the advancement of students' knowledge; and

(b) Principal Mark Marciniak and Deputy Principal Jim Malios of James Cook Boys Technology High School for their endeavours.

Motion agreed to.

MANGALOREAN CATHOLIC ASSOCIATION

The Hon. DAVID CLARKE (11:03): I move:

(1) That this House notes that:

(a) on Sunday 11 September 2016, the Mangalorean Catholic Association of Sydney Inc. held a mass and celebratory luncheon at Roselea Community Centre, North Rocks, attended by several hundred members and friends of the association to mark the Feast of the Nativity of Our Lady Monti Fest, a religious festival specifically identified with the large Catholic community of Mangalore, India;

(b) the celebrant of the Mass was Reverend Father Prakash Cutinha; and

(c) those who attended as guests included:

(i) the Consul-General of India in Sydney, Mr B. Vanlalvawna and his wife Dr Rosy L. Khuma;

(ii) Mr Kevin Conolly, MP, member for Riverstone;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice; and

(iv) representatives of various Indian-Australian community organisations.

(2) That this House extends best wishes to the members of the Mangalorean Catholic Association of Sydney Inc. on the occasion of the Feast of the Nativity of Our Lady Monti Fest, 2016; including its hardworking committee comprising:

(a) Mr Hubert Castelino, President;

(b) Mrs Valentina Fernandes, Vice-President;

(c) Mr Dolphy Mascharehas, Secretary;

(d) Mr Cyril D'Silva, Treasurer;

(e) Mr Stanley D'Cruz, Trustee and Public Officer and Founder President;

(f) Mr Joylene Moras, committee member;

(g) Mr Glen Rego, committee member;

(h) Mr Michael Fernandes, committee member;

(i) Mr Richard Rebello, committee member;

(j) Ms Melissa Gojer, committee member; and

(k) Mrs Delsey Moras, committee member.

Motion agreed to.

PHILIPPINE INDEPENDENCE DAY

The Hon. DAVID CLARKE (11:03): I move:

(1) That this House notes that:

(a) on Tuesday 14 June 2016, a reception and performance by the Bayanihan National Folk Dance Company of the Philippines hosted by the Consul General of the Philippines, Ann Jalando-on Louis, was held at the Science Theatre, University of New South Wales, Kensington;

(b) the event, which was attended by 300 members and friends of the Filipino-Australian community, celebrated the 118th anniversary of the proclamation of Philippine Independence Day and the seventieth anniversary of the establishment of Philippines-Australian diplomatic relations; and

(c) those who attended as guests included:

(i) Senator the Hon. Concetta Fierravanti-Wells, Federal Minister for International Development and the Pacific;

(ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(iii) the Hon. Greg Donnelly, MLC, Deputy Opposition Whip in the New South Wales Legislative Council;

(iv) Mr Edmond Atalla, MP, member for Mount Druitt;

(v) Ms Marnie Wright, Deputy Director of the Department of Foreign Trade [NSW];

(vi) various members of the consular corps in Sydney; and

(vii) members of numerous Filipino-Australian community organisations.

(2) That this House:

(a) congratulates the Republic of the Philippines and the Filipino-Australian community on the occasion of the 118th anniversary of the proclamation of Philippine Independence and joins in celebrating 70 years of close and friendly relations between the Republic of the Philippines and Australia; and

(b) commends the Filipino-Australian community for its ongoing and important contribution to the life of our State.

Motion agreed to.

REPUBLIC OF CROATIA NATIONAL DAY

The Hon. DAVID CLARKE (11:04): I move:

(1) That this House notes that:

(a) on Saturday 25 June 2016, several hundred members and friends of the Croatian-Australian community held a celebratory function at the Croatian Club Sydney at Punchbowl to mark the National Day of the Republic of Croatia, which falls on 25 June each year;

(b) the event was hosted by the United Croatian Clubs of New South Wales and the Croatian Australian Community Council, together with the Consulate General of the Republic of Croatia in Sydney; and

(c) those who attended the event as guests included:

(i) the Consul General for Croatia in Sydney, Hrvoje Petrusic;

(ii) Senator the Hon. Concetta Fierravanti-Wells, Federal Minister for International Development and the Pacific;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Mike Baird, MP, Premier;

(iv) Mr Craig Kelly, MP, Federal member for Hughes;

(v) the Mayor of Liverpool City Council, Councillor Ned Mannoun;

(vi) Councillor Mirjana Cestar, Canada Bay Council;

(vii) Cay Felice Montrone, Multicultural NSW Advisory Board;

(viii) Reverend Fathers from the Catholic Church; and

(ix) representatives from numerous Croatian community clubs and associations.

(2) That this House acknowledges and commends the Croatian-Australian community of New South Wales for its ongoing contribution to the State and the nation.

(3) That this House extends its best wishes to the Croatian-Australian community on the occasion of the celebration of the National Day of the Republic of Croatia.

Motion agreed to.

PHILIPPINE FLAG CEREMONY

The Hon. DAVID CLARKE (11:04): I move:

(1) That this House notes that:

(a) on Saturday 18 June 2016, a Philippine Flag Ceremony, organised and hosted by Banag Banag Inc. was held at Parramatta Town Hall to celebrate the 118th anniversary of the Declaration of Philippine Independence and the seventieth anniversary of diplomatic relations between the Philippines and Australia, and was attended by members and friends of the Filipino-Australian community;

(b) those who attended as guests included:

(i) the Consul-General of the Philippines in Sydney, Anne Jalando-on Louis;

(ii) Ms Amanda Chadwick, Administrator of the City of Parramatta;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice; representing the Hon. David Elliott, MP, Minister for Corrections, Minister for Emergency Services and Minister for Veterans Affairs;

(iv) Ms Julie Owens, MP, Federal member for Parramatta, shadow Assistant Minister for Citizenship and Multicultural Australia;

(v) Reverend Father John Paul Escarlan; and

(vi) representatives of various Filipino-Australian community organisations;

(c) Banag Banag Inc. is a community organisation representing Filipino Australians of Visayan speaking background, mainly from the Cebu region of the Philippines; and

(d) since 1993, Parramatta City Council has enjoyed a sister city relationship with the Philippine city of Cebu.

(2) That this House congratulates the President Mrs Marissa Dionson-Bala, and members of Banag Banag Inc. on their successful hosting of the Philippine Flag Ceremony at Parramatta Town Hall celebrating the 118th anniversary of the Declaration of Philippine Independence and the seventieth anniversary of diplomatic relations between the Philippines and Australia.

(3) That this House commends Banag Banag Inc. and its members for their ongoing contribution to the cultural life of the State of New South Wales.

Motion agreed to.

SYDNEY TAIWANESE FOOD FESTIVAL

The Hon. DAVID CLARKE (11:05): I move:

(1) That this House notes that:

(a) on Friday 1 July 2016, the opening of the Sydney Taiwanese Food Festival 2016 was held at the Shangri-La Hotel, Sydney, jointly hosted by the Taipei Economic and Cultural Office in Sydney, the Friends of Taiwan in Australia and the World Federation of the Chinese Traders Association, and was attended by members and friends of the Taiwanese-Australian community;

(b) the festival ran from 1 to 10 July and showcased distinctive Taiwanese cuisine prepared by internationally renowned Taiwanese chefs; and

(c) those who attended as guests included:

(i) Mr John Sidoti, MP, member for Drummoyne, Parliamentary Secretary for Transport, Roads, Industry, Resources and Energy;

(ii) the Hon. Ernest Wong, MLC;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice; and

(iv) leaders and representatives of various Taiwanese-Australian community organisations.

(2) That this House commends the organisers of the Sydney Taiwanese Food Festival 2016 for their initiative in holding the event.

(3) That this House acknowledges the contribution of the Taiwanese-Australian community to the cultural life of New South Wales.

Motion agreed to.

REPUBLIC OF CROATIA NATIONAL DAY RECEPTION

The Hon. DAVID CLARKE (11:05): I move:

(1) That this House notes that:

(a) on Thursday 9 June 2016, a reception to mark the National Day of the Republic of Croatia, which falls on 25 June each year, was held at the Billich Gallery, The Rocks, Sydney;

(b) the reception was hosted by the Consul-General of the Republic of Croatia, Mr Hrvoje Petrusic and the Australian Croatian Chamber of Commerce [NSW]; and

(c) those who attended the reception as guests included:

(i) the Ambassador of the Republic of Croatia, His Excellency Dr Damir Kusen;

(ii) the Consul-General for Croatia in Sydney, Mr Hrvoje Petrusic and Mrs Romana Petrusic;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Mike Baird, MP, Premier;

(iv) Mr John Sidoti, MP, member for Drummoyne and Parliamentary Secretary for Transport, Roads, Industry, Resources and Energy;

(v) Mrs Mirjana Cestar, representing the Mayor of the City of Canada Bay;

(vi) representatives from the New South Wales consular corps;

(vii) members of the Australian Croatian Chamber of Commerce from Perth, Adelaide, Melbourne and Sydney; and

(viii) presidents of various Croatian clubs and associations in New South Wales.

(2) That this House extends its best wishes to the republic, and people of Croatia.

(3) That this House commends:

(a) the members of the Australian Croatian Chamber of Commerce for furthering the economic links between Croatia and Australia; and

(b) the Croatian-Australian community for its ongoing positive contribution to the State of New South Wales.

Motion agreed to.

BOER WAR PEACE TREATY COMMEMORATION

The Hon. DAVID CLARKE (11:05): I move:

(1) That this House notes that:

(a) on Sunday 29 May 2016, a commemoration service organised by the National Boer War Memorial Association was held at the ANZAC Memorial, Hyde Park, Sydney to mark the 114th anniversary of the signing of the Boer War Peace Treaty on 31 May 1902;

(b) those who contributed to the commemoration service included:

(i) Chaplain, Reverend Rob Sutherland, CSC;

(ii) Lieutenant Colonel David Deasey, RFD, (Rtd), Chairman of the National Boer War Memorial Association, who gave the Commemorative Address and Epilogue;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Mike Baird, MP, Premier, and the Hon. David Elliott, MP, Minister for Corrections, Minister for Emergency Services and Minister for Veterans Affairs, who gave the Prologue;

(iv) Mr Bennett Walsh, School Captain of Saint Ignatius College, Riverview, who recited the *Song of Federation*;

(v) Piper Senton Lee, a student from Scots College, Sydney, who played during the Wreath Laying Ceremony;

(vi) Bugler Joshua Stevens, a student from The Scots College, Sydney, who sounded the *Rouse* and the *Last Post*;

(vii) Miss Madeline Gass, a student from Sydney Girls High School who recited the *Ode*;

(viii) Ms Catherine Bouchier, a descendant of a participant in the Boer War who led in the singing of the national anthem; and

(ix) Mr Darren Mitchell, Master of Ceremonies.

(c) those who attended as guests included:

(i) Dame Marie Bashir, AD, CVO, Governor from March 2001 to October 2014;

(ii) Colonel John Haynes, OAM, (Rtd), National Chairman of the National Boer War Memorial Association;

(iii) the Hon. Greg Donnelly, MLC, representing Mr Luke Foley, MP, Leader of the Opposition;

(iv) Captain Brett Chandler, RAN;

(v) Colonel Bronwyn Wheeler, Australian Army;

(vi) Group Captain Cameron Neill, RAAF; and

(vii) representatives of numerous Returned and Ex-Service organisations.

(d) the Boer War was the first conflict in which Australian forces were involved as a nation with approximately 23,000 Australian men and women serving both in Australian and British units, with nearly 1,000 paying the ultimate price for their service.

(2) That this House records that, despite the passing of 114 years since the ending of the Boer War conflict, the service, sacrifice and suffering of the 23,000 Australian men and women who participated in the conflict has not been forgotten but is forever in the memory of this Parliament.

Motion agreed to.

INDIAN INDEPENDENCE DAY SEVENTIETH ANNIVERSARY DINNER

The Hon. DAVID CLARKE (11:06): I move:

(1) That this House notes that:

(a) on Saturday 13 August 2016, the Council of Indian Australians Inc. held a celebratory dinner and cultural performance at the Bowman Hall, Blacktown, attended by several hundred members and friends of the Indian-Australian community, to mark the seventieth anniversary of the Independence Day of the Republic of India and to promote harmony between the Indian-Australian and wider Australian communities; and

(b) those who attended the event as guests included:

(i) Dr V. J. Bahade, Deputy Consul-General for India, Sydney;

(ii) Mr Kevin Conolly, MP, member for Riverstone, representing the Hon. Mike Baird, MP, Premier;

(iii) Dr Hugh McDermott, MP, member for Prospect, representing Mr Luke Foley, MP, Leader of the Opposition;

(iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(v) Mr Matt Kean, MP, member for Hornsby and Parliamentary Secretary for Treasury;

(vi) the Hon. Daniel Mookhey, MLC;

(vii) Mr Mark Taylor, MP, member for Seven Hills;

(viii) Councillor Susai Benjamin from Blacktown City Council, representing the Mayor of Blacktown City Council; and

(ix) Councillor Gurdeep Singh, Deputy Mayor of Hornsby Shire Council.

(2) That this House congratulates the Council of Indian Australians Inc. for organising this successful event, particularly its executive, comprising:

(a) Mr Praful Desai, President;

(b) Mr Mohit Kumar, Vice-President;

(c) Mr Nitin Shukla, Secretary and Cultural Director; and

(d) Mr Subba Rao, retired President and current President of the Indian Support Centre, an initiative of the Council of Indian Australians.

(3) That this House commends the Council of Indian Australians Inc. and its members for their ongoing cultural and charitable initiatives in New South Wales.

(4) That this House extends its best wishes to the Indian-Australian community on the occasion of the seventieth anniversary of the Independence Day of the Republic of India.

Motion agreed to.

INDIAN INDEPENDENCE DAY SEVENTIETH ANNIVERSARY FAIR

The Hon. DAVID CLARKE (11:06): I move:

(1) That this House notes that:

(a) on Sunday 14 August 2016, to celebrate the Independence Day of the Republic of India and to promote friendship between Australia and India, the Federation of Indian Associations of NSW held a celebratory cultural fair at The Parade Ground, Old King's School, Parramatta attended by thousands of members and friends of the Indian-Australian community;

(b) those who attended as guests included:

(i) Senator the Hon. Concetta Fierravanti-Wells, Federal Minister for International Development and the Pacific;

(ii) the Hon. Zed Seselja, Federal Assistant Minister for Social Services and Multicultural Affairs;

(iii) Ms Julie Owens, MP, Federal member for Parramatta, representing the Hon. Bill Shorten, MP, Federal Leader of the Opposition;

(iv) the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services and Minister for Multiculturalism;

(v) Dr Geoff Lee, MP, Parliamentary Secretary for Multiculturalism;

(vi) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(vii) Mr Matt Kean, MP, Parliamentary Secretary for the Treasury;

(viii) Ms Jody McKay, MP, shadow Minister for Justice and Police, representing Mr Luke Foley, MP, Leader of the Opposition;

(ix) Ms Michelle Rowland, MP, Federal shadow Minister for Communications;

(x) Mr Craig Kelly, MP, Federal member for Hughes;

(xi) Mr John Alexander, MP, Federal member for Bennelong;

(xii) the Hon. Sophie Cotsis, MLC, shadow Minister for Women, shadow Minister for Ageing, shadow Minister for Multiculturalism, shadow Minister for Disability Services;

(xiii) Dr Hugh McDermott, MP, member for Prospect;

(xiv) Mr B. Vanlalvawna, Consul General of India, Sydney;

(xv) Councillor Dr Michelle Byrne, Mayor of The Hills Shire;

(xvi) Councillor Gurdeep Singh, Deputy Mayor of Hornsby Shire Council;

(xvii) Councillor Raj Datta of Strathfield Council;

(xviii) Ms Amanda Chadwick, Administrator, City of Parramatta;

(xix) Dr Harry Harinath, Chairman, Multicultural NSW;

(xx) Professor Frank Zumbo; and

(xxi) Dr Eman Sharobeem, National Community Engagement Manager.

(c) media representatives who attended included:

(i) SBS Radio;

(ii) Arti Banga Desi Media;

(iii) Pawan and Rajni Luthra, *Indian Link;*

(iv) Jugandeep Jawaharwala, *Pardesh Express*;

(v) Harpreet Singh, *Punjab Time*;

(vi) Rajwant Singh, *Punjab Express*;

(vii) Prakash and Sneh Chandra, Navtarang Media

(viii) Ram Khatry, *SouthAsia.com.au*;

(ix) Santosh Naga, Editor, *Indiansite;*

(x) Ashok Kumar, *The Indian Subcontinental Times*;

(xi) Mr MP Singh, SBS Punjabi;

(xii) Sham Kumar, Punjabi Radio;

(xiii) Vikram and Jagat Sharma, Voice of India;

(xiv) Inder Magar, *The Indian Telegraph*;

(xv) *Indian Down Under*;

(xvi) *Fiji Times;* and

(xvii) Divya Gujarat.

(2) That this House congratulates Dr Yadu Singh, President of the Federation of Indian Associations of NSW, and his committee for the organising of a successful cultural fair to celebrate the Independence Day of India and to promote friendship between Australia and India.

(3) That this House extends its best wishes to the Indian-Australian community on the occasion of India's Independence Day.

(4) That this House commends the Indian-Australian community for its ongoing positive contribution to the State of New South Wales.

Motion agreed to.

BALTIC CITIZENS DEPORTATION SEVENTIETH ANNIVERSARY

The Hon. DAVID CLARKE (11:07): I move:

(1) That this House notes that:

(a) on Sunday 19 June 2016, at the Latvian Centre, Strathfield, the Joint Baltic Committee of New South Wales held a solemn commemoration concert to mark the seventy-fifth anniversary of the first mass deportations of citizens of Latvia, Lithuania and Estonia by the Soviet Union to Siberia; and

(b) the first mass deportation, comprising 60,000 Baltic citizens, took place on 13 and 14 June 1941 and was followed by a second deportation of 100,000 people which took place between 25 to 28 March 1949.

(2) That this House extends its condolences, on the occasion of the seventy-fifth anniversary of the first deportation of citizens of Latvia, Lithuania and Estonia, to the three Baltic nations and to Australians of Baltic heritage with respect to the deportations which occurred in 1941 and 1949.

Motion agreed to.

Business of the House

WITHDRAWAL OF BUSINESS

The Hon. ADAM SEARLE: I withdraw Contingent Notice of Motion No. 1 standing in my name on the *Notice Paper* for today.

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That Business of the House Notice of Motion No. 1 be postponed until the next sitting day.

Motion agreed to.

Bills

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2016

First Reading

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

Second Reading

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:16): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Administration of Sentences) Amendment Bill 2016. The bill is part of the Government's regular legislative review and monitoring program. It will make miscellaneous amendments to the Crimes (Administration of Sentences) Act 1999, and it contains some consequential amendments to other related legislation. The Crimes (Administration of Sentences) Act governs the administration of most sentences in New South Wales and is the legislation under which Corrective Services NSW operates. This bill is another demonstration of the commitment of the Minister for Corrections and this Government to improving the efficiency of corrective services and protecting the safety of our community.

I now turn to the detail of the bill. Items [1] to [5], [8] and [9] in schedule 1 make amendments to the Act to update terminology from "probation and parole service" to "community corrections". Community corrections is now the term used within Corrective Services NSW, and it has already been included in the Crimes (Administration of Sentences) Regulation. The amendments will also change the title of "general manager" of a correctional centre to "governor". This change recognises the significance of the role of the general manager of a correctional centre. General managers are responsible for the management of places of detention and all the inmates incarcerated within them. This role is distinct from other general manager roles in the correctional system.

Items [6], [7], [10] and [11] in schedule 1 make amendments to the Act to enable any magistrate to perform the functions of a visiting magistrate. Visiting magistrates perform an important function under the Act.

They hear charges related to correctional centre offences committed by inmates within correctional centres and residential facilities. Currently section 227 of the Act provides that a visiting magistrate needs to be appointed by the Chief Magistrate. This creates an unnecessary administrative process for appointing individual magistrates. The amendments remove the existing requirement for the Chief Magistrate to appoint each visiting magistrate individually. Instead, any magistrate will be eligible to perform the functions of a visiting magistrate. This will broaden the pool of magistrates who can perform the functions of a visiting magistrate and remove an unnecessary administrative burden from the Local Court. The amendments will not change the existing powers or functions of visiting magistrates.

Items [12], [13] and [14] of schedule 1 will transfer part 4A of the Summary Offences Act 1988 which deals with the stop, search and detain powers of correctional officers and offences relating to correctional facilities and other places of detention into the Crimes (Administration of Sentences) Act. These provisions will be consolidated with the powers to search staff and visitors to correctional centres currently in the Crimes (Administration of Sentences) Regulation 2014. The powers of correctional officers to search and detain staff and visitors to correctional facilities are currently spread between the Summary Offences Act and the Crimes (Administration of Sentences) Regulation. These provisions duplicate and overlap each other. A review of these powers by the Ombudsman in 2005 concluded it would be much simpler to incorporate all stop, search and detain provisions into a single piece of legislation. The Government agrees. The bill will remove unnecessary duplication and make the responsibilities and powers of correctional officers and the rights of people being searched clearer and more easily accessible.

I will now outline these in detail. Clauses 95 and 247 of the Crimes (Administration of Sentences) Regulation provide for searches of visitors and staff members at a correctional centre or correctional complex. These powers are exercised routinely inside a correctional centre or correctional complex without a suspicion that the person is attempting to introduce contraband, just as passengers are routinely screened for prohibited items at security checkpoints at airport departure gates. Part 4A of the Summary Offences Act provides correctional officers with another set of powers to search staff and visitors, as well as a power to detain a person for up to four hours for the purposes of facilitating a search of the person by a police officer. These search and detain powers can be used if an officer believes on reasonable grounds that a person is attempting to introduce contraband or commit another offence relating to a place of detention. They can also be used with respect to any person in the immediate vicinity of a correctional facility or other place of detention.

In practice, correctional officers use the Crimes (Administration of Sentences) Regulation powers to conduct routine searches of staff and visitors inside correctional centres. They use the Summary Offences Act powers to conduct searches in the immediate vicinity of correctional centres and to detain people inside or outside places of detention. The bill will simplify this unnecessarily complicated range of provisions by consolidating all of them in the Crimes (Administration of Sentences) Act as the main legislation regulating the New South Wales correctional system.

Item [14] of schedule 1 to the bill will insert a new section 253I into the Crimes (Administration of Sentences) Act which will preserve the power to routinely stop and search a person in a correctional centre or correctional complex, search a person in the immediate vicinity of a correctional centre or other place of detention if an officer believes on reasonable grounds that the person is committing or attempting to commit an offence relating to a place of detention, and detain a person inside or in the immediate vicinity of a correctional centre or other place of detention if an officer believes on reasonable grounds that the person is committing or attempting to commit an offence relating to a place of detention.

Section 27J of the Summary Offences Act currently contains safeguards that are applied when searching and detaining a person. Item [14] of schedule 1 to the bill will insert a new section 253M into the Crimes (Administration of Sentences) Act that preserves these safeguards. In particular, a correctional officer can only detain a person for as long as is reasonably necessary to exercise his or her powers and in any case for no longer than four hours. In this way, these amendments will not expand the search and detention powers of correctional officers or restrict them. They will not affect the day-to-day routine and manner of searches of staff and visitors carried out in correctional facilities.

As is the case currently, officers will not be able to conduct physical searches of visitors and staff. They will only be able to conduct searches in the immediate vicinity of a correctional facility if they believe on reasonable grounds that a person is attempting to introduce contraband or commit another offence relating to a place of detention. The power to detain a person will continue to be for no longer than is reasonably necessary and in any event for no longer than four hours. The existing powers of correctional officers to routinely search inmates, including the power to strip search, will be unaffected.

The bill will also transfer the existing offences relating to places of detention currently in part 4A of the Summary Offences Act to the Crimes (Administration of Sentences) Act. Some offences such as trafficking

alcohol and other prohibited substances into a place of detention without lawful authority will be amended to make it clear that the onus of proof to establish a defence of lawful authority rests with the defendant. This implements a recommendation from the Ombudsman's 2005 review of part 4A of the Summary Offences Act. Offences that have a defence of lawful authority generally provide that the defendant has to establish that he or she had lawful authority to do what was otherwise prohibited. For example, section 417 of the Crimes Act 1900 provides that where an offence in that Act makes doing something or possessing something without lawful authority or excuse an offence, the defendant bears the burden of proving that he or she had that authority or excuse.

In the case of a visitor to a correctional facility, it is common knowledge that items like alcohol, drugs, weapons and mobile phones are prohibited items. It is appropriate that defendants who claim they had lawful authority to bring such items into a correctional facility should be required to prove that claim. New part 13A of the Crimes (Administration of Sentences) Act will replace "mentally incapacitated person" with "a person with impaired intellectual functioning". Section 27G (5) of the Summary Offences Act currently requires searches of a mentally incapacitated person to be conducted in the presence of an adult who accompanies the person or, if there is no such adult, a Corrective Services search observation staff member.

The Ombudsman's review of part 4A of the Summary Offences Act noted that the term "mentally incapacitated person" is problematic in that it is difficult to determine whether a person fits this description. A mentally incapacitated person is defined as "a person who is incapable of managing his or her affairs". A person is not necessarily incapable simply because he or she has an intellectual disability, a brain injury or a mental illness. The Ombudsman considered the term "impaired intellectual functioning" in section 33 of the Law Enforcement (Powers and Responsibilities) Act 2002 to be a more appropriate term as it encompasses a range of people with varying degrees of mental illness, intellectual disabilities and other cognitive impairments.

Items [15], [16] and [17] of schedule 1 to the bill make amendments to the Crimes (Administration of Sentences) Act to establish a new approach to disclosure of information in the correctional system that will prevent corrupt disclosure of sensitive corrections information but at the same give Corrective Services as an organisation more ability to share information. The amendments are necessary to ensure that Corrective Services NSW can carry it out its functions efficiently and effectively. They will also give Corrective Services greater scope to assist other public sector agencies by providing information.

Currently, section 257 of the Act prohibits a person from disclosing information obtained through the administration of the Act unless the disclosure falls into one of a small number of exceptions. It is a criminal offence for anyone to disclose information contrary to this provision. The current provision routinely prevents Corrective Services from sharing necessary information where no exception applies. For example, Corrective Services has been able to disclose information in cases where police are seeking a missing person and want to know whether the person is in custody, a law enforcement agency is seeking access to the Corrective Services NSW database to gather intelligence information, the Commonwealth Government is seeking to know whether an individual receiving Centrelink benefits is now in custody and no longer eligible, or another government department has asked for background information about a sex offender that has been deported to its jurisdiction.

In this way, the provision prohibits Corrective Services from making disclosures that may be necessary for the efficient and effective operation of the justice system and the public sector more broadly. The bill will add a new component to section 257 so the provision no longer criminalises disclosures that are approved by the Commissioner of Corrective Services or permitted by an official Corrective Services policy. This addition will give Corrective Services NSW staff broader scope to disclose information in appropriate cases as determined by the commissioner within the bounds of privacy laws. This will allow Corrective Services to carry out its day-to-day functions and facilitate the functions of other agencies. The changes to section 257 will not affect the operation of privacy law.

Section 257 will continue to prohibit inappropriate disclosure of corrections information by rogue individuals. A person who has obtained information under the Act and who discloses it in a way contrary to section 257—that is, in a way that does not fall into one of the exceptions, is not authorised by the commissioner and is not authorised by any official Corrective Services policy—will commit an offence. The bill increases the penalty for this offence from a maximum of 10 penalty units to a maximum of 100 penalty units or two years imprisonment, or both. The increased maximum penalty will ensure that sensitive corrections information is protected and criminal disclosure is appropriately punished.

Currently, section 257A of the Act allows the Commissioner of Corrective Services to enter into an information-sharing arrangement with the Commissioner of Fines Administration. The provision allows the Commissioner of Corrective Services and the Commissioner of Fines Administration to exchange information, including personal information, about inmates and fine defaulters in order to facilitate fine debt enforcement. The bill will replace the existing provision with a similar but more general provision that facilitates information sharing

in two ways. First, the new provision will allow the Commissioner of Corrective Services to enter into information-sharing arrangements with prescribed public sector agencies to facilitate the regular exchange of information. To ensure such arrangements are necessary and appropriate, the agencies with which the commissioner can enter into an arrangement and the information that can be exchanged under such an arrangement will be prescribed by regulation.

This is an extension of the existing section 257A. The existing information-sharing arrangement with the Commissioner of Fines Administration will be able to be carried over through prescribing the relevant matters in the regulation. Arrangements entered into under this provision will ensure that Corrective Services NSW can perform its role efficiently and assist other public sector agencies in the exercise of their functions, as has occurred through the existing arrangement in relation to the fine debts of inmates. Secondly, the new section 257A will allow the Commissioner of Corrective Services to disclose information to any person notwithstanding privacy legislation on a case-by-case basis where the disclosure is reasonably necessary for certain specific purposes. This will allow the commissioner to disclose corrections information in appropriate cases in response to ad hoc requests for information from public sector agencies, other governments, the media and private individuals. To ensure that the purposes permitting disclosure are transparent and appropriate, these will be prescribed by regulation after consultation with relevant stakeholders.

Overall, the amendments in this bill will improve the administration of justice in this State. They will assist Corrective Services NSW, courts and other agencies within the Department of Justice to perform their work more efficiently. In particular, the new information-sharing framework will greatly assist Corrective Services in carrying out its functions and facilitate the functions of other public sector agencies. Safeguards will ensure that disclosure is limited to appropriate purposes and that sensitive information is protected. I commend the bill to the House.

Debate adjourned.

LAND AND PROPERTY INFORMATION NSW (AUTHORISED TRANSACTION) BILL 2016

First Reading

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

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:38): I move:

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

Motion agreed to.

The Hon. DUNCAN GAY: I move:

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

Motion agreed to.

INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2016

First Reading

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

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (11:39): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Industrial Relations Amendment (Industrial Court) Bill 2016. I will speak briefly on the background and give an overview of the Industrial Relations Commission [IRC]. The Industrial Relations Commission is currently made up of two bodies: the Commission in Court Session, otherwise known as the Industrial Court of New South Wales; and the commission. The Industrial Court is a court of superior record, of equivalent status to the Supreme Court of New South Wales, and exercises a range of judicial functions, including hearing appeals from industrial magistrates in the Local Court; hearing unfair contracts disputes; determining prosecutions for offences under the Industrial Relations Act 1996; and making orders for the recovery of money and issuing civil penalties where an industrial instrument is alleged to have been breached.

The Industrial Court is currently comprised of a single judicial officer, who is also the president of the IRC. The commission, on the other hand, is a tribunal that performs non-judicial functions, such as the arbitration and conciliation of industrial disputes. The commission is currently comprised of five commissioners. The current constitution of the IRC, being both a court and a tribunal in a single body that exercises both judicial and non-judicial functions, is uncommon. For example, in the Federal jurisdiction, judicial matters are dealt with in the Federal Court or the Federal Circuit Court rather than in the Fair Work Commission.

I will now proceed to an overview of the bill. The bill gives effect to the Government's decision to integrate the Industrial Court with the Supreme Court of New South Wales. The bill amends the Industrial Relations Act 1996 and other Acts to abolish the Industrial Court; appoint the current president as a judge of the Supreme Court; transfer the functions of the Industrial Court to the Supreme Court, the District Court or the commission; and reconstitute the commission so that it consists of a chief commissioner and commissioners.

The case for change is due to the reduction in workload The decision to integrate the Industrial Court with the Supreme Court has been made in response to the significant reduction in the workload of the Industrial Court over recent years. Following referral to the Commonwealth of New South Wales industrial relations powers over private sector employees and employers in late 2009, the jurisdiction of the IRC has been reduced to the New South Wales public sector, the local government sector, taxidrivers and owner-drivers. This has led to a significant reduction in the IRC's workload, which can most easily be seen by observing that the number of commission members has fallen from 21 in 2009 to five today.

This, and the transfer of occupational health and safety prosecutions to the District Court in 2013, has had an even more material impact on the Industrial Court, with the number of matters commenced in the court falling from 766 in 2005 to only 37 in 2015. The practical effect is that there is now insufficient work in the Industrial Court to occupy the single remaining judicial member. Due to its decreased workload, the Industrial Court is not operating as effectively as larger courts. This bill recognises that the judicial functions performed by the Industrial Court are important and must be performed, but that the resources devoted to those functions need to be managed differently so as to be more effective.

There are a number of benefits as a result of the changes proposed in the bill. Integrating the Industrial Court with the Supreme Court will allow existing Supreme Court judges to hear matters as demand requires. There will be efficiencies of scale associated with handling matters under the larger jurisdiction of the Supreme Court. This will benefit parties through increasing the capacity of the court to attend to urgent industrial matters. With only one judge currently available to hear matters in the Industrial Court, parties could be significantly delayed in seeking the assistance of the court if the current president, and the only judicial member, is occupied with a lengthy hearing.

By contrast, the Supreme Court will be able to urgently allocate judicial resources to matters as required from a larger pool of judges. There is also a number of judges who are currently appointed to the Supreme Court with industrial relations expertise. The Industrial Court and the Supreme Court both have status as superior courts of record. Judicial industrial relations matters will therefore continue to be heard in a superior court by judges with appropriate expertise. The Supreme Court already hears matters falling within the Industrial Court's jurisdiction where necessary, including when the sole judge of the Industrial Court is on leave. The changes mean that New South Wales will mirror the Commonwealth industrial relations framework, where the Federal Court and Federal Circuit Court determine industrial relations matters that require judicial consideration and non-judicial matters are dealt with by the Fair Work Commission.

I turn now to the practical impact of the change outlined in the bill. The practical impact of the change will be minimal. The move of the judicial functions and the sole judge of the Industrial Court to the Supreme Court will in practice create minimal change to the jurisdiction and functioning of the commission. The actual distribution of functions between the commission and the Industrial Court will remain unchanged, the only difference being that the court's functions will be performed within the Supreme Court. The conciliation and arbitration functions of the commission will continue to be performed by the non-judicial members of the commission, known as commissioners, with no alteration to the range of non-judicial functions performed and how they are performed. The number of commissioners will remain unchanged at five.

A new head of the Industrial Relations Commission jurisdiction will be appointed, titled the chief commissioner. The chief commissioner will exercise the tribunal functions currently assigned to the president, such as managing and allocating the case load, creating full benches where required, and providing an annual report. It is proposed that the chief commissioner be a person who holds or has held judicial office or a person who is legally qualified. Importantly, all current Industrial Court fee exemptions for organisations of employers and employees and others will remain unchanged. This will ensure that the current access to justice enjoyed by employers, employees and their representative organisations will continue.

Further, the functions of the online registry of the Supreme Court will become available for matters currently heard in the Industrial Court, allowing applicants to file applications, lodge documents and receive updates about their matters online. This will particularly assist regional and remote communities. The new arrangements will ensure that the people of New South Wales continue to have access to a fast, fair and accessible system of conciliation and arbitration in the commission, while the increased capacity of the Supreme Court benefits those seeking judicial determination of their issues.

I will now detail the consultation that has taken place in regard to the bill. The Chief Justice of the Supreme Court and the current President of the Industrial Relations Commission were both closely consulted on the proposals in the bill. The bill was also released to stakeholders in the form of an exposure draft, accompanied by an explanatory brief. The Department of Justice and Industrial Relations met with stakeholders, and many stakeholders made formal submissions regarding the provisions of the bill. Submissions were received from stakeholders including the Heads of Jurisdiction, the Law Society and the Bar Association, various government agencies, Unions NSW and affiliates, and the NSW Business Chamber. All submissions have been carefully considered in the development of the bill, and I thank those stakeholders for their input into this important reform.

I turn now to the detail of the bill, first, with respect to the changes to the Industrial Relations Act. I will start with the amendments to the Industrial Relations Act 1996—the Industrial Relations Act—which give effect to most of the changes. The bill will transfer the majority of the judicial functions currently exercised by the Industrial Court to the New South Wales Supreme Court. The bill achieves this primary purpose by taking the already identified functions of the Industrial Court and conferring them, in the form of new powers, on the Supreme Court. Many of those functions are outlined in proposed new section 355B of the Industrial Relations Act.

In addition to the existing functions of the Industrial Court, the IRC's functions relating to cancelling the registration of associations and registered organisations will be transferred to the Supreme Court. Having regard to the existing need to bring substantial legal expertise to bear on matters of this kind as well as the sometimes serious nature of applications to cancel registration, it has been decided that such matters are most appropriately dealt with judicially by the Supreme Court. In recognition of the important relationship between the arbitral and judicial functions of the current IRC, the newly constituted commission will have powers to refer questions of law to the Supreme Court under proposed new section 178A of the Industrial Relations Act. New section 178B will allow the commission to transfer whole proceedings to the Supreme Court, if it is satisfied that the Supreme Court is the appropriate jurisdiction.

In addition, the new sections 355B and 355C of the Industrial Relations Act inserted by the bill will provide the Supreme Court with the power to make declarations of right. This ensures that all legal questions that arise before the commission that are not able to be resolved by the commission under the existing section 175 of the Industrial Relations Act can be settled promptly and finally by the Supreme Court. Conversely, recognising the benefit of the commission's flexible approach to conciliation processes, the Supreme Court will have power under proposed new section 109 of the Industrial Relations Act to refer applications to the commission for conciliation, if it considers it appropriate to do so. A new section 371 of the Industrial Relations Act will also require parties to recovery of remuneration matters to engage in mandatory conciliation before proceeding in the Supreme Court. In total, these amendments preserve the important relationship between the non-judicial and judicial functions of the industrial relations framework in New South Wales while providing greater access to justice for those whose matters require judicial determination.

I now turn to changes to other Acts that confer jurisdiction. A number of other Acts confer functions on the Industrial Court that require amendment to provide for the abolition of the court. I will briefly outline the most substantial of those changes. The Health Services Act 1997 currently provides for a judicial member of the commission to arbitrate disputes about the terms and conditions of work performed by visiting medical officers. That function will now be performed by an independent arbitrator, with appeals to be made to the Supreme Court. The Police Act 1990 currently provides for appeals of unfair dismissal reviews to be conducted before a full bench of the commission, constituted by one presidential member who is a judicial member, and two other members who are Australian lawyers. Those matters will continue to be heard before a full bench of the commission. If there are insufficient legally qualified commissioners to constitute a full bench, magistrates will be appointed on a temporary basis to the commission to hear the appeal.

The Parliamentary Remuneration Act 1990 provides for the constitution of the Parliamentary Remuneration Tribunal by "a judicial member or retired judicial member of the Industrial Relations Commission appointed by the President". The tribunal will in future be constituted by a person who holds, or has held, judicial office, appointed on the recommendation of the Chief Justice of the Supreme Court. The Dangerous Goods (Road and Rail Transport) Act 2008, the Explosives Act 2003, the Workplace Injury Management and Workers

Compensation Act 1998 and the Workplace Health and Safety Act 2011 all require functions to be performed by the Industrial Court. Those functions will in future be performed by the District Court.

Finally, the bill also provides for the abolition of the Courts and Crimes Legislation Amendment Act 2009, the Courts and Crimes Legislation Further Amendment Act 2010, the Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009, and the Industrial Relations Further Amendment (Jurisdiction of Industrial Relations Commission) Act 2009, which will all be redundant once the Industrial Court is abolished. The bill also repeals the Transport Appeals Boards Act 1980, which conferred appellate jurisdiction on the Industrial Court, and is now spent.

In conclusion, I emphasise that this bill is a necessary consequence of the changing industrial landscape. The expansion of the Federal jurisdiction and the concurrent contraction of the New South Wales industrial jurisdiction have had a significant effect on the workload of the IRC in both its arbitral and judicial roles. Those changes have now led to the conclusion that a separate Industrial Court, consisting of a single judicial member, cannot be sustained and action by the Government is required. This said, it must also be recognised that the judicial functions now performed by the Industrial Court still need to be performed, and the transfer of those functions to the Supreme Court provides the best and most efficient means of ensuring that this happens. Also, the arrangements put in place will ensure that access to justice for users of the Industrial Court continues unchanged from its present level.

It must also be emphasised that the approach taken by this bill seeks to ensure that the commission's conciliation and arbitration functions can and will continue to be performed as usual. The bill makes no changes to these functions and provides that the current number of commissioners remains at five, including the chief commissioner. I have every confidence that the reconstituted commission and the Supreme Court, as the new custodian of the Industrial Court's judicial functions, will continue to deliver industrial relations services no less excellent than the IRC has done in its combined role. In closing, I recognise the contribution of Justice Walton, who has served the people of New South Wales as a judge and vice-president of the IRC since 1998, before being appointed the president in 2014. I am pleased that Justice Walton will continue his important work as a judge of the Supreme Court. I commend the bill to the House.

Debate adjourned.

LAND AND PROPERTY INFORMATION NSW (AUTHORISED TRANSACTION) BILL 2016

Second Reading

Mr SCOT MacDONALD (11:56): On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time.

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

Leave granted.

The Land and Property Information NSW (Authorised Transaction) Bill 2016 enables the private sector to invest in and operate the titling and registry business of Land and Property Information [LPI] for a period of 35 years.

Until July 1 this year, LPI was comprised of three main divisions—Titling and Registry Services, Spatial Services and Valuation Services. Titling and Registry Services administers the land title register in NSW while Valuation Services assesses land values to help determine rates and land tax, and Spatial Services creates and maintains mapping data for NSW.

This bill authorises the granting of a concession to operate the titling and registry services of LPI. The Valuation Services and Spatial Services divisions will not be included in this transaction. They will be retained within the Department of Finance, Services and Innovation.

Benefits

In May this year, the Government announced its intention to proceed with this transaction after accepting the recommendations of a comprehensive scoping study into the business. The study found that the involvement of the private sector would be of long-term benefit to consumers, industry, and to taxpayers generally. The private sector will have strong incentives to invest in new technology, resulting in significant improvements to the system—and benefits for consumers.

Expected benefits of private involvement in LPI titling and registry services could include:

- Faster processing times;
- the introduction of new services for customers;
- providing a better B2B experience for business customers;
- greater investment in technology and innovation.

In addition, the transaction would free up valuable government funds to invest the net proceeds of the transaction into new infrastructure across the State, including the stadia package. This will help boost economic growth and productivity throughout NSW.

Transaction

This bill provides for the term of the concession to be 35 years and for titling and registry services to return to Government after that period. Should the initial concession be terminated before the end of the 35 years, this Bill authorises the Government to re-tender with a term of up to 35 years or to return the titling and registry services back to the Government.

The re-tendered concession cannot be granted to the same entity that held the original authorised concession.

The bill sets out the roles and powers of the Treasurer and the portfolio Minister. The Treasurer has overall responsibility for the transaction, with the portfolio Minister having responsibility for the ongoing oversight of the concession arrangements.

The bill provides a range of legislative and regulatory mechanisms to protect both staff and the integrity of the property titling system in NSW.

The bill requires the concession arrangements to include provisions specifying the standards which the operator is required to comply with, and establishes a penalty regime should the operator fail to comply. In addition to the service standards, the concession arrangements are to provide for the authorised operator to operate and maintain the register, the delegation of the titling and registry functions from the Registrar General to the operator, and the functions of the Minister and the Registrar General in overseeing the authorised concession.

Staff protections

The Government has also moved to ensure the rights of employees affected by the transaction are protected—as we always do when it comes to private involvement in the operation of public assets.

Award employees will be provided with an employment guarantee of two years after transferring their employment to the new operator. For temporary employees the employment guarantee is the remainder of their current term of employment immediately before the transfer date or a period of two years after the transfer date, whichever period ends first.

Transferring employees will of course also have continuity of entitlements, including those relating to superannuation, annual leave and long service leave.

Regulatory Protection

The need to maintain the integrity of the Torrens system has been at the forefront of the Government's considerations during the design of this legislation.

Over the past months, the Government has consulted with the wider industry on this matter, such as the bodies representing conveyancers and the legal profession. We acknowledge their input and feedback, in particular, from the Law Society of NSW. The assistance of the Society is greatly appreciated.

The bill establishes the mechanisms for the Registrar General to be the regulator of the titling and registry business. The Registrar General will be a public sector employee. The bill introduces new provisions to allow the Registrar General to monitor and enforce the authorised operator's performance in operating the titling and registry services. Performance will be monitored through clearly defined service levels, KPIs and obligations that ensure the security of the data.

The Government will continue to guarantee the Torrens titling system backed by the Torrens Assurance Fund. All applications for compensation from the Torrens Assurance Fund will continue to be made to the Registrar General. This will ensure the continued strong backing of the Torrens system by the State's guarantee of title.

Price Guarantee

The Government is committed to ensuring transparent and stable prices for regulated services provided by LPI Titling and Registry Services. The Government will monitor and regulate the price of services, so that price increases for regulated services will be limited to a maximum of CPI during the concession period. This will provide users and industry with additional certainty and stability.

Security of Data

Paramount in the Government's considerations has been the security of the data collected and managed by the operator. That is why the LPI transaction will mandate, through the concession arrangement, that the Government will retain full ownership of all land title data. The bill stipulates that data must be stored in Australia, and that the operator must adopt appropriate data security and fraud detection practices. The Registrar General will have regulatory oversight of these matters through the concession deed.

In order to ensure the integrity of the Register, the concession arrangements will include robust step-in-powers. In addition to these contractual powers, the bill includes statutory step-in powers. These can be exercised where there is a threat or a likely threat to the integrity of the Register and will allow the Government to operate the business if this becomes necessary in emergency circumstances. These safeguards will ensure the integrity of the system, the protection of data collected, and guarantee transparency and certainty for the industry.

The Government is committed to protecting and promoting competition and innovation amongst information brokers, service providers and others who are in the business of providing access to titling and registry services or offer products which use information from the Registry. The bill requires that the concession includes measures that protect competition in downstream markets.

Under the concession deed, the Registrar General will approve the standard terms on which the concession holder is to deal with its wholesale customers and intermediaries and the Registrar General will have power to resolve any disputes over access. The Government will continue to make property sales information available under the Open Data Policy.

The bill specifies that the Privacy and Personal Information Protection Act 1998 applies to the private operator as if it were a public sector agency in the same way that it currently applies to LPI titling and registry services.

This bill makes amendments to the Real Property Act 1900 [RPA] and other land titles legislation to allow the operator to perform the operational functions of the Register, but under the oversight of the Registrar General. Under the new arrangements, the Registrar General will be responsible to ensure that the requirements of the Real Property Act are performed. The power and duty to register dealings and plans will be delegated to the authorised operator, who will be required to comply with all Acts and laws applying to land registration.

Rules and requirements will be put in place by the Registrar General to enable stakeholders to engage effectively with the registry business. These requirements will take the form of Lodgement Rules. The Registrar General's Directions, which have been a valuable source of information for all users of the system for many years, will continue to be provided as guidelines.

The bill makes a significant amendment to the Real Property Act to give the Registrar General administrative review powers. Any person dissatisfied with a decision of the authorised operator can apply to the Registrar General for review. The operator will be required to give effect to any decision of the Registrar General made as a result of a review.

General Transaction Provisions

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

The Government is confident that this transaction will result in better outcomes for customers, for the industry and ultimately for the taxpayers of NSW.

This bill provides an opportunity for the State to increase innovation in the land and titling industry, and to unlock capital to invest in infrastructure.

I commend the bill to the House.

The Hon. PETER PRIMROSE (11:57): The Opposition opposes the Land and Property Information NSW (Authorised Transaction) Bill 2016. The shadow Minister in the other place gave a comprehensive, well thought out and detailed demolition of the underpinnings and provisions of the bill. I refer all members to that speech for their consideration. Unless the Minister for Roads, Maritime and Freight, and Leader of the Government wishes me to, I will not canvass all those matters.

The Hon. Duncan Gay: No, no, I'm fine.

The Hon. PETER PRIMROSE: I thank the Minister. Briefly stated, land titling and registration are the means by which the State has been divided into some 3,500,000 parts. Each of those parts has a title. For example, to own one's home is to own one of those titles. Since 1863 under the Torrens title system—which is a world first that was developed in South Australia—the system has continued to evolve, moving from historic land grants in convict days to the more modern clearly and precisely listed register of land titles. For the past 16 years titling and registration been one of three business units within Land and Property Information NSW [LPI]. The other two are Valuation Services and spatial and survey data. In 2014-15 titling and registration collected revenue of $183 million. The cost of running Titling and Registration Services is a Government secret—as are so many other things—but can be roughly estimated to be approximately $47 million annually.

This then makes the 2014-15 net profit from titling and registration approximately $136 million. However, in fattening the pig for sale, the Baird Government has subsequently cut back staffing numbers and significantly increased the fees and charges for each service that it offers, in many instances by over 20 per cent. The importance of this is underscored by the Baird Government's bill that limits future increases to fees and charges to the increase in the consumer price index [CPI]. But the damage is already done.

The Government has introduced some new fees and charges never before seen, which presumably will not also be limited by CPI because they did not historically exist. The bill also allows for the new charges to be introduced by the new private owner, and those too will presumably not be limited by the CPI provision. A conservative estimate would mean annual profits for the new owner of around $200 million. In 2013 and again in 2015 the Government undertook a scoping study to consider privatisation, although it called it a "concession". The Government has not made these documents available; nevertheless, the Treasury claims that this mysterious 2015 report gave a glowing endorsement of this privatised model. Of course, we have no way of knowing that because this House is being asked to make a decision on this legislation today, as was the other place earlier today, without the Government having made available to us all of the details.

Lands titling is one of the structures upon which our society is built. There is nothing that comes close. Land titles and registration rely on absolute and precise accuracy. The detail requires experts with many years of experience to interpret and control it. Our legal and financial institutions rely entirely on the certainty of the land title. I am not a lawyer, but I can read various legal documents. It is precisely clear from reading the debates in the Supreme Court and decisions of the High Court that what is in the title document is the title. It is not a mistake—what is in the title is the title. Even if the title is put in incorrectly, that is the title. Therefore there is an absolute necessity to get it right, and that is acknowledged by the law and everyone who relies upon that title being accurate. The title is the title even if it is wrong.

Land titling underpins our entire economy and all of our financial institutions. Every single property in New South Wales carries a land title, and the accuracy of the titling system and its standards are paramount. The Government has, in this bill, announced that it will be fundamentally underwriting that system. Proceeds from titling and registration are used to cover the costs of running the other business units within LPI. The Government has fattened the titling and registration pig for sale by raising fees and charges by 25 per cent or more on most of its transactions. Out of concern about the possible failure of the new private operator, the Government has written into this bill provisions to terminate the concession if necessary and to increase the Torrens Assurance Fund fees if required—that is, if the errors become too frequent.

The future cost for the New South Wales Government and the people of New South Wales should not be underestimated. Currently, almost every department of government has interaction with LPI to check, verify, establish or dispose of property title. I ask members to consider, for example, the necessary transactions between Roads and Maritime Services and LPI when constructing roads, footpaths, road reserves and so on. I ask them to consider the transaction between Transport and LPI when establishing or disposing of rail lines, light rail or commuter car parks, or installing easy access infrastructure and so on. I also ask them to consider the transactions for Health or Education when establishing new hospitals or schools, or expanding car parks, installing new bus bays, et cetera.

During the 2015-16 financial year, for instance, the NSW Police Force requested approximately 580 title searches at $55 each, totalling $32,000. Under the new fee structure that has been proposed, these same 580 searches at $370 each would cost police $215,000. The privatisation of titling and registration-type services in the United States and Canada has led to the introduction of products such as title insurance and property risk policies. Similar products are now being offered in New South Wales in anticipation of the carriage of this bill.

The 35-year concession is expected to bring in approximately $1 billion. This money will go into Restart NSW and be split 70:30 between city and country projects. This city portion of the money is earmarked for various stadiums. The privatisation will add costs and expense to home ownership and to the development of land—after all, the investor will be keen to see a return on its $1 billion capital outlay.

As I indicated, I could say a lot in relation to this bill. The shadow Minister in the other place presented a very detailed response, and I urge honourable members who are interested to read that response in relation to their concerns. It is clear that we have not been given all of the details we need to adequately consider this bill. For example, the Government has refused to release the two scoping studies. How can we adequately consider this bill and deliberate properly without all of that information? We are told that these studies contain good information, but we do not know that because, as legislators, Executive Government has refused to provide even a redacted version of those documents to members of this House. Many other concerns were raised by the shadow Minister in the other place. I have alluded to only some of those concerns. I believe that it is incumbent upon this House, as a House of review, to adequately consider those matters in detail before moving such a comprehensive and important piece of legislation, which will impact every part of our society. Therefore, I move:

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

The Hon. ERNEST WONG (12:06): I join my colleagues in strong opposition to the Land and Property Information (Authorised Transaction) Bill 2016. My colleagues have explored the many reasons why this bill should be opposed. I particularly applaud the efforts of the shadow Minister in the other place, Clayton Barr, who has led our opposition and helped to bring to light this short-sighted scheme by the Government. There are indeed many reasons to oppose this bill, and so many voices to bring to the attention of this House. We could start with the voices of the good people of Bathurst, who stand to lose jobs and income as the Government flogs off yet another vital public service, once again betraying regional communities. We could start with the voices of New South Wales communities, who are appalled by the rate at which Premier Mike Baird has overseen the privatisation of our State's services and assets.

This is the Premier who is privatising the icons and essential services of New South Wales at a rate of one per month. He is the Premier who is selling off the silverware. He is disposing of New South Wales' infrastructure like a kid dumping his outdated iPhone on eBay. We could also start with the many voices of surveyors and other land title professionals, who have identified this proposed privatisation as a risky and ultimately fruitless venture—all pain for no long-term gain. But I start with a voice from the past. It is a voice of unassailable integrity. It is a voice of iconic and conservative intellect. I start with this observation: The Torrens title system "is not a system of registration of title, but rather is a system of title by registration".

What His Honour was referring to is the unique advantage that the Torrens system, an Australian invention that is now the land title gold standard in the common-law world, has bequeathed to our society and our economies. The Torrens system reversed the burden of truth of the old title system. Rather than the register of

titles being a record of truths made in other documents, it was now the truth itself. Under the Torrens system, the register is the title. It does not matter what other claims I hold in my hand: If the register does not reflect that I am the owner, then I am not. It is that simple.

Under the Real Property Act 1990 the integrity of the register is paramount. Case after case before the highest courts has shown that our greatest legal minds understand this well. Our courts have gone to great lengths to ensure that this principle—that the register takes priority over any other considerations in our land title system—is upheld. To illustrate this point, I draw members' attention to the recent judgement of the High Court in *Black v Garnock*. This case ultimately saw the purchaser of a property bought in good faith and without notice of any faults liable to a debt of $228,000 owed by the vendor to creditors, thanks to a judgement writ being registered by creditors against the title register a mere 127 minutes prior to settlement. It makes hard reading in the sense that it is a result that was decidedly unfair to the purchasers, and perhaps to their solicitor, who had checked the registration only that morning. But the judgement reflects and preserves the primacy of registration in the Torrens title system. The fact that the purchaser's contract predated the debt writ was irrelevant under the Real Property Act, as the registration of the writ created the legal interest that trumped any other legal priorities.

As I say, the outcomes can occasionally be harsh in the interpretation, but the benefit is a level of stability, security and predictability in our land title system that is envied. The Torrens system has been embraced worldwide for the protection it provides to communities through a certainty of land title that is a critical underpinning of our economy. But if the register is everything then a critical aspect of the system is the quality of the registrar. Who is the registrar? What is their office? It is the land titles office, now known as Land and Property Information New South Wales. Here we start to really see the short-sighted insolence of the Government's proposal. Because the integrity of the register is everything, everything depends on the integrity of the registrar and the independence of its office. This Government wants to flog off that integrity and compromise that independence.

One of the critical protections of community confidence in the Torrens system has been the independence of the registrars, the keepers of the register. For generations New South Wales communities and businesses have respected the independence of the land titles office and have happily paid the registration costs required to keep this essential public service at arm's length. They saw it as a worthwhile investment in a land title system that protected their greatest assets. Now this Government, a Government that claims to be conservative, wants to sell off to private interests the office that stands at the very heart of our land title system.

It is prepared to place at risk the proper integrity of one of the most important underpinnings of economic and social stability—and for what? The answer is almost so incredible that I had to read it several times to believe it, yet it has been so widely reported without denial that it must be correct. The fact is that the Government wants to sell off Land and Property Information New South Wales and place at risk the integrity of our land title system to get better footy games. This is why we need to flog off our land titles registration to private interests: to build better football stadiums. We like footy, but not enough to place a pillar of our commerce and the legal protection of every homeowner in our State at risk. No private interest is worth that.

This proposal is economically foolish, socially foolish and legally foolish. For the sake of a short-term gain and a few ribbon cuttings while wearing a hi-vis vest, this Premier and this Treasurer will flog off a money-making public service and jeopardise the perceived independence and integrity of our land titles system. It is a foolish, short-sighted and risk-laden scheme that should be shunned by any member, especially any who consider themselves a conservator of our legal and economic institutions. If owning a home is the great Australian story, then this humble office is the binding that holds the pages together—and this Government wants to tear off the spine. I oppose the bill and thank members for their attention.

Mr JUSTIN FIELD (12:14): I lead for The Greens on the Land and Property Information NSW (Authorised Transaction) Bill 2016. This is my first contribution to the House as the Treasury and Finance spokesperson for The Greens. I have a lot to learn, no doubt—and perhaps there is something for those on the other side to learn as well—but you do not have to be Ross Gittins, or any economist, to know this bill is more of the same from a government intent on selling off our State's essential services and public assets for a one-off sugar hit to the budget while hollowing out skills in the public sector and the ability for the State to direct the economy in the public interest. This is lazy economics at its worst.

The Baird Government is increasingly criticised for having an ideological commitment to privatising the State's assets. I do not think it is ideological; I think it raises questions of competence. It is lazy, ill disciplined and totally lacking analysis as far as costs and benefits to the people of New South Wales are concerned. This bill embodies the worst elements of that by threatening access to information by removing the profit-making at the heart of this operation from public hands and putting it into private hands, and undermining the trust we currently have in this world-class service. In consulting on this bill, the sorts of things that were said to me were that there has been a lack of consultation and that the details of the Government's scoping study were not made available

because they are commercial in confidence. Of course they would be: The Government does not want that to be scrutinised before it proceeds to this sale. I would appreciate it if the Government could clear this up: There does not appear to be a guarantee that the data will be kept onshore in Australia—

The Hon. Dr Peter Phelps: That is not true. That is absolutely untrue.

Mr JUSTIN FIELD: Well, make that guarantee. I am asking for that to be clarified. I am not making an untruth; I am asking for it to be clarified.

The Hon. Greg Donnelly: Point of order: The honourable member is endeavouring to make a contribution to an important debate and he is being constantly interrupted and interjected on. Mr Assistant President, I ask that you request that the House hear him in silence.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I uphold the point of order. Members will cease interjecting.

Mr JUSTIN FIELD: There does not appear to be a guarantee—and I ask the Government to clarify this as well—that private data on the register cannot be used for other commercial purposes by the private operator. There is also a question about transparency with this sale process. In researching this bill I found some stories that may never have been written if our Torrens title system had been privatised because of the already dramatically increased costs—raised by another speaker—associated with searches for information and their potential to be further increased under a private operator. I also ask the Government to clarify whether the cost of searches will be subject to the consumer price index [CPI] limited increases as well as other services.

I refer to the headlines of some of the stories: "Point Piper's Altona mansion sale dodged foreign investment laws", "Villa Del Mare: Lola Wang Li and the secretive web of Chinese wealth" and "Battle looms between Chinese billionaire and Treasurer Joe Hockey over Point Piper mansion". These stories made a significant contribution to the public debate about foreign ownership of residential properties and the funnelling of massive amounts of money from overseas into the residential property sector. Off the back of these stories, the Coalition Federal Treasurer at the time, Joe Hockey, acted with uncharacteristic speed to ensure those dodging Federal foreign investment laws were not able to continue to do so.

The journalist who took the running on these stories estimates that it cost between $1,000 to $2,000 to do the title searches and to cross-reference them with the Australian Securities and Investments Commission [ASIC] database. Of course, that is the cost before the proposed privatisation of this world-class property title system, and it will potentially escalate dramatically when the privatisation is completed. We should remember that the land title register is now owned by the people of New South Wales, and it is the profit-making heart of Land and Property Information. It generates approximately $70 million a year, and it is the envy of the world for its security and stability. It is robust and efficient. It is also a vital source of information for buyers, sellers, solicitors and journalists. The Greens and, I think, others in this House contend that it should remain in public ownership.

The Greens oppose this bill, which represents privatisation of the titling and registry business of Land and Property Information. We also reject outright the Government's privatisation agenda. This sale makes no sense because the Government is selling off the profit-making component of the service and retaining those areas that are paid for with those profits. The cost of those ongoing and essential elements of Land and Property Information will be borne by the taxpayer, and there will be no capacity to offset any increase in costs in those areas from profits gained by the titling service. The financial incentive for the taxpayer seems unattractive at best. If the Government were to release the scoping study, I am sure that that would be confirmed. Of course, that will not happen; it will keep hiding behind the fact that the transaction is deemed to be commercial in confidence.

The Government has said that "the transaction would free up valuable government funds to invest the net proceeds of the transaction into new infrastructure across the State, including the stadia package". Putting aside for one moment that the highly profitable major sports sector is probably one of the least in need of money in this State—it is certainly less needy than the education and health sectors—if the Government believes in the economic and social value of new sporting infrastructure, it should keep in mind that we are currently experiencing a period of record low interest rates. The profits from this service, even after offsetting other costs within Land and Property Information, could easily leverage borrowings and interest to have both the stadiums and the ongoing profits gained by retaining this as a public service.

The Government has indicated that the Registrar General will monitor and enforce the private operator's performance based on defined service levels, key performance indicators, and obligations to ensure the security of data within the service. The Government is careful to note that the Registrar General is a public sector employee. However, logic demands an answer to the question: Why could the Registrar General not simply apply the same

monitoring and enforcement provisions to the public system? Why can a public employee effectively enforce the performance standards of a private provider but not of a public provider? It does not make sense.

The Government has guaranteed that existing award employees, including temporary employees, will be guaranteed two years of employment or employment for the life of their current contract with the private provider. However, that begs the question: If these same employees now employed by the private provider are able to deliver on the promised increased efficiency, improvements in technology and decreased costs as demanded by the public sector Registrar General, why could they not deliver them as public employees? The Treasurer stated in her second reading speech in the other place:

> The private sector will have strong incentives to invest in new technology, resulting in significant improvements to the system, and benefits for consumers. Expected benefits of private involvement in LPI titling and registry services could include: faster processing times, the introduction of new services for customers, providing a better business to business—B2B—experience for business customers and greater investment in technology and innovation.

That is all lovely, but does the public sector not have the same incentive? Given that the knowledge and experience of these types of services exist almost solely in the public sector, and that the public sector employees will be guaranteed positions with the private operator, at least for the first two years, it will be those public sector employees who manage and deliver the things that the Treasurer said the Government was trying to achieve. They will be delivering the new technology, efficiencies, and cost reductions, and all under the watch of a public employee in the Registrar General.

Of course, these public sector employees are best placed to do this work; they built the first ever automated title and land dealing registration system, moved to electronic access to plans and dealings such as transfers and mortgages, and created an electronic plan lodgement service. They also created the Registrar Generals' Directions for Plans, which I understand has become the bible for land developers and surveyors. They have already built a world-leading efficient, technologically advanced and cost-effective system. Of course they have; that is what they do best, and they should be allowed to continue to do so.

The Government has also indicated that it will continue to guarantee the Torrens titling system backed by the Torrens Assurance Fund. Again, a public officer, the Registrar General, will be in charge of that and the Treasurer will retain step-in powers in case it all goes astray, because it is important that we have confidence in the system, and especially in the data that underpins land titles in this State. The Government has been extremely careful to say that it will privatise and extract a profit from this service, but that we should not worry because a public sector employee will have oversight, the public sector employees who built our world-class system will be guaranteed a job in the private operator, and if something goes wrong the Treasurer, on advice from the public sector employee with oversight, will step in to ensure that public confidence is maintained in this critical service.

The Government is confident that the private sector can do it better and more effectively, and it will give it the skills and support it needs to make a profit. However, in its justification of this privatisation it is effectively saying that it knows that the public does not trust the private sector. It is creating a legislative façade to ensure that it looks as though the public sector is still running the show. Of course, it is just a façade. The profit motive will kick in, regulatory capture will set in, and the private sector lobbyists will move in. The controls will disappear, the oversight will fall away, and the Treasurer's knowledge and access to knowledgeable staff will contract into the private sector where the motivations are very different. The Government does not see the big pitfalls around the corner. People will scratch their heads when something goes wrong down the track. It is a well-worn and well-known path. This Government seems to specialise in this process.

The Government has made it clear that it will "monitor and regulate the price of services, so that price increases for regulated services will be limited to a maximum of the consumer price index during the concession period". That is not regulating the price; it is not like price regulation in other sectors. It would be more appropriate to have a pricing regulation scheme to ensure that any efficiencies and cost reductions as a result of better technology or efficiencies were passed on to customers. The reality is that this is the cream the private operators are pursuing. It would otherwise be public profit that could be reinvested in improving the service, offsetting other costs, or even reducing costs to service users. Herein is the false economy, and we know that more cream will be made by increasing prices as much as possible while reducing wages and conditions.

I could itemise the reasons that this privatisation makes no economic or logical sense, but that is not the purpose of this process. The Baird Government is selling this service because that is what conservative governments in this country do. They are run by bankers, and they like selling things. They see everything as a business opportunity and do not acknowledge any value in them as a service or as a public asset. The Greens have a different view about the role of government and the interaction between people and the economy.

The Hon. Dr Peter Phelps: Ask Lee Rhiannon about that.

Mr JUSTIN FIELD: I am happy to ask her about it. The Hon. Dr Peter Phelps should also ask her about it; he should have a conversation with her. The Greens believe that the economy should serve the needs of the people rather than the people serving the needs of the economy. This sell-off is a glimpse of the bigger privatisation agenda that has been rolled out by successive Coalition and Labor governments across this State and this country. We have seen the false economy when the promise of greater efficiency inevitably results in job losses and the almost certain critical failure or lapse in security that comes with cost-cutting and a profit-driven motivation. That is The Greens' particular concern.

This afternoon I will be standing in front of Parliament House alongside public sector employees calling for an end to this privatisation agenda and a rethink of how we support and resource the essential public services that people need. The Greens oppose this bill, and we wholeheartedly oppose the Baird Government's failed privatisation agenda. Previous generations worked hard to build the State's infrastructure and services that this Government is now selling to the highest bidder. This must stop now.

The Hon. MICK VEITCH (12:29): The Land and Property Information NSW (Authorised Transaction) Bill 2016 is yet another alarming piece of legislation in a growing list of worrying legislation this House has had to deal with in recent times. It is reckless and short-sighted and will damage the robustness of the New South Wales economy for years to come. More than that, it will fundamentally erode confidence in the strength and security of the New South Wales property titling system that underpins the most important and definitely the most expensive investment most people in this State ever make—the purchase of the family home.

What is more startling is that all Coalition backbench members have gone along with this. It shows how out of touch they are with the concerns of ordinary citizens in New South Wales. We are getting used to members of The Nationals being rolled these days on matters of importance to their communities—greyhounds, TAFE, job cuts to the bush and the recent privatisation of regional hospitals—and now they are willingly undermining the robustness of our property titling system.

The Hon. Duncan Gay: Who wrote this stuff? You would not write something like this.

The Hon. MICK VEITCH: This will have repercussions for other parts of Land and Property Information [LPI]. If we take away titling, the most profitable part—

The Hon. Duncan Gay: Tell us who wrote it.

The Hon. Greg Donnelly: Point of order: The Leader of the Government knows full well that he should allow the member to make a contribution without being interrupted. He is consistently interrupting and I ask you to draw his attention to the fact.

The Hon. Duncan Gay: To the point of order: I was just trying to find out who the author of this was. It is obvious that the member did not write it.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): There is no point of order. All interjections are disorderly. The Minister will refrain from interjecting.

The Hon. MICK VEITCH: This will have repercussions for other parts of the LPI. If we take away titling, the most profitable part of the LPI business, what will happen to the other aspects such as mapping? The Central Mapping Authority, part of the LPI and based in Bathurst, originated as a result of one of the first decentralisation decisions made in New South Wales. I now fear that as a result of this bill budgets will be further stretched for the essential mapping work that it does. This short-term approach betrays homeowners in New South Wales and also puts at jeopardy the ongoing role of critical government functions such as the Central Mapping Authority. I doubt whether that has crossed the mind of The Nationals member for Bathurst.

Property ownership is a vital part of the New South Wales economy, nowhere more so than in regional New South Wales. As I said, it is the biggest investment decision that many of us make. The security and ongoing guarantee of the title to the property underneath one's feet is too important to jeopardise for the sake of an ideological obsession with privatisation by Liberal and Nationals members. A profitable public enterprise that generates conservatively between $100 million to $150 million a year is now being flogged off by the ideologues opposite. It makes no sense. What is more, there are alternatives.

If the Government is so desperate for money there is another option known in financial circles as monetisation. When ones strips away all the issues and looks for the real driving force and the benefits that are being sought by the Government, the only one that stands out is that the Government will gain access immediately to a windfall of money estimated at $1.5 billion for a 35-year concession—ostensibly the privatisation of the titles system for 35 years and potentially beyond. Any comments regarding greater efficiency, or comments that other jurisdictions across the globe are doing it, clearly are false. This is nothing more than a grab for cash to fund the

Government's infrastructure program and to continue to exercise its philosophical approach to having the private sector undertake public services.

The Hon. Duncan Gay: If you are wrong on that, will you apologise?

The Hon. MICK VEITCH: However, the titles system is not just a public service; it is so much more. NSW Treasury has—

The Hon. Greg Donnelly: Point of order: I have already made one objection against the Leader of the Government, who continues to interrupt while I am making my point of order. Duncan, I am making a point of order, mate.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The Minister will refrain from speaking while the member is taking a point of order.

The Hon. Greg Donnelly: I ask you to draw the Minister's attention to the fact that the member should be heard in silence.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The Minister will refrain from interjecting.

The Hon. MICK VEITCH: NSW Treasury has seen the LPI as a cash cow for many years, eagerly looking at the annual dividends that are dependent on property transactions, stamp duty and the like. It has had little regard for the fundamental importance of the land title and broader land cadastre and the critical nature of this for the economic development of the State and the social wellbeing of its citizens. With the high percentage of mortgages and other financial transactions secured against a property title, the property title is essentially as critical as the financial market itself. It stands next to and is inextricably linked to the financial system to underpin the economy and financial confidence in economic transactions across the State and indeed the nation.

It has been publicly reported that the funds sought are to be used to fund the stadium improvements already announced by the Government. The creation of the LPI some years ago under Labor adopted future-oriented, advanced thinking about how best to meet the growing needs of the New South Wales economy. It was indeed the envy of jurisdictions around the world as it brought together the regulatory and statutory roles of the Surveyor General, the Registrar General and the Valuer General, the three positions that have responsibility for what is known as the "cadastre" and the integrated value proposition for property. What is more, the LPI was an income generator, paying for schools, hospitals and other front-line services throughout New South Wales.

With this bill, and for the sake of some easy money, the Baird Government is willing to destroy all this good work in one fell swoop. The cadastre is the fundamental property-spatial layer of all land holdings, subdivisions and any dealings and registrations on the property title. It underpins the New South Wales economy and our confidence in property ownerships—that our land is actually our land—backed by a rock solid guarantee. Now we are heading down a path on which property owners may be forced or convinced to take out property title insurance, as they do in the United States.

Labor's establishment of the LPI also enabled the integration of other spatially related information for emergency services, agriculture, mining, policing and indeed all location-based services data used in both the public sector and the private sector. Within LPI the statutory roles of the Valuer General, Surveyor General and Registrar General had been separated for many years from the operational and administrative activities. Strong service level agreements operated between the statutory office holders and the business of the LPI. It was an efficient, profitable and robust property transaction factory within the State. It ensured integration, synergy and substantial holistic benefits from the individual property information components. This has now been dismantled with the former integrated functions being separated and going to other parts of government departmental structures. The Government's next step is to further disaggregate the property functions by transferring the operations of the titles registry and the systems that underpin it to the private sector.

Advanced use of spatial information across the economy and in the provision of government services is now in jeopardy. At best there is a huge loss in the focus on and benefits derived from property information as the Government will lose control of the fundamental layer—the property title—upon which these advanced services are built. Unfortunately, at worst, this short-sighted grab for cash will destroy the fundamental property and related spatial information layers. The driving force for the company holding the concession for the titles system will be revenue and not the importance or the integrity of the property and spatial information system of New South Wales. There will be no incentive for them to accelerate and complete the old system title conversions and other detailed but critical property matters that impinge on many land titles.

The Government's actions are not only short-sighted and lacking in intellectual and practical rigour; they are driven totally by the cash register and the need to gain immediate access to a pool of funds with no regard to

the adverse consequences. Why were other options not considered? I am aware of alternatives, as I said earlier, such as the monetisation of revenue streams that would have delivered funds up front without any of the adverse consequences with which New South Wales will need to deal over the next generation and a half.

Monetisation is a well-practised financial structure used in the private sector and has been applied to public sector operations. This alternative would monetise the annual revenue streams of the titles office for a designated period—say 10, 15, 20 or even 25 years. This would bring forward projected annual revenue streams for the period identified. The financial institution that does the deal would provide the annualised total amount up front and structure a repayment stream against the contracted revenue streams that could be flexible, build in incentives and identify ways to increase revenue streams.

Members have noted that for many years the annual revenue of the titles system has been anywhere between $100 million and $140 million and is reflective of the general economy, especially the real estate market. Taking a conservative figure of $100 million in annual revenue and doing a contractual monetisation contract for, say, a 20-year period, and applying a reasonable risk discount, this arrangement could raise in excess of $1.5 billion. This would give the State an up-front pool of cash—the pool of cash that the Government is seeking—at an even greater amount than it will potentially get from its present strategy and within a shorter period.

Importantly, under this strategy the substantial negative practical, administrative and technical impacts would not occur as the titles system would not be disintegrated with some parts of the cadastre being managed by the private sector and others by the Government. There would also not be the loss of intellectual capital among staff as the Government would continue to manage the titles system as it does now. This would prevent what is occurring throughout other parts of the public service—the loss of knowledge capital. This Government does not care if centuries of public service knowledge—an investment by the people of New South Wales over generations—are lost. There are massive implications for agencies such as Crown Lands and local councils. As ever, the more one digs the broader the implications are. Recent questions to Crown Lands have revealed internal concerns about the privatisation of the LPI. As the largest landowner in the State, Crown Lands is heavily reliant on titling services.

Now that Crown Lands is split from the LPI, there are increasing internal transaction costs to those services, such as delays, silos and the like. With the lease of the LPI, Crown Lands will start paying more for this critical data and will no doubt pass it on to clients and taxpayers. Has the Minister for Lands raised those issues? Given the recent quality of advice he has received from Crown Lands, perhaps he should.

Local councils are another large landowner. Again, councils and ratepayers will pay more as a result. Cost shifting continues under this Government. The Government is not listening to other options because it does want to listen. Why has the Government not looked at other options? If it has, why does it not say so? Tell the House and let all members look at the options and the cost benefits, and undertake due diligence to make the right decision. The Government will not release information; it is being tricky and secretive. That is why this bill should be referred to an inquiry.

This bill undermines the integrity and efficient operation of the New South Wales title system that has been slowly established in this State for almost two centuries. In many ways the history of this State reflects the efforts that were put into establishing a stable land title system that had the confidence of all citizens. Some descendants of what Paul Keating called the bunyip aristocracy were never in favour of an equitable land titling system. The land title system is a fundamental cornerstone of the New South Wales economy and is simply too important to flog off as a quick fix to the budget.

The proposal of the Baird Government will destroy public confidence in the property dealing and titles system in this State, including the guarantee of title, which will result in the growth of the shadow private sector title mortgage insurance with significant resultant property transaction costs. This is bad news for every property owner in New South Wales and should be strongly opposed. With their collective wisdom, members in this House should explore other alternatives. An inquiry into the merits of this privatisation would be prudent, timely, and in the best interests of the people of New South Wales.

Mr DAVID SHOEBRIDGE (12:41): I am strongly against the Land and Property Information NSW (Authorised Transaction) Bill 2016, which is proposing to privatise Land and Property Information NSW [LPI]. The concept that any government would, for a quick buck, flog off the Crown jewels of our economy, which underpins almost every other economic activity in New South Wales, which is secure and guaranteed land title, is extraordinary. We are talking about the land titling system.

The Hon. Duncan Gay: Point of order: I take offence to the term "flog off".

The Hon. Greg Donnelly: You are a try-hard, Duncan.

The Hon. Duncan Gay: I take offence at that statement as well. According to the *Concise Macquarie Dictionary*, flog, flogged or flogging means:

1. To beat hard with a whip—

which it is not—

2. To sell or attempt to sell.

3. To steal.

The allegation is that by flogging off assets the Government is trying to steal, which I find offensive.

Mr DAVID SHOEBRIDGE: To the point of order—

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): If Mr David Shoebridge will withdraw his use of the term "flog off"—

Mr DAVID SHOEBRIDGE: To the point of order: The term "flog off" has, as the Minister pointed out, a number of meanings. It can mean to steal, to thieve, or to sell. There are many words in the English language that have multiple meanings. For the Minister to take offence to one of the meanings of that term fundamentally means that he misunderstands, first, how the English language operates and, secondly, our standing orders. I used the term "flog off" to indicate that the Government is selling off assets. Everybody knows what it means to flog off assets. This Government is flogging off assets. That was the meaning of the term that I used and I will not withdraw it. This Government is flogging off the LPI.

The Hon. Greg Donnelly: To the point of order: The term "flog off" is a colloquial term that has a long history. As the term has been used generally inside and outside this Parliament it is spurious for the Leader of the Government to take a point of order on this matter.

Mr DAVID SHOEBRIDGE: Further to the point of order: Will we now not be able to use the word "wether" because the Hon. Rick Colless might be worried that we are referring to a castrated sheep? Many words have multiple meanings. The term "flog off" similarly has multiple meanings. I used the term "flog off" to denote that the Government was selling off assets.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The Minister was responding not only to the words but also to the tone of voice that was used, which seemed to imply that the intention of the member was to be critical of the sale.

Mr DAVID SHOEBRIDGE: Of course I was being critical.

The Hon. Greg Donnelly: Further to the point of order—

Mr DAVID SHOEBRIDGE: There is no tone provision in the standing orders.

The Hon. Greg Donnelly: That is my point. The matter of tone and the way in which a matter is presented in this House is not covered by the standing orders.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I was using that as an illustration to help the Minister understand the interpretation and the meaning of the term "flog off" that was used by Mr David Shoebridge. I uphold the point of order.

Mr DAVID SHOEBRIDGE: The Government is selling off, at a bargain basement rate, the Crown jewels of the New South Wales real property register. There are other terms I could use to refer to the offensively short-sighted selling off of the LPI, but I do not know whether the Hon. Rick Colless would weather them. The idea that anyone would muck around with the land titling system in New South Wales, which is estimated to have assets worth well over $1 trillion, underpins every mortgage that is written, all contracts and leaseholds, is incredible. The contracts for the sale of properties become effective only when they are registered under a system governed by the LPI. It beggars belief that a conservative government would mess around with the fundamental economic underpinnings of the State because it wants to sell off a core part of business to get an up-front payment from a private operator.

We have a land titling system in this State that is the envy of the rest of the world. We adopted it, as many people would know, from the initial innovation in South Australia with Torrens title. The concept of indefeasibility—that what is on the register is guaranteed in law to be yours, and guaranteed to be protected—is a fundamental economic underpinning of the State. That the Government would meddle with the important land titling system of New South Wales and hand it over to a for-profit corporation is nothing short of economic recklessness. Why would a for-profit corporation get involved in land titling? Let us start with why the bureaucrats do it, why the public servants do it, and why the Registrar General does it. The Registrar General and those

extremely competent hardworking public servants are working on land titling to ensure that it is secure and accurate and that the concept of indefeasible title is maintained. They are working in the public interest. It has proven itself to be one of the best systems in the world.

When we hand over this system to a private operator, its primary concern for the economic underpinning of this State will be how much it can rip out of it and how much profit it can make. It is a statutory obligation to have that as its only consideration because that is what Corporations Law says. A private operator's one and only obligation to its shareholders is to maximise profit. It will be in charge of land titling in New South Wales. Who is circling like a big hungry shark to grab this asset from the people of New South Wales? The most obvious example—and the one that is most often referenced—is the Orwellian-sounding Teranet from Canada. Teranet is looking at New South Wales because it has not been able to take over the entire land titling system in any one of the Canadian provinces. It has part of one and a bit of another.

It is looking at other countries to see whether any suckers will hand over their entire land titling system so that it can take it over and squeeze profits out of it. Lo and behold, Premier Mike Baird and his mates said, "Here we go. We will give it to Teranet. We will give it the land titling system—the Crown jewels of the New South Wales economy." I am sure that Teranet, in its discussions with the Government, has been saying, "We do not mind taking all the profits—we would love all the profits—but could you make sure that no-one can come after us if we stuff it up, because we do not want any liabilities. We don't mind your privatising the profits but we want you to socialise the losses." As a result Premier Baird and his team inserted new section 15 into this bill which states:

> (1) The authorised operator—

the private profit-seeking foreign corporation—

> has no liability for loss or damage referred to in section 120 (Proceedings for compensation) of the *Real Property Act 1900* that arises from any act or omission of the authorised operator …

One might ask: If the private for-profit operator is not responsible for the losses it causes, who is responsible? New section 15 subsection (2) states:

> (2) A liability referred to in subsection (1) that the authorised operator would have were it not for the operation of that subsection attaches instead to the Registrar-General.

We are selling off the Crown jewels and putting at risk the entire economic underpinning of New South Wales—more than a trillion dollars in assets. When a private operator the likes of Teranet stuffs up, the people of New South Wales will pay the bill. The Government says, "Don't worry; we will have a contract and that contract will be sweet. We will not show you the contract. We will not release the contract; it will be commercial in confidence but don't worry, long-suffering taxpayers and residents of New South Wales, we will sort it out in a secret contract that we will never show you." What nonsense. This is nothing short of economic vandalism.

This bill represents economic vandalism where the upside is with the private operator and the downside is with the people of New South Wales. I cannot believe that this legislation will get a majority vote in this Chamber. Some of the most talented and competent people on the payroll of New South Wales have approached crossbench members in this Chamber and said, "Please do not do this; it is madness." I hope that crossbench members listen and send this legislation where it should go—to the dustbin.

The Hon. ROBERT BROWN (12:52): The Shooters, Fishers and Farmers Party is one of the crossbench parties that has been approached by people with views that are different from those espoused in the Land and Property Information NSW (Authorised Transaction) Bill 2016. If a concession is written for 35 years it would probably be worth more than $1 billion to the Government. I can understand the Government's need for cash with respect to poles and wires and my party and I have agreed to the sale of certain assets—but only those that we believed would not matter a tinker's damn to the running of this State.

Some of what Mr David Shoebridge said is correct but I disagree with other statements he made because they are not correct. I have had two meetings with the Treasurer. Just this morning the former Surveyor General of New South Wales and I spoke to the Treasurer about alternative arrangements. Treasury has studied the alternatives to a concession and I believe that the Treasurer has made up her mind up about this so I could not convince her otherwise—and I could not convince my crossbench colleagues otherwise.

I do not want to take up the time of this House but one of the things that I want to say—and I say it often in this House—is that I can count. I know that people are sometimes not paired when they are away. Irrespective of what crossbench members think, the Government is in a position to get this legislation through. I will not verbal the Treasurer but I place on the record that I hope when this bill goes through the Treasurer and Treasury will remain open to the possibility of doing an even better deal under a slightly different financing model than the one proposed in this legislation. After reading the bill quickly this morning I became aware that there are other options

for the Treasurer to look at. I will not be a coward and abstain from voting; I will vote against the bill but only out of principle.

I hope that the consumers of New South Wales are given the protections that are implied in this bill. Mr David Shoebridge was correct when he said that there would be consequences if this legislation goes wrong. Much of the fortunes of this State are built on the property market. If the property market does well New South Wales does well but if it does poorly New South Wales is in trouble. The cadastre plays an integral part in maintaining the integrity of the real property system in this State.

I understand that jurisdictions such as South Australian and another State are looking at similar proposals—that is, concessions. Those States will be using New South Wales as a model. New South Wales has in its system a top-shelf asset—one thing that is worthwhile for investors, whoever they might be. I do not necessarily agree that it will be the company Mr David Shoebridge thinks it will be; I understand that the banks are looking carefully at this proposal. During the term of the Labor Government and under this Government, Land and Property Information NSW has been of the best performing bureaucracies I have come across. I have had a lot to do with high-powered bureaucrats, some of whom I would not pay, but Land and Property Information NSW, even after the restructure, is still one of the most admired deliverers of this sort of service in the world.

I am sure that Moody's and other ratings agencies will think seriously about the stability of our real property system when they estimate the future health of New South Wales, given that it is so heavily dependent on real property trade. It is not that I do not trust the Treasurer—I have heard what she said—but I would prefer it if this was not happening right now and that we had more time to think about this proposal. However, as we do not the Shooters, Fishers and Farmers Party will not be supporting the bill.

The Hon. GREG PEARCE (12:58): I will make a few comments on the Land and Property Information NSW (Authorised Transaction) Bill 2016. Land and Property Information NSW and, before that, the Registrar General, have impacted on my life and my career.

Debate adjourned.

HEALTH LEGISLATION AMENDMENT BILL 2016

LAW ENFORCEMENT CONDUCT COMMISSION BILL 2016

First Reading

Bills received from the Legislative Assembly.

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

The Hon. DUNCAN GAY: I move:

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

Motion agreed to.

The Hon. DUNCAN GAY: I move:

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

Motion agreed to.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I will now leave the chair and cause the bells to be rung at 2.30 p.m.

FINES AMENDMENT (ELECTRONIC PENALTY NOTICES) BILL 2016

SECURITY INDUSTRY AMENDMENT (PRIVATE INVESTIGATORS) BILL 2016

RURAL FIRES AMENDMENT (FIRE TRAILS) BILL 2016

SCRAP METAL INDUSTRY BILL 2016

ADOPTION AMENDMENT (INSTITUTE OF OPEN ADOPTION STUDIES) BILL 2016

Assent

The PRESIDENT: I report receipt of messages from the Governor notifying His Excellency's assent to the abovementioned bills.

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

Questions Without Notice

NATIVE TITLE

The Hon. ADAM SEARLE (14:30): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Why did the Minister's department notify more than 500 licence holders from far western New South Wales to the North Coast that successful native title claims had been granted and that their licences had been terminated only after questions from the Opposition during the Crown land inquiry?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:31): I thank the Leader of the Opposition for his question. The Federal Court of Australia has made a number of native title consent determinations in favour of native title holders in New South Wales, recognising that nonexclusive native title rights continue to exist over certain Crown land. I am advised that about 520 Crown land licences and permits in the north and west of the State have been automatically terminated following the Bandjalang, Yaegl and Barkandji cases due to a clause contained within those agreements. In any cases where the recognition of native title has had an impact on Crown land tenures, the Government is committed to working with all parties to address the issues.

This is a complex and sensitive issue. The Department of Industry—Lands has written to those 520 licence and permit holders directly, notifying them that the department is reviewing all affected licences and will provide further information to them at the end of this month. The department will also work to ensure that tenure holders and native title holders are engaged in the process of recognising the coexistence of each other's rights, which is fundamental to the native title system. The Native Title Act 1993 provides for Indigenous land use agreements as a possible mechanism for agreement making between native title holders, government and other land uses. The Government encourages their use. This issue does not affect holders of other Crown land tenures, such as leases.

REGIONAL ROADS INFRASTRUCTURE

Mr SCOT MacDONALD (14:33): My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the jobs being created as a result of the historic road projects currently underway right across regional New South Wales?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:33): The New South Wales Government is investing billions of dollars into delivering major road projects right across the State, the likes of which have never been seen before.

The Hon.Walt Secord: Ker-ching! Ker-ching!

The Hon. DUNCAN GAY: I acknowledge the interjection of "ker-ching". That is what is happening in regional New South Wales. I thank the Deputy Leader of the Opposition for reinforcing the amount of money we are spending in regional New South Wales. He gets it.

The Hon.Walt Secord: Point of order: To assist the House, my "ker-ching" was in relation to the sell-off of everything in this State.

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

The Hon. Lynda Voltz: To the point of order: It is unparliamentary, and the Minister has done this in the past, to assert that members on this side of the Chamber have made comments they have not made. Mr President, I ask you to call the Minister to order.

The Hon.Walt Secord: To the point of order: To assist, I do accept ownership of the claim "ker-ching".

The PRESIDENT: Order! The Hon. Walt Secord will resume his seat. He is already on one call to order. For him to be on two calls to order in seven minutes would be a record even for him. There is no point of order. The Minister has the call.

The Hon. DUNCAN GAY: Mr President, you can separate the Opposition members who are blueing later on—I would put my money on the Hon. Lynda Voltz. Currently we are working on 4,600 road projects, each of which is generating thousands of jobs across New South Wales. We are in the middle of the biggest infrastructure program this State has ever seen. It is delivering more and more jobs, which are keeping people employed and supporting economic growth. Over the next five years we are investing $16 billion to upgrade roads and will go out to tender for about 85 projects. This means we will need a greater number of people working on major road projects across the length and breadth of the State—jobs in regional New South Wales. Today there

are more than 3,500 people working on the duplication of the Pacific Highway, the biggest road project in the Southern Hemisphere let alone in regional New South Wales.

It would come as no surprise then that 30 per cent of workers want to permanently relocate to the North Coast, a massive boost for these regional economies that were deserted for years under those opposite. The Illawarra and the South Coast are yet more wonderful examples of where jobs are delivering a major boost to regional communities. The major works currently underway right along the Princes Highway are delivering a massive boost to the region, with more than 2,265 direct jobs and indirect jobs being created. If those opposite had been anywhere west of the Great Dividing Range, they would know that western New South Wales is also seeing major construction right across key freight routes. About 240 people are currently working on various upgrades along the Newell Highway. This number will only increase with this Government's $500 million injection into works along the Newell Highway, which is the backbone of regional New South Wales.

Mr President, you might remember that earlier this year we announced a further 200 jobs as part of the State's "infrastructure wave". Our projected workload requires more manpower to ensure projects are delivered on time and within budget, and that resources are used efficiently. More jobs, both direct and indirect, mean we are generating economic growth in regional and local areas. Every business—from cafes and takeaways, to service stations and service suppliers, to accommodation providers and councils—is benefiting from the work that we are doing in replenishing the infrastructure in regional New South Wales. [*Time expired.*]

WENTWORTH PARK

The Hon. WALT SECORD (14:38): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. What is the Minister's response to community concerns about media reports that his Government met with major commercial developers to discuss expressions of interest about a 360-apartment complex on the Wentworth Park greyhound track site?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:39): I thank the member for his question, and I note the Premier has addressed this issue before. I am advised that rumours that the Premier has met with Multiplex to discuss development of Wentworth Park or other Crown land sites affected by the greyhound ban are completely false. The Premier and I have said at great length that there will be no residential and commercial use. Wentworth Park will be open space and community use. The Government will be working with the community, local councils, Greyhound Racing NSW and racing clubs to find new sporting community uses for greyhound racetracks located on Crown land, including Wentworth Park. There is no plan to sell or develop Wentworth Park.

The Hon. WALT SECORD (14:40): I ask a supplementary question. Would the Minister elucidate his answer with regard to whether those who attended the meeting were from his department or the administrator, as he was specific to refer only to the Premier in his answer?

The Hon. Catherine Cusack: Point of order: As the Hon. Walt Secord points out in his question, he is asking for an elucidation on an issue that did not relate to the Minister's answer. The question is out of order.

The Hon. Shaoquett Moselmane: To the point of order: The Hon. Walt Secord was asking for an elucidation of an aspect of the answer. That is in order in my view.

The PRESIDENT: Certainly in his statement of what the standing order says, the Hon. Shaoquett Moselmane is correct. As to whether the answer did in fact canvass those matters and whether the question was seeking an elucidation, it is a little bit more grey. I think there was a sufficient nexus to allow the question. It is a matter for the Minister how he chooses to answer it.

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:41): There is no plan to sell or develop Wentworth Park.

PORT STEPHENS AND GREAT LAKES MARINE PARK

Mr JUSTIN FIELD (14:42): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Is the Minister aware of local concerns about the approval of a large-scale agriculture project in a habitat protection zone within the Port Stephens-Great Lakes Marine Park? Is the Minister aware that, in comments on the response to submissions documented by the proponent, the NSW Environmental Protection Authority rejected claims that the development would not have substantial environmental impacts, indicating the report was not sufficient to make that claim? What confidence can the public have in the Government's threat and risk approach to the marine estate when proposals like this are allowed to proceed with uncertainty as to their environmental impact in one of the State's premier marine parks?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:43): I thank the member for his question. Was I aware of concerns? Yes. I believe those concerns have been addressed.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. BEN FRANKLIN (14:43): My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. 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) (14:43): I thank the honourable member for his question. As members of this House would be well aware, for far too long people with disability were treated as second-class citizens in this country. They were denied what others in our community take for granted: the power to live life on their terms, to live life their way. People with disability were forced to endure and navigate an unfair, fragmented and paternalistic disability services system. This dehumanising system disrespected a person's dignity and robbed them of control over their life.

The New South Wales Government is delivering a reform that changes all of that: the truly transformational National Disability Insurance Scheme [NDIS]. The NDIS respects the dignity and rights of people with disability and empowers them to live life their way. People with disability will finally and rightfully be in greater control of their supports, their life and their future. They will no longer be on the outskirts of the service system but at the heart of it. I am pleased to say the NDIS is already changing the lives of people with disability for the better here in New South Wales. It is inspiring to speak with people with disability who are now living life their way, achieving their goals and participating more in their community. For example, parents of children with disability have told me that the NDIS has opened the door for a massive opportunity to access supports to make positive improvements to their lives. The NDIS is allowing these children to participate in school and community life in a safe and consistent way.

Recently the National Disability Insurance Agency released the NDIS quarterly report for April to June 2016, detailing the end of the trial period in New South Wales. It reported that an estimated $2.4 billion had been committed nationally for participant support costs and that there are over 10,000 eligible participants in New South Wales in both the Hunter trial site and in the Nepean-Blue Mountains early rollout sites. The report demonstrates that the trial phase of the NDIS was successfully completed, with an incredible 95 per cent of participants saying the experience was good or very good. The report also demonstrated that the New South Wales Government had met its commitments under the bilateral agreement with the Commonwealth. Furthermore, the data validates the Government's prudent approach to the transition, including trialling the scheme in the Hunter, rolling it out early in the Nepean-Blue Mountains and the staged approach to full rollout across New South Wales on 1 July 2016 and 1 July 2017.

This House, along with people with disability, their families, carers and providers, can be assured that the New South Wales Government and its partners in reform are working closely together to get the transition to the full scheme right. While there may be the occasional challenge with delivering reform as large and complex as this, we are confident we will successfully implement the scheme in New South Wales by 30 June 2018. We will deliver, and we are delivering, this once-in-a-generation reform—most importantly, a reform that changes the lives of people with disability, their families and their carers.

CHILD BRIDES

Reverend the Hon. FRED NILE (14:47): My question is directed to the Minister for Roads, Maritime and Freight, representing the Premier, and Minister for Western Sydney. It is a question that matters. Is it a fact that there have been at least 72 cases in the last two years of so-called Muslim child brides as young as nine years old in New South Wales who have been sent overseas to be married to old men? What action has the Government taken to educate the Muslim community that child brides are illegal? How many people have been prosecuted for this crime?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:47): This is an important question from Reverend the Hon. Fred Nile, and I thank him for it. The New South Wales Government views all forced marriage as abhorrent and unacceptable—even worse if it is underage. Since 2014 the New South Wales Government has put in place processes to make it easier to report cases of underage forced marriage to the Family and Community Services [FACS] Child Protection Helpline. I have been advised that in the past two years, from July 2014 to June 2016, the helpline has received 73 reports regarding 66 children and young people. About 47 per cent of cases reported to FACS have been of girls aged under 15. That is just horrendous.

Forced marriage is a Commonwealth offence, and the Commonwealth Government is leading the current national approach. The New South Wales Government has written to the Federal Government, concerned about the impact forced marriage is having on children, homelessness and refuge accommodation in New South Wales. I share the concerns of all members of the House about this practice. Where the issue involves people travelling overseas, I will obtain further information to answer the member's question.

NATIVE TITLE

The Hon. MICK VEITCH (14:49): I direct my question to the Minister for Primary Industries, and Minister for Lands and Water. Given that the Minister's department informed the more than 500 licence holders from the North Coast and western New South Wales that their tenure had been terminated due to successful native title claims only in August this year, what are the financial and legal implications for the former licence holders, and why did it take the department up to three years to notify them of the change in their tenure status?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:50): I will have to check whether the member's statement about the time frame is correct. To put this into perspective, these native title determinations cover very large areas of the State. We needed to see how many licences were affected; not all licences contain the relevant clause. Given that, we had to review all of the many thousands of licences to establish those that were affected. We also had to seek legal advice on the status of those licences so that the Government could give the people involved some confidence and advice. The licences are no longer the responsibility of NSW Crown Lands; they are the responsibility of the successful native title claimants.

It took some time to get the correct advice for the licence holders and to answer the questions that we knew they would ask, such as, "What happens to my licence or my occupancy now?" When we felt comfortable about contacting the licence holders, we did so. I indicated earlier in questions without notice that it is now a case of contacting the native title holders to discuss the issue with them. Our relationship with NTSCORP Limited is good, and the corporation is willing to discuss this matter. This is a very difficult situation. Licences are impacted when native title claims are successful. Our objective is to work with the licence holders as diligently as possible, and to ensure that we provide them with comfort and advice, while also maintaining a strong relationship with the successful claimants as they administer the licences in the future. As I said, I will confirm the member's time frame. The Government will work through this process. There are many moving parts, and we will continue to ensure that we achieve a good outcome.

DAM SAFETY

The Hon. TREVOR KHAN (14:53): I address my question to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on how the New South Wales Government is acting to improve dam safety across New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:54): The Government is committed to the highest standards in dam safety. As my Coalition colleagues are aware, we introduced and passed the Dams Safety Bill 2015 to improve dam safety standards across the State and to provide a modern approach to regulation. The introduction of the bill followed an independent review into dam safety and extensive community consultation on this important issue. The bill was passed with bipartisan support, and with its passing introduced important reforms designed to ensure that the ongoing maintenance and construction of our dams is managed safely for our communities. The reforms retain important elements of the current dam safety regime, modernise the legislation, and provide a best-practice framework for the ongoing regulation of dam safety.

To ensure that implementation of the Dams Safety Act 2015 is effective and efficient, I have recently appointed members of the Interim Dams Safety Advisory Committee. The committee's role is to oversee the development of dam safety standards, to identify criteria for declaring dams under the Act, and to develop regulations and policies in relation to dam safety. The committee brings together the State's leading experts on dam safety. Committee members are leading specialists in their field, and bring with them a range of qualifications and years of professional experience in dam engineering, mine engineering, emergency management, dam operations and management, public safety risk assessment, and best-practice regulation.

I have appointed Ian Landon-Jones as chairman of the committee. Ian is past chairman of the Australian National Committee on Large Dams. Other members of the committee include: Belinda Davies, Manager of Emergency Risk Management at the NSW State Emergency Service; Mark Gifford, the Chief Environmental Regulator at the NSW Environment Protection Authority; Professor Quentin Grafton, Professor of Economics at the Australian National University; Rob O'Neill, the General Manager of Water and Energy Licensing and Compliance at the Independent Pricing and Regulatory Tribunal; and Angus Wyllie, Manager, People, Safety and Environment at Northparkes Mines. Under the new Act, members of Dams Safety NSW will become a

merit-based board that will have expertise in dam engineering, cost-benefit analysis, public safety risk analysis, and emergency management. It is these skills and merits upon which I have based my selection of the interim advisory committee.

This State has 378 dams prescribed under legislation, and this Act will result in a number of improvements to dam safety regulation. These dams are the lifeblood of our regional and metropolitan communities, providing clean drinking water to our towns and cities, sustaining the $3.5 billion irrigated agriculture sector and other farming industries, and providing recreational benefits to the community. The work of the interim advisory committee will modernise the approach to regulating dam safety in New South Wales, and will protect the community from the risk of dam failure. Central to the new regulatory framework will be dam safety standards, with which all prescribed dam owners will be required to comply. These standards will underpin the new regulatory framework, and will be developed in consultation with key stakeholders. Once in place, the new legislation will protect the community by requiring the owners of declared dams to meet the new dams safety standards. Until such time as the new legislation is fully enacted, the community can be assured they are safe because the Dams Safety Act will continue to apply. I look forward to working with the newly installed Interim Dams Safety Advisory Committee over the next 12 months.

AUTOMATED VEHICLES

The Hon. MARK PEARSON (14:58): I direct my question to the Minister for Roads, Maritime and Freight. Given that the Government's submission to the Staysafe inquiry into driverless vehicles and road safety that widespread use of automated vehicles could reduce congestion in urban environments, therefore providing more capacity in the existing road network, has the Minister's department formally considered the future utility of current road projects such as WestConnex? If not, will this be addressed given that in the case of WestConnex rare woodlands have been destroyed and billions of dollars are being spent on road infrastructure when new technologies may transform the travelling public's future requirements?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:58): I thank the member for his question. There were several questions in there. I do not think they were properly related but it is an important question. Let us take the first bit on the automated vehicles. Automated vehicles—or driverless cars, as some people describe them, and there is a slight difference between the two, but taking the automated vehicles in that sense first—are coming, ready or not. In fact, many of the vehicles currently on the market have the ability to be automated, from a Kia through to an E-Class Mercedes. They have the ability in there. Active cruise control and automatic stopping is in there.

Talk to Google, talk to Tesla and talk to Cruise—that is the tech company that was recently set up in California and sold for over $1 billion within three to four years by the geeks who set it up; the United States giant General Motors [GM] is now running it—because they understand the agility that is needed to move in this direction. The other part is whether we need the technology in the roads. It can be argued that we need to be building the smart motorways with the technology in there. These people will tell you that you do not necessarily need to build the smart motorways with the technology, although the smart motorways will help.

In fact we in the Government have committed to putting smart motorway technology into WestConnex and into the M4 because it keeps the flow going. The algorithms involved with it remove a lot of that stop-start. Anyone who travels the M5 at the intersection of King Georges Road will see how the flow of traffic coming in interferes with a road's flow. It is a classic. There is one spot in New South Wales going onto the Anzac Bridge off City West Link at which there is a light. The previous Government put that in there. It is probably the first smart motorway in New South Wales. The same as they have in Melbourne, that is designed to stop that flow. The people at Google, the people at Tesla and the people at Cruise will say they do not need that. What they need is to be able to map the routes and allow the on-board information to do that. They believe that it will help reduce congestion and give us safety.

The second part of the question implied that because of that coming technology we probably do not need WestConnex. WestConnex and roads like it are not needed for the commute. That is why we are building the metros, that is why we are putting in the light rail and that is why we are enhancing the heavy rail and the buses. But within the providoring of an extra couple of million people in this city we are going to need an ability to move freight because you cannot take a train line from Moorebank—if and when that gets set up, and I hope it does—into your local shop and into your house. You need both.

WENTWORTH PARK

The Hon. WALT SECORD (15:03): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given the Minister's previous answer to my question without notice

today and the supplementary question, will he now rule out that his department or the administrator were at that meeting with commercial developers in relation to Wentworth Park?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:03): I thank the member for his question. I am not aware of any meeting.

WESTCONNEX

The Hon. CATHERINE CUSACK (15:03): My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the construction of WestConnex and other matters of State significance?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:04): I am particularly looking forward to other matters. Countless Labor governments and countless Labor roads Ministers promised to upgrade both the M4 and the M5 motorways. As we all know, those promises came to nothing, which meant countless motorists on the M4 and the M5 were subjected to horrific peak hour traffic conditions, something this Government is determined to fix with the construction of a world-class motorway network called WestConnex.

Today 65 per cent of the M4 from Parramatta to Homebush has been widened from three lanes to four lanes in each direction. Weather permitting, this first stage of WestConnex is expected to be completed in the first half of next year. In addition, four road-headers are currently drilling around the clock to build the M4 East tunnel, which will run from Homebush to Haberfield to help take traffic off Parramatta Road. When completed, this road tunnel will connect to the M4-M5 Link to create a free-flowing motorway loop all the way from Parramatta to where the M5 West motorway begins at Beverly Hills.

People may also remember that it was this Government—not the previous Government that had promised it time after time—that successfully widened the M5 West motorway in partnership with the Interlink company. The second section of WestConnex involves constructing a new M5 roughly parallel to the existing motorway and its tunnel, the latter—that is the current M5 tunnel—being arguably the crappiest piece of infrastructure Labor ever built. That is a big call, because there were some pretty bad bits of infrastructure.

The Hon. Shaoquett Moselmane: That is unparliamentary language.

The Hon. DUNCAN GAY: It is a technical term. What sort of government builds a tunnel with a 6 per cent slope so hundreds of diesel trucks hauling cargo containers to and from Port Botany each day are forced to belch out smog as they struggle up the slope?

The Hon. Dr Peter Phelps: An irresponsible government.

The Hon. DUNCAN GAY: Exactly. People are genuinely confused about Labor's position on WestConnex. Does Labor support building a world-class motorway network for Sydney or does it oppose the project? From what I can observe, Labor is running its classic two-tiered campaign. Inner city Labor members of Parliament fiercely oppose the project, vying with The Greens for the honour to be the angriest about it, whilst Labor MPs in Western Sydney seem to support it. It is the classic, cynical Sussex Street tactic to have your political cake and eat it too—a tactic designed to try to pull the wool over people's eyes. I was genuinely surprised when the NSW Labor leader recently confirmed his party's opposition to building the M4-M5 Link. As we have said, not joining the M4 and M5 together is like funnelling all of Sydney's traffic into a dead-end street. At the same time the shadow Minister who supposedly represents people in that area said that she wanted all the roadworks on the M4 to be done at night, with a three-year increase in the time and a $3 billion increase in cost. This is what she is doing to her own people. [*Time expired.*]

JUVENILE DETENTION

Mr DAVID SHOEBRIDGE (15:08): My question without notice is directed to the Hon. Duncan Gay, representing the Minister for Corrections. On how many occasions since 1 January 2015 was a child in juvenile detention locked in his or her room for 22 hours or more in a day and what was the longest continuous series of days that a child was so detained in that period?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:08): I thank the member for his question. It is a question obviously seeking detail and frankly should have been put on notice. I will treat it as such. I will refer it to my colleague and obtain an answer.

GLEBE ISLAND

The Hon. DANIEL MOOKHEY (15:09): My question without notice is directed to the Minister for Roads, Maritime and Freight. In light of an open letter to the Premier from 17 companies, which have called on

the Baird Government to retain Glebe Island as a working port, has the Minister modelled the impact the port closure or reduced port capacity will have on Sydney's roads? What does the Government say to community concerns that good marine access is key to supporting tourism, local jobs, construction and keeping trucks off roads?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:09): I thank the Hon. Daniel Mookhey for his question. In the scope of the questions that he has asked, this is one of his better ones. I am struggling to find errors of fact in his question, which is not normally the situation.

Mr David Shoebridge: Point of order: Once again the Minister is debating the question rather than answering it.

The PRESIDENT: A distinction can be drawn between debating a question and congratulating a member for asking a particular question. I remind all Ministers that they must not debate the question. There is no point of order. The Minister has the call.

The Hon. DUNCAN GAY: It was a timely warning. I was being glowing in my praise and, frankly, I should not have been considering his previous performances. There are competing pressures for important land with water access, transport access, and land within the edge of the central business district. The Hon. Daniel Mookhey is correct in listing the importance of the agendas and the importance of places that we could go. I have always indicated that I am not one of the anorak-wearing trainspotter types who believes there should be a working port just for the sake of having a working port.

Mr Jeremy Buckingham: Anorak?

The PRESIDENT: While Mr David Shoebridge has asked his question, he should have the courtesy to listen to the answers given to the questions asked by other members. I note Mr Buckingham has not yet asked a question. He too should show some consideration to members who are receiving answers to their questions. The Minister has the call.

The Hon. DUNCAN GAY: I have indicated that the ongoing port facilities have to be justified by the fact that they are needed and are important to the building of the city and the lack of congestion. I have put a case that I believe in. It is one with competing interests, as people have indicated, that is currently under discussion. Given the growth in the city and given the importance of the building that is happening around the area, it is my belief that that area is important to stopping congestion and allowing the growth of the city. Competing suggestions indicate there are other ways. Those competing ideas are currently under discussion within Government.

The Hon. DANIEL MOOKHEY (15:13): I ask a supplementary question. Will the Minister elucidate his answer and indicate whom he put the case to?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:13): I answered that.

UNITED NATIONS INTERNATIONAL DAY OF PEACE

The Hon. SCOTT FARLOW (15:14): My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister inform the House on the importance of celebrating the United Nations International Day of Peace?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:14): I thank the Hon. Scott Farlow for his question. On 21 September every year the world celebrates the United Nations [UN] International Day of Peace. This is dedicated to world peace and is specifically the wish for no more war and violence in the world. Each year the United Nations Secretary-General marks the International Day of Peace in New York by ringing the peace bell at the UN headquarters and leading a minute's silence. Secretary-General Ban Ki-moon is also calling on all warring parties to lay down their arms for a 24-hour ceasefire. Peace is about more than putting weapons aside. It is about building a global society in which people live free from poverty and share the benefits of prosperity. It is about growing together and supporting each other as a universal family.

The theme of this year's International Peace Day highlights the 17 sustainable development goals adopted unanimously by the 193 member states of the United Nations in September 2015. The message was clear. Sustainable development is essential for lasting peace and both depend on respect for human rights. The 17 goals are: End poverty in all forms, everywhere; end hunger, achieve food security and improved nutrition; ensure healthy lives and promote wellbeing for everyone; ensure inclusive and equitable education; achieve gender

equality and empower all women and girls; ensure the availability of water and sanitation for all; ensure access to affordable, reliable, sustainable and modern energy for all; promote sustained, inclusive and sustainable economic growth; build resilient infrastructure, promote inclusive, sustainable industrialisation; reduce inequity within and among countries; make cities and human settlements inclusive, safe, resilient and sustainable; ensure sustainable consumption and production patterns; take urgent action to combat climate change; conserve and sustainably use the oceans, seas and marine resources; protect, restore and promote sustainable use of ecosystems; promote peaceful and inclusive societies, justice for all, and build effective, accountable and inclusive institutions; and strengthen the means of implementation and revitalise global partnerships.

We must protect our planet and fellow citizens. By working together, we can make our world safe for future generations. We can all work together to advocate for those sustainable development goals. We can all work together to help all human beings achieve dignity and equality and to ensure no-one is left behind. The UN International Day of Peace was first celebrated in 1982. In Australia, the United Nations Association of Australia is a national non-profit organisation dedicated to advancing the goals of the United Nations in Australia and around the world. International Peace Day was celebrated with the solemn choral mass for peace on Sunday 18 September at St Mary's Cathedral in Sydney, followed by a peal of cathedral bells and the distribution of peace flags. World Peace Day was also celebrated today with a free concert by Ambre Hammond playing a grand piano in the Customs House forecourt in Sydney. Last year she inspired many with her concert at Martin Place. She is known as the people's pianist because she happily accepts requests from the audience. Peace flags, white roses and wristbands were distributed at the concert, which also featured the symbolic release of peace doves. The New South Wales Government is proud to support the United Nations International Day of Peace.

MENINDEE LAKES

Mr JEREMY BUCKINGHAM (15:18): My question without notice is directed to the Minister for Lands and Water. With all the water currently coming down the Darling River and also the Murray River, will the Government allow all the lakes in the Menindee system to fill, including Lake Menindee and Lake Cawndilla, and will the Government allow water to flow down the Great Darling Anabranch?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:19): I thank the member for his question. I thank him for his confidence that I am able to predict how much water will come down the different river systems that he has asked about, and his confidence that I will be able to make a confident assessment, right here and now, that there will be enough water to fill those lakes and the anabranch.

The PRESIDENT: Order! There is a little bit too much chatter. The Minister has the call.

The Hon. NIALL BLAIR: The Darling River ceased flowing in December 2015 and only restarted flowing after recent rainfalls across New South Wales in June. Flows began entering the Menindee Lakes system in mid-July, and sufficient water was generated to commence releasing a flow to the lower Darling on 28 July 2016. At this stage, flows to the lower Darling are likely to continue through to 2017.

Mr Jeremy Buckingham: Are you building the pipeline?

The Hon. NIALL BLAIR: The member opposite mentions the pipeline.

Mr Jeremy Buckingham: How silly does that look now?

The Hon. NIALL BLAIR: He asks, "How silly does that look now?" He is demonstrating the difference between members of this Government and those opposite—particularly those in The Greens. We know that this pipeline will be able to service the people of Broken Hill and those communities for decades to come. We do not walk away from that community, as those opposite want us to do, just because it has rained. That is what happened in 2007. The Government of the day was going to build infrastructure for that community but it rained, and they walked away. Then we went through another dry spell and that community was left high and dry. The Government will not do that. Members of the Government will put their money where their mouths are so that this piece of infrastructure will be able to be utilised in the future. It gives confidence to the community. It also benefits other parts of the State. This is a win-win situation. We do not walk away from that community just because it has rained in that area.

Although it has rained we are going to stand strong, shoulder to shoulder with members of that community. We are going to support industries in the northern part of the State. We are going to stand shoulder to shoulder with those in the lower part of the Darling system. That is the difference between us and those opposite—we govern for the future; those opposite, particularly the Greens, do not know anything about making decisions for which they will be held accountable.

This is about supporting regional New South Wales in a number of sectors. The Greens members can only wish to be able to make infrastructure announcements. They stood in the way of making sure that this community never has to worry about water security again. They stood in the way of making sure that those communities above Broken Hill on the Darling system could thrive off the irrigation sector that they rely upon. The Greens members also stood in the way of making sure that those in the lower Darling had certainty. This Government has delivered certainty. We have not walked away. We will continue to stand shoulder to shoulder with members of those communities.

CARAVAN REGISTRATION CHARGES

The Hon. LYNDA VOLTZ (15:22): My question without notice is addressed to the Minister for Roads, Maritime and Freight. Given that in May 2015, in answer to a question without notice regarding his promise to reduce caravan registration charges, he stated that the reductions were going to be "damn soon", why have almost two years passed without the promised reductions?

The Hon. Greg Donnelly: Good question.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:23): It is a good question, and one that I am not happy about.

The Hon. Greg Donnelly: What are you going to do about it?

The Hon. DUNCAN GAY: If it was easy, the Opposition would have done it. The fact is that the Labor Party did not do it. We continue to work on it and I am looking for a way through that is fair and equitable in this area.

DROVING THE BLUES AWAY

The Hon. MATTHEW MASON-COX (15:23): My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on the launch of the Droving the Blues Away cattle drive at the Henty Machinery Field Days?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:24): Earlier today, at Henty Machinery Field Days the Local Land Services launched Droving the Blues Away, a fundraising cattle drive through the Riverina to help raise awareness about mental health issues. Organised by Riverina Local Land Services in partnership with Riverina Bluebell, the event coincides with Mental Health Month, which encourages all of us to think about our mental health and wellbeing.

Henty Machinery Field Days is an ideal place to kick off the drive, being an event organised by everyday farmers which showcases all that the agricultural sector has to offer, including the latest farm equipment, products, country lifestyle and government, health and financial services. The drive will take place along 260 kilometres of the iconic long paddock in the Riverina region. The long paddock stretches more than 600 kilometres along the Cobb Highway from Echuca Moama on the Victorian border through to Wilcannia in north-western New South Wales. It follows the travelling stock routes drovers use for moving stock or for feed in times of drought.

Travelling stock routes have wound their way through our rural communities for years, creating pathways to share stories and create connections. At each stock resting point, a community event will be held to raise awareness of mental health issues and the support services available. These events will be held at Lockhart on 30 September, Narrandera on 7 October, Ganmain on 14 October and Brucedale on 21 October.

Riverina Local Land Services will hold pop-up shops at these events to inform the community about the local services, including information about project funding opportunities. At the end of the six-week drive, the stock will be sold at a celebrity auction at the Wagga Livestock Marketing Centre on 24 October. I encourage those who are interested in purchasing cattle during the auction to play their parts in an event that recognises the importance of maintaining good mental health in our rural communities.

Funds raised will go to Riverina Bluebell to support their continuing campaign for increased mental health support for local communities. Riverina Bluebell is a Wagga Wagga based, not-for-profit community organisation. It was formed by local people in 2007, who felt that raising the levels of awareness about mental health in our rural and regional communities could save lives. The organisation gives information and support to people suffering from depression and their carers in the Riverina.

There are many stressors for land managers that can contribute to poor mental health which, at times, tragically leads to suicide, including long working hours, geographic remoteness, prolonged drought and natural disasters, financial hardship and changing demand for agricultural commodities. One of the most recognised contributors to rural suicide is a lack of access to, or use of , mental health services, along with cultural factors such as the stigma that can be associated with mental health issues.

Living in a rural community can sometimes be very isolating, lonely and depressing. Thankfully, organisations such as Riverina Bluebell are there to provide the support needed in rural communities. I encourage land managers and people living in rural communities to talk about mental health, to share stories and to know that it is okay to ask for help. I congratulate Riverina Local Land Services and Riverina Bluebell for supporting the Riverina community through the Droving the Blues Away project, and I wish them luck over the coming month.

MURRUMBIDGEE VALLEY WATER

The Hon. ROBERT BROWN (15:27): My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for the Environment, and Minister for Heritage. Will the Minister outline his department's rationale behind the formation of the parcels of environmental water in the Murrumbidgee Valley EWA1, EWA2 and EWA3, and the corresponding parcels in other valleys? How were these parcels of water acquired, and who pays the fixed fees and charges upon these parcels?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:28): I thank the honourable member for his question. I will refer it to the Minister for the Environment, Mark Speakman, and come back with an answer.

JUVENILE JUSTICE

The Hon. GREG DONNELLY (15:28): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that Juvenile Justice continues to occupy a part of the Yasmar Reserve at Haberfield without a lease, without paying rent and in breach of the Crown Lands Act and Treasury guidelines, will he now take responsibility and finalise the matter with the Minister responsible for juvenile justice?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:29): The Hon. Greg Donnelly is obviously referring to an action that was taken by the Labor Government. It is a little ironic that Labor members are now so concerned about a deal done by the Labor Government.

The Hon. Mick Veitch: You are arguing.

The Hon. NIALL BLAIR: I am not arguing; it is a fact. It was done under Labor's watch. The Hon. Mick Veitch asked questions during budget estimates relating to Yasmar. I am pleased to inform the House that the historic Yasmar Reserve on Parramatta Road, Haberfield, is managed by the Department of Industry—Lands. The then Minister for Juvenile Justice owned the entire Yasmar site prior to it being gifted without seeking compensation and it was subsequently declared Crown land in 2006. Since that time Juvenile Justice has continued to occupy the western wing of the site as a training facility and pays no rent, as it considers that an agreement was reached between the then Minister for Juvenile Justice and the then director general of lands.

The Hon. GREG DONNELLY (15:30): In asking a supplementary question, I refer to the Minister's use of the word "considers". I ask: Does his reference to "considers" mean that is the position he understands—that there is no rent to be paid?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:30): I thank the member for his elucidatory question. The term "considers" refers to the fact that the then Minister for Juvenile Justice also was the Minister for Lands at that time and he considered that that should be the deal that was struck at that stage.

The Hon. DUNCAN GAY: The time for questions has expired. If members have further questions I suggest that they place them on notice.

WENTWORTH PARK

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:31): Earlier in question time the Hon. Walt Secord asked a question relating to a meeting about Wentworth Park. I confirm that my office has checked the details with the administrator of Wentworth Park, and the administrator attended no such meetings.

Documents

TABLING OF PAPERS

The Hon. DUNCAN GAY: I table the following reports:

(1) Report on independent review of Building Professionals Act 2005, comprising:

(a) final report, dated October 2015; and

(b) cost benefit analysis of proposed recommendations, dated December 2015.

(2) Government's response to Independent Review of the Building Professionals Act 2005, dated September 2016

I move:

That the reports be printed.

Motion agreed to.

Bills

LAND AND PROPERTY INFORMATION NSW (AUTHORISED TRANSACTION) BILL 2016

Second Reading

Debate resumed from an earlier hour.

The Hon. GREG PEARCE (15:32): As I was saying before the debate was adjourned, for at least several decades I have had considerable interaction with the Registrar General of the land titles office—first as a solicitor in a Sydney law firm that became an international law firm, later as a member of Parliament, and then as the Minister for Finance and Services when I had responsibility for Land and Property Information [LPI] NSW. I was responsible for initiating the process that the House is dealing with and for initiating the first scoping study. In having done so, I have been and always will be very respectful of as well as very confident about the role played by the Registrar General and the land titles office in New South Wales. I assure members that the Government has been incredibly conscious of the need to ensure that this transaction will be carried out with the utmost attention to security and will ensure that the best outcomes are achieved for the people of New South Wales.

I certainly am aware of the essential nature of the titles system that underpins our individual rights to private occupation of property—residential occupation of property and business occupation of property—and the Government being able to conduct its activities on behalf of the State. At the outset one of the first priorities of the Government when considering this transaction was to ensure that it not only maintains but also strengthens the indefeasibility of the State's titles system, continues the guarantee of titling and ensures that the State's world-leading system of title indefeasibility not only will continue but also will be strengthened. I have been most impressed by the level of consultation that has taken place in relation to this transaction. I congratulate the Treasury officers, the Registrar General, and LPI officers who have spent considerable time to genuinely consult with stakeholders. I have been pleased to be part of some of those consultations. The consultation program was undertaken to ensure that the Government listened to and took into account all the suggestions and concerns raised by stakeholders, some of which have been mentioned by members during debate.

Members should have no doubt that the Government is conscious that this transaction is fundamental to economic activities, prosperity and the State's entire system of property ownership and occupation. Members should be assured that the Government would not do anything that was in any way a risk or of concern to the State. I take this opportunity to put the consideration of this bill into context. To do so, one has only to refer to the intergenerational report that was released with this year's budget. The report shows projections—while I concede they are projections, they are the best we have to go on—that the State's population will increase from approximately 7.5 million people in 2016 to approximately 11 million people in the next 40 years. That is an incredible increase in population for New South Wales. To house the additional people, the projection is that there will need to be 1.8 million additional dwellings available over that 40-year period.

In addition to those dwellings, obviously people need jobs and all the infrastructure that goes with a population of that size. As a result of the Government's very successful asset recycling policy, which I initiated with the desalination plant, Treasury embarked on a $73 billion infrastructure program over the next several years. However, there will not be enough. If the projections become reality, the Government will need to raise other funds to build the required infrastructure to be able to maintain quality of life and economic prosperity. That is the context in which this bill should be considered. There is no conspiracy. Some outdated ideology has been peddled during the debate, but thankfully it has not been to the degree that is sometimes expected in debates of this type, which is probably because the Government has been working hard to consult stakeholders and ensure that everybody understands what the Government is trying to achieve by implementing this transaction.

The split of the titles function already has been explained. I will simply say that the Government is conscious, consistent with its ideological approach, of not putting into private hands the types of businesses or functions that are inherently the responsibility of government. The Government is prepared to do that only in relation to functions and activities that are not core government activities. For that reason, Valuation Services, which underpins the income base for councils, government, commercial and private activity, will be kept in government hands because the Government wants to ensure the integrity of that business. The same is true for the

spatial and mapping functions. These functions are the basis for future planning and many activities in the State, and so it makes sense not to touch those parts of the business. Those parts will be kept in government hands, and so we will keep those jobs and the expertise. Most of those jobs are located at Bathurst, as part of our commitment to regional employment.

We can get better economic use out of the land titling business. Government does not need to be involved in this business. It is more than an administrative function, but essentially it is a matter of collecting and processing bits of information and issuing titles, in the process making sure that all those records are right. Let us face it, our community has backed the decisions to trust the private sector to run equally significant processes. Where do people trade the shares they own? On the Australian Stock Exchange, which is a private sector organisation. If people are prepared to trust the private sector to trade their shares, why would they not be prepared to trust the private sector to run the titling system? People trust banks to handle their money, and the banks are private institutions. That is the system that we have moved to.

The Hon. Robert Brown: Bad example.

The Hon. GREG PEARCE: I do not trust banks to look after me, but I do trust them to make sure my money is in safe hands. In Canada, the titling system has been successfully outsourced to the private sector, as we are intending to do. Land titling is not a core government business, and privatising it gives us the opportunity to recycle some of the cash we will raise for building the infrastructure that is required for the future prosperity and growth of New South Wales.

Contrary to claims made by other speakers in this debate, this transaction will give us a better system than we already have. First, through the transaction we are setting up the Registrar General as a regulator with power to regulate the private sector operator. At the moment the Registrar General is a creature of government, as is the land titles office. When I was a Minister I could change all of the rules at a click of my fingers without any comeback from an independent regulator. In the future the public will be able to rely on the regulator, who will agree to and enforce the key performance indicators that are the basis of the contract with the private sector operator.

The second thing that has been misrepresented in the debate is a guarantee on pricing. A number of speakers have obviously not looked properly at the proposed change in the pricing structure. They have made false claims about the pricing structure—in fact, there will be an adjustment to the pricing structure but no actual overall increase. The adjustment is to reflect the different types of transactions. In the future there will be a guaranteed cap on pricing. That does not exist at the moment as pricing is purely at the fiat of the Government. The Government can decide the pricing of land titles transactions. Several years ago, when the previous mob were in charge of government, overnight they introduced massive increases to land titles office charges. That cannot happen once this legislation passes, as over the following 35 years the transaction costs will be fixed.

The third thing is really important to me. As part of this transaction, the private sector agency will be required to agree to a plan to improve its information technology [IT] package and processes, and the agency will be required to expend money on that improvement. As I mentioned, I first became involved with land titles about 40 years ago. In that period we have moved from a paper-based system with hand-written documents to the current IT systems we have. We all know how fast this environment is changing and that in the next 35 years these changes will be even faster. We are aware of terms such as "interruption" and "block chain". I do not want the IT systems running the titling system to become the block chain or the interaction for New South Wales. We must ensure that we have a system in place that cannot be put at risk by having outdated IT systems. Our land title system must access the best IT that is available. In his contribution to the debate, my good friend from the Shooters, Fishers and Farmers Party the Hon. Robert Brown expressed concerns about systems that I have raised with Treasury and the current Registrar General's office.

One of the most important safeguards that this legislation will put in place is the power of the Minister to step in if the regulator detects any problems in the operation of the land titling system. Hopefully that will not be the case, but that is just one of the many safeguards that will be put in place through this legislation. I am sure that members will have read the many safeguards itemised in the documents that have been circulated to explain the transaction. Those safeguards have been tested in consultations over the last several months with stakeholders including lawyers, surveyors and bankers. In my experience these consultations have been broad and in-depth, because this Government is determined not to make any mistakes in this transaction. This transaction will be good for New South Wales. Members know of my interest in and commitment to information and communications technology [ICT] and my work in creating an open data policy—

The Hon. Matthew Mason-Cox: Tech Savvy Seniors.

The Hon. GREG PEARCE: —including Tech Savvy Seniors. The safeguards that we are putting in place to ensure that the land titling data is maintained in New South Wales, thus minimising any risks to the integrity of the State, are world-leading. This will be a world-leading transaction. This will be the model for other transactions around the world. I am very pleased to support this bill, and I trust that members will also support it.

The Hon. COURTNEY HOUSSOS (15:46): The Land and Property Information NSW (Authorised Transaction) Bill 2016 seeks to privatise and outsource one of the fundamental obligations of the State—that is, the maintenance and the record of land ownership and boundaries in New South Wales. I think it is not too dramatic to say that land title is the structure on which our society is built. Land titles are the documents that show what land is owned by reference to a survey plan—who owns the land and what affects that land. Land titles provide the security for the purchase or lease of the land, home or business. This is a fundamental aspect of the New South Wales economy. For those opposite to go blindly into a privatisation agenda that will potentially undermine a fundamental part of our economy is, to be quite frank, absolutely mind-boggling. At the titles office a register is maintained that notes various changes affecting the land including mortgages, restrictions and leases. As other members have reflected, the work of the Land and Property Information office underpins the major investment for most people—that is, the home that they live in.

It is not trite to say that it is every homeowner's dream to hold a Torrens certificate title, but this bill seeks to outsource this fundamentally important function of government. Indeed, the Hon. Greg Pearce emphasised the importance of making sure that the titling system is correct. But the Government seems to be quite happy to hand over this function to a private operator, who will run this business purely for a profit. I find that absolutely mind-boggling. What will be the result for the people of New South Wales? There have already been increases in charges, such as proposed changes that would mean new property owners would pay 25 per cent more than former property owners for application fees to register their land and property.

New applications will increase by more than 20 per cent in each transaction. Let us be clear: the New South Wales land titles system is the envy of the world. Other speakers have given credit to South Australia, where the system was born, but I am told that our system has been exported to other countries. The system we have in New South Wales is so strong, as other members have noted, it is a profit-making venture for the Government of New South Wales. Many countries, including the United States and Canada, which the Government has cited as examples of a privatised title system, cannot even dream of the efficiencies we have in our system. In the United States and Canada people are forced to take out insurance on land title. Let us think about what that means. Individuals make an extra payment for security when they purchase land. It is mind-boggling to think that in pursuing its privatisation agenda this Government is happy for the people of New South Wales to be forced to take out yet another insurance policy. Perhaps it should be referred to as yet more costs and more red tape.

In the United Kingdom the Tories are not usually people who baulk at reform. However, credit should be given where credit is due. After a long public debate they determined not to privatise their land registry office because of opposition from Tory backbenchers. Government backbenchers in this place could have led such a revolt. The Conservative member for Carlisle, John Stevenson, said:

> … if the Government were to bring forward privatisation proposals for the Land Registry, it would be a privatisation too far.

There are no successful privatisations—or concessions, as those opposite like to call them—of land titling and registration units around the globe. Gary Ulman, President of the Law Society of NSW, said:

> Our land titles system protects the property interests of all NSW land owners and it is simply not in the public interest for the LPI to be sold off to private enterprise.
>
> …
>
> The risk to the people of NSW is that a failure by a private operator to maintain the reliability and integrity of the Torrens register could have much wider consequences, including a loss of public confidence in the land titling system.

This is not about yet another lucrative piece of land, office or government department to be outsourced; the president of the Law Society is talking about the loss of public confidence in the land titling system that underpins the housing market—such a fundamental part of the New South Wales economy. Before we take such a dramatic decision we need to consider this carefully. Other stakeholders who have made representations to us include the members of the Concerned Titles Group. Despite what the Government will say, they have said that title fraud will increase once the title is sold off and once the privatised model being introduced by the Baird Government eliminates the independent government operation of the title. The debate comes back to a fundamental question about what the Government is supposed to be doing.

The Government should be an independent operator in this space. It is not about making a profit from anything that one can; there is a role for government to play. I argue strongly that the maintenance of the land titles system in New South Wales is one of the fundamental things that should be operated by the Government.

Reducing transparency in the New South Wales land titles system and restoring public faith in its operations are fundamentally important things to discuss. As members of the Concerned Titles Group said, the conflict of interest is evident if the land title system in New South Wales is privatised.

There was discussion in the other place about which side was being an ideologue about privatisation. The fact that this Government is prepared to privatise at any opportunity, without thought about the broader implications for the New South Wales economy, makes it clear who is the real ideologue. This is another money-making agency. It made $47 million in the 2014-15 year for the New South Wales budget—not an insignificant amount. It will be ripped out of the budget while undermining the system that gives landowners in New South Wales the confidence that they purchased the land titles they believed they were purchasing. This detailed matter is being rushed through the Parliament in a couple of days. I support the proposal by Labor for a more detailed investigation by General Purpose Standing Committee No. 1, and I call on other members in this place to do so as well.

The Hon. RICK COLLESS (15:55): I support the Land and Property Information NSW (Authorised Transaction) Bill 2016. On 20 May 2016 the Government announced its intention to grant a 35-year concession to the private sector to manage the Land and Property Information [LPI] Titling and Registry Services operations. This announcement followed a competitive scoping study into the business which concluded the private sector is in a better position than the Government to operate the LPI's Titling and Registry Services. Only the Titling and Registry Services is the subject of this concession. The Central Mapping Authority [CMA], the Spatial Services and Valuation Services, including all the operations run out of the City of Bathurst, will remain under the control of the New South Wales Government. I refute the assertion made earlier today by the Hon. Mick Veitch that the CMA was also going to be sold. That is untrue. The Central Mapping Authority and all the spatial and valuation functions of the LPI will remain with the New South Wales Government.

It was interesting to read the shadow Minister's address last night in the other place. In his rambling two-hour contribution, he tried to draw an analogy with a government-run airline service. He said:

> The first plane is offered as a government service, with all profits going to society. The servicing and maintenance are guaranteed and are carried out regularly. There is an absolute guarantee of your safety and your seat on that plane. That is your first option.
>
> The second option is a privately owned plane. There are no requirements for servicing and maintenance to be undertaken.

He went on and on and then said:

> The first plane, the current model, is the one that we offer in titling and registry services in New South Wales today … That is interesting, because when airlines first began in the 1920s, they were not suited to the twenty-first century. The Minister for Finance, Services and Property demolished the shadow Minister's argument when he spoke a little later. He made the point that Qantas came into existence in the 1920s—some people may have heard of it—but the leading light of New South Wales Labor, Prime Minister Paul Keating, privatised it. Qantas is now an international airline of the highest standard with the greatest competitive advantage. It is doing a fabulous job, having been privatised, and it has allowed the business to develop into what it is today. This bill authorises the granting of a concession to operate the Titling and Registry Services of the LPI. It is a 35-year concession. It is not a sale or a privatisation; it is a long-term lease—an important point that many Opposition members have failed to comprehend. They are calling it a privatisation and a sale when clearly it is not. As many members have pointed out, Titling and Registry Services administers the land title register, which is a public resource. The Torrens title system was first implemented in South Australia and was introduced in New South Wales in 1863. In those days everything was committed to paper because that was the only way that title details could be recorded. I do not know whether members have seen the old parish maps.

The Hon. Trevor Khan: I have.

The Hon. RICK COLLESS: I certainly have. Some of those maps have the original notations about who owned what. That was the only way they could keep track of who owned land. That is the Qantas of the 1920s. We have moved well beyond that to efficient digital technologies that are more effectively operated by private industry than by a group of clerks sitting in the land titles office making notations on paper about who owns what. As I said, the land title register is a public register, and anyone can pay a fee to access information stored on it, including information relating to any encumbrances on the land and the ownership details.

Investment by the private sector in Land and Property Information will provide better outcomes for the State, just as the privatisation of Qantas provided a much better international air service than the government-owned entity could have provided. The private sector will also be better placed to invest in new technology, which will have benefits for consumers because of its potential to offer faster processing and new services. The integrity of the system will be protected by a strong regulatory framework, which will include government oversight of any private operator, and the continuation of the State's guarantee of the Torrens title system backed by the Torrens Assurance Fund. The Government will retain ownership of all the data and will require that it be stored in Australia.

The bill establishes the mechanism for the Registrar General to be the regulator of the titling and registry business. The Registrar General will be a public sector employee, and will monitor and enforce the authorised

operator's performance against clearly defined service levels, key performance indicators, and data security requirements. The bill stipulates that the authorised operator must adopt appropriate data security and fraud detection practice. The Registrar General will have regulatory oversight of these matters through the concession documents. The bill also includes additional statutory step-in powers. These will be exercised when there is a threat or a likely threat to the integrity of the register, and will allow the Government to operate the business if that becomes necessary in an emergency. As I said, the Government will continue to guarantee the Torrens titling system backed by the Torrens Assurance Fund. All applications for compensation from the fund will continue to be made to the Registrar General.

The Government is committed to ensuring that we have a transparent and stable price for regulated services provided by Land and Property Information. The Government will monitor and regulate the price of services, and price increases will be permitted only in line with the consumer price index. There will be no galloping price rises as predicted by members opposite—although I am sure they are hoping that will happen. The bill specifies that the Privacy and Personal Information Protection Act 1998 applies to the private operator as if it were a public sector agency in the same way that it now applies to Land and Property Information. Award employees will have two years of employment guaranteed after transferring to the new operator. Transferring employees will also have continuity of entitlements, including those relating to superannuation, annual leave and long service leave as per other transactions.

This transaction will free up valuable government funds and the net proceeds will be invested in new infrastructure across the State, including the stadia package. This will help to boost economic growth and productivity throughout New South Wales, which is one of the Government's main objectives. I commend the bill to the House.

The Hon. MATTHEW MASON-COX (16:04): I will make a few brief comments in response to the diatribe that has been shovelled in this direction by members opposite. They obviously do not understand the benefits of privatisation and this Government's proud record in that regard. It was a Labor Federal Government that started the privatisation bandwagon many years ago. One such privatisation exercise involved Commonwealth Serum Laboratories [CSL], which has been a rip-roaring international success. I wish I had bought shares when it was first floated. If I had, I would be very wealthy now.

The Hon. Dr Peter Phelps: That was when Labor had visionaries, not plodders.

The Hon. MATTHEW MASON-COX: Yes, that is correct. The Hawke-Keating vision for Australia has been lost on members opposite. They are a babbling mess and they are betraying the fundamental economic foresight of those great former Labor leaders. Indeed, those leaders went on to privatise a number of important enterprises, including the Commonwealth Bank. Again, I wish I had bought shares when it was privatised. A range of businesses were subsequently privatised, including ANL, the shipping line, and Telstra. Of course, the Telstra privatisation was a Liberal-Nationals initiative. We have witnessed many successful privatisation exercises over many years, and the Australian people have learnt first-hand the benefits not only with the growth of their superannuation funds, which will provide them with wealth in their retirement, but also with the resulting improvements in State assets.

During my time in the Office of Asset Sales in the Commonwealth Department of Finance, I was involved with the Federal airports privatisation. That was a similar scenario to the one that we are debating now in the sense that it involved a 99-year lease. Of course, that process was seen by some in the Left as a controversial privatisation exercise. A series of airports were to be privatised over a few years and, of course, people raised safety issues, regulatory concerns, the impact on passengers, and the likely rundown of infrastructure over time. When considering the case for privatisation, it is essential to determine what is the public interest. In each of these many cases—there is a long history of precedents in this regard—it is important to examine the scoping studies that precede the privatisation, lease or whatever is being pursued.

Those very weighty documents contain cost-benefit analyses considering not only the public interest but also the risk factors involved. In this case—as was the case in each of the preceding privatisations—a detailed scoping study has been undertaken. When we were preparing for the transfer of the Federal Airports Corporation, I looked at my local airport, Canberra Airport, which was sold for $60 million.

The Hon. Trevor Khan: Was it sold to the Snow family?

The Hon. MATTHEW MASON-COX: Yes, it was sold to the Capital Airports Group. If members were to travel to Canberra—I am sure some do from time to time—they would be stunned by the world-class facility we now have as a result of that privatisation. The Capital Airports Group has invested $700 million in that facility. Of course, the Federal Government could not afford to spend that amount. That is one of the great rationales for privatisation in that governments must dedicate their scarce resources as effectively as possible. Do

they spend the money on a hospital, on a school, on other essential services or on extending an airport runway and trying to drive tourism through a gateway and all the other things that need to be invested in to go with that?

Indeed, it is clear from the car parking investment at Canberra, Sydney or at any other airport in the country and the commercial office and retail developments that have occurred that it is an enormous investment. But by making that investment the pie grows and grows. Employment and economic activity have grown enormously at these hubs. As a result, we have grown the economic pie and we all share in the benefits of that through the taxation system, whether at a Federal or a State level, and the businesses that employ people, delivering economic growth and other benefits to the communities surrounding those important assets.

This is another example of a government making a very considered decision about the relative merits and the best interests of the New South Wales public in relation to an important asset. I acknowledge, as every member of this Chamber does, the important fundamental keystone that is the land titling system in New South Wales. The land system in New South Wales is a cornerstone of the wealth of our community. It is the bedrock upon which all is created and developed. It brings certainty to those transactions across the realm. Ultimately, it is about whether the Government will get a better investment in terms of the infrastructure that is needed—technology and so on—in driving improvements to that system and reducing efficiency costs or whether it should look at realising the asset and investing in the social needs of our communities, in hospitals, education and the like. These are the decisions facing governments. This Government is committed to making decisions in the best interests of this State to drive efficiency and better outcomes.

This is another example of a government making a very considered decision and acting in the best interests of the State. I congratulate the Treasurer on all her hard work. She has done a truly professional job, ensuring that the case has been made and the right regulatory framework is put in place. I acknowledge the contribution of the Hon. Greg Pearce over a number of years. He has done a lot of the background work and worked assiduously with the Treasurer in this regard. I note also that the Minister for Finance, Services and Property, the Hon. Dominic Perrottet, has done quite a bit of work in this area. Indeed, the bill brings to the table a compelling case for the long-term licence of a business that I think will be run much more efficiently in the private sector and will derive better benefits and efficiencies for the people of New South Wales. It is a very timely bill, and I commend it strongly to the House.

Reverend the Hon. FRED NILE (16:12): I speak on behalf of the Christian Democratic Party in support of the Land and Property Information NSW (Authorised Transaction) Bill 2016. The bill will authorise the transfer to the private sector of operations relating to the Titling and Registry Services of Land and Property Information [LPI] for a period of 35 years. The net proceeds will be used to fund new infrastructure. Listening to the contributions of The Greens members, it seemed as though the debate on this bill was about free enterprise versus socialism. That seemed to be the theme coming through The Greens' contributions—and perhaps also from Labor members. Our party supports free enterprise and opposes socialism.

The bill will provide protections of title. It will protect the consumer, protect the house owner and protect the landowner. The legislation will provide security but also freedom. On 20 May 2016 the Government announced its intention to grant a 35-year concession to the private sector to manage the Titling and Registry Services operations. Until 1 July this year, Land and Property Information comprised three main divisions: Titling and Registry Services, Spatial Services and Valuation Services. The spatial and valuation functions of LPI and the Registrar General will remain with the New South Wales Government.

The Government will invest the net proceeds of the transaction into new infrastructure across the State, including the stadia package. This will help to boost economic growth and productivity throughout New South Wales. Investment from the private sector in these operations will allow further opportunities for the private sector to invest in new technology. There are some serious questions about the existing technology system in the LPI that could require some millions of dollars to be spent in the near future to update it. I say let the private owner spend all those millions of dollars to update it. The private sector will be able to invest in new technology in the titling and registry operations. This will have benefits for consumers, with the potential for faster processing times and the introduction of new customer services. In the long run the consumer will be pleased with the new efficiencies.

The land title register is a public register. Currently, anyone can conduct a title search, for a fee, to access information stored on the register. This includes information relating to any encumbrances on a property, lot and deposited plan and ownership details. The integrity of the system will be protected by a strong regulatory framework. This will include the Government's oversight of any private operator and the continuation of the State's guarantee—I emphasise it is a guarantee—of the Torrens titling system backed by the Torrens Assurance Fund. The bill establishes the mechanisms for the Registrar General to be the regulator of the titling and registry business. The Registrar General will be a public sector employee who will monitor and enforce the authorised operator's performance through clearly defined service levels. This provides oversight of the new private operator. In order

to ensure transparency, the price of regulated services will be permitted to increase only by the consumer price index over the 35-year term of the concession—this is a key factor in the legislation that attracted our support. The regulator will have powers to direct the operator to implement measures when it is in the public interest to do so.

Importantly, the Government will retain ownership of all the data and will require that the data be housed in Australia. The question was asked about whether that data would be exported. Under the Government's legislation, award employees will have a two-year employment guarantee after transferring their employment to the new operator. Our party has always been concerned about protecting workers' futures under a private operator. The Christian Democratic Party has been able to gain the support of the Government for a proposed amendment to change that from two years to four years. I will move that amendment during the Committee stage. Transferring employees will also have continuity of entitlements, including those relating to superannuation, annual leave and long service leave as per other transactions. So workers will have those protections as well. Therefore, we support the bill.

Mr SCOT MacDONALD (16:17): On behalf of the Hon. Duncan Gay, in reply: I thank the Hon. Peter Primrose, the Hon. Ernest Wong, Mr Justin Field, the Hon. Mick Veitch, Mr David Shoebridge, the Hon. Robert Brown, the Hon. Greg Pearce, the Hon. Courtney Houssos, the Hon. Rick Colless, the Hon. Matthew Mason-Cox and Reverend the Hon. Fred Nile for their contributions to debate on the Land and Property Information NSW (Authorised Transaction) Bill 2016. Two questions came from The Greens—I did wonder whether they had read this bill or another bill. Mr Justin Field asked whether the data remained in Australia. As clause 13 (2) (a) states, the bill will:

> … ensure that electronic forms of the Register are stored on dedicated physical infrastructure located within Australia …

Mr David Shoebridge raised the issue of whether we are socialising the losses and the risk. As clause 16 points out, there are significant penalty provisions for the failure by the operator to comply with their obligations. In answer to the Hon. Mick Veitch's claim that the Central Mapping Authority [CMA] evaluation functions will be privatised, as the Hon. Rick Colless remarked, these services remain with the New South Wales Government.

The Land and Property Information NSW (Authorised Transaction) Bill 2016 will enable the private sector to invest in the titling and registry business of Land and Property Information [LPI] for a period of 35 years. Investment from the private sector in titling and registry operations of the LPI will provide better outcomes for the State. The private sector will also be better placed to invest in new technology, which will benefit consumers with the potential for faster processing times and the introduction of new services. The passing of this bill will also deliver additional funds to the State to invest in new infrastructure across New South Wales, including the stadia package. This will help to boost economic jobs, growth and opportunity, keeping New South Wales as the premier State in this country. The bill provides a range of legislative and regulatory mechanisms to protect staff and the integrity of the property titling system in New South Wales. Award employees will be provided with employment guarantees after transferring their employment to the new operator. Transferring employees will have continuity of entitlements, including those relating to superannuation, annual leave and long service leave.

The integrity of the titling system will be protected by a strong regulatory framework. This will include Government oversight of any private operator and the continuation of the State's guarantee of the Torrens titling system backed by the Torrens Assurance Fund. The bill establishes the mechanisms for the Registrar General to be the regulator of the titling and registry business. The Registrar General will monitor and enforce the authorised operator's performance through clearly defined service levels and key performance indicators. The price of regulated services will be permitted to increase only by up to the consumer price index. Importantly, the Government will retain ownership of all the data and will require that data to be housed in Australia. The Government is confident that this transaction will result in better outcomes for customers, for the industry and ultimately for the taxpayers of New South Wales. It provides an opportunity for the State to increase innovation in the land and titling industry and to unlock capital to invest in infrastructure. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! The Hon. Mick Veitch will come to order.

The question is that the amendment of the Hon. Peter Primrose be agreed to.

The House divided.

Ayes 16
Noes 19
Majority.....3

AYES

Brown, Mr R	Buckingham, Mr J	Donnelly, Mr G (teller)
Faruqi, Dr M	Field, Mr J	Houssos, Ms C
Mookhey, Mr D	Moselmane, Mr S (teller)	Pearson, Mr M
Primrose, Mr P	Searle, Mr A	Secord, Mr W
Shoebridge, Mr D	Veitch, Mr M	Voltz, Ms L
Wong, Mr E		

NOES

Ajaka, Mr J	Amato, Mr L	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Farlow, Mr S
Franklin, Mr B (teller)	Gallacher, Mr M	Gay, Mr D
Green, Mr P	Khan, Mr T	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Mason-Cox, Mr M
Mitchell, Ms S	Nile, Reverend F	Pearce, Mr G
Phelps, Dr P		

PAIRS

Sharpe, Ms P	Taylor, Ms B

Amendment negatived.

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

The House divided.

Ayes 19
Noes 16
Majority.....3

AYES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Clarke, Mr D	Colless, Mr R	Farlow, Mr S
Franklin, Mr B (teller)	Gallacher, Mr M	Gay, Mr D
Green, Mr P	Khan, Mr T	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Mason-Cox, Mr M
Mitchell, Ms S	Nile, Reverend F	Pearce, Mr G
Phelps, Dr P		

NOES

Brown, Mr R	Buckingham, Mr J	Donnelly, Mr G (teller)
Faruqi, Dr M	Field, Mr J	Houssos, Ms C
Mookhey, Mr D	Moselmane, Mr S (teller)	Pearson, Mr M
Primrose, Mr P	Searle, Mr A	Secord, Mr W
Shoebridge, Mr D	Veitch, Mr M	Voltz, Ms L
Wong, Mr E		

PAIRS

Taylor, Ms B	Sharpe, Ms P

Motion agreed to.

In Committee

The CHAIR: There being no objection, the Committee will deal with the bill as a whole. I have two sets of amendments before me. The primary amendments are the Opposition amendments appearing on sheet c2015-084 and there are Christian Democratic Party amendments that seek to amend Opposition amendments Nos 1 and 2.

The Hon. PETER PRIMROSE (16:34): By leave: I move Opposition amendments Nos 1 and 2 in globo:

No. 1 **Transfers of staff to private sector employment**

Page 13, clause 21 (6) (a), line 3. Omit "2 years". Insert instead "5 years".

No. 2 **Transfers of staff to private sector employment**

Page 13, clause 21 (6) (b), line 8. Omit "2 years". Insert instead "5 years".

These amendments propose five-year protections for employees transferred from Land and Property Information NSW to a private owner or another government entity. Changing jobs is an uncertain time for anyone. Changing jobs when they have no choice in the matter—as is proposed in the case of this bill—would be even more traumatic. The employees of LPI have been in a four-year limbo already, since the Government first announced its intention to privatise LPI in 2012. The least we can do is offer them some longer-term certainty from this point on. Accordingly, I commend the amendments to the Committee.

The Hon. MATTHEW MASON-COX (16:35): I take the opportunity to make a correction to something that I said in my speech in reply to the second reading debate. I would like to draw the attention of the House to the fact that I misrepresented the Hon. Mick Veitch when I said that he claimed that the Central Mapping Authority [CMA] and valuation functions would be privatised. In fact, he made some remarks about the Central Mapping Authority and his concerns about decentralisation. So I apologise for that and correct the record. The Government will not support the two Opposition amendments that were moved in globo.

Reverend the Hon. FRED NILE (16:36): I move:

That amendments Nos 1 and 2 of Mr Primrose on sheet c2016-084 be amended by omitting the words "5 years" wherever occurring and inserting instead "4 years".

I understand that the bill said "two years" and that the Government was not going to accept five years. However, I have been able to get it to accept four years. That is why I have moved my amendment.

The Hon.Walt Secord: That is a 20 per cent reduction.

Reverend the Hon. FRED NILE: Four years is better than two.

The Hon. ROBERT BROWN (16:37): I will address the amendment to the amendment—the amendment that Reverend the Hon. Fred Nile has moved. As I said earlier, the Shooters, Fishers and Farmers Party will be voting against the legislation—more on principle than anything else. When we come to these amendments, the standard for employee protection was set in this Chamber, with the electricity generator transactions, at five years. Subsequent to that we have had other privatisations where the negotiating position has not been as strong and it has been set below that—four years or five years. Whilst I applaud the efforts of Reverend the Hon. Fred Nile to up the ante from two years to four years, my view is that we could have got five years.

I do not intend any disrespect to Reverend the Hon. Fred Nile, but I think four years is not satisfactory. In terms of the cost, we are talking about a relatively small number of employees. The transaction will arguably be around $1 billion. The actual increase in cost of the employee protection plan to a bidder for the concession would not be enough to damage the deal. The deal will still be done and it will be a very lucrative deal for whoever takes it. For that reason, and with some regret because I do not like to split from proposals put by the Christian Democratic Party, which are always very good, I indicate that in this case the Shooters, Fishers and Farmers Party will vote against the amendment moved by Reverend the Hon. Fred Nile to the Opposition's amendment. That means the Shooters, Fishers and Farmers Party supports five years, not four years.

Mr SCOT MacDONALD (16:39): The Government supports the amendments moved by Reverend the Hon. Fred Nile to the Opposition's amendments. Four years is a sensible compromise.

Mr DAVID SHOEBRIDGE (16:40): The Greens support the Opposition's amendments, which seeks to increase the term to five years. The Greens oppose the proposal by the Christian Democratic Party to reduce

the term to four years. In relation to the position adopted by Reverend the Hon. Fred Nile, previously there was a thought that protections that are very similar to this, which were offered as part of the electricity privatisation, somehow would provide guaranteed protection for employees for five years. As it turned out, that provision is almost identical to clause 21 (4), which states:

> Those terms and conditions cannot be varied during any employment guarantee period for the transferred employee except by agreement entered into by or on behalf of the transferred employee—

so far that is good, but then it states—

> or in accordance with the Fair Work Act 2009 of the Commonwealth.

The CHAIR: I encourage Mr David Shoebridge to remember that he is speaking to the amendment.

Mr DAVID SHOEBRIDGE: Absolutely. The five-year protections already are very vulnerable, which is why my comments are relevant.

The CHAIR: I do not wish to quibble with Mr David Shoebridge, but he is dealing with amendments that look to the term, which means amending two years to five years or four years. I ask Mr David Shoebridge to address that, as other members have done.

Mr DAVID SHOEBRIDGE: Indeed. The reason that five years is eminently reasonable, four years is inappropriately short and two years is embarrassing is that in the currency of that maximum five-year protection, opportunities are available to the employer to cancel an agreement, and arbitrate and determine a fresh enterprise bargaining agreement [EBA], which kills off any of the protections in the bill anyhow. We are already talking about a very, very limited, very partial and probably very ineffectual set of employment agreements. To think that the CDP would not support extending that modest protection to five years is distressing. Clearly, the Government put up two years to have a bargaining point so that someone could come in as a hero and increase it to four years or five years. Two years was never going to cut the mustard. One would think that five years would be a basic minimum, given how vulnerable the projections are anyhow.

The CHAIR: The Hon. Peter Primrose moved Opposition amendments Nos 1 and 2 on sheet c2016-084, to which Reverend the Hon. Fred Nile moved amendments on a sheet received at 12.10 p.m. today. The question is that the amendments of Reverend the Hon. Fred Nile to the amendments moved by the Hon. Peter Primrose be agreed to.

The Committee divided.

Ayes 18
Noes 14
Majority.....4

AYES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Farlow, Mr S	Franklin, Mr B (teller)	Gallacher, Mr M
Gay, Mr D	Green, Mr P	Harwin, Mr D
MacDonald, Mr S	Maclaren-Jones, Ms N (teller)	Mitchell, Ms S
Nile, Reverend F	Pearce, Mr G	Phelps, Dr P

NOES

Brown, Mr R	Buckingham, Mr J	Donnelly, Mr G (teller)
Faruqi, Dr M	Field, Mr J	Mookhey, Mr D
Moselmane, Mr S (teller)	Primrose, Mr P	Searle, Mr A
Secord, Mr W	Shoebridge, Mr D	Veitch, Mr M
Voltz, Ms L	Wong, Mr E	

PAIRS

Mason-Cox, Mr M	Houssos, Ms C
Taylor, Ms B	Sharpe, Ms P

Amendments agreed to.

The CHAIR: The question is that Opposition amendments Nos 1 and 2 on sheet c2016-084 as amended be agreed to.

Amendments as amended agreed to.

The Hon. PETER PRIMROSE (16:52): By leave: I move Opposition amendments Nos 3 to 7 on sheet c2016-084 in globo:

No. 3 **Conveyancing rules**

Page 36, Schedule 4.4. Insert after line 24:

[12] Section 12E (13)

Insert after section 12E (12):

(13) The Registrar-General must ensure that the conveyancing rules make provision for documents to be lodged in a paper form.

No. 4 **Lodgement rules**

Page 37, Schedule 4.4 [12], proposed section 12F. Insert after line 15:

(6) Subject to subsection (7), sections 40 and 41 of the *Interpretation Act 1987* apply to a lodgement rule made under this section in the same way as they apply to a statutory rule.

(7) For the purpose of applying section 40 of the *Interpretation Act 1987* to a lodgement rule made under this section, a reference in that section to the publication of a statutory rule is to be read as a reference to the publication of the lodgement rule made as provided by subsection (3).

No. 5 **Administrative review of decisions of Registrar-General**

Page 40, Schedule 4.4 [45], proposed section 121 (6), line 41. Insert "in writing" after "notify".

No. 6 **Torrens Assurance Fund**

Page 42, Schedule 4.4 [50] and [51], lines 1 to 13. Omit all words on those lines.

No. 7 **Fixing of fees etc for new services**

Pages 42 and 43, Schedule 4.4 [57], line 34 on page 42 to line 22 on page 43. Omit all words on those lines.

I start with amendment No. 3. The bill in its current form seeks to remove the word "paper" from the rules and rights of lodgement for titling and registration. Currently, 94 per cent of all lodgements include paper materials. There is no doubt that the future includes a growing trend towards paperless conveyancing and lodgement—indeed, on many occasions in this House the Opposition has actively supported and still does support paperless transactions. But the bill in its current form will remove any legislated allowance for a paper lodgement to be made. As I have indicated, we support and welcome the changing trend to go paperless, but to remove the word "paper" from the legislation at this time is a step too far.

In relation to amendment No. 4, the bill as it currently stands removes from legislation the term "regulation" for decisions by the Registrar General and inserts instead the term "lodgement rules". As members would know, regulations are required to be gazetted and can be scrutinised by both Houses of Parliament. Lodgement rules, as written in this bill, will require no such parliamentary scrutiny. This amendment is solely about scrutiny; it is about transparency; it is about being open and honest with the people of New South Wales. The proposed amendment would give effect to the treatment of the lodgement rule by way of the Interpretation Act 1987, so that lodgement rules made by the Registrar General will also have to be gazetted and could subsequently be refused by the Parliament.

I turn to amendment No. 5. Currently, in the bill before us with its various changes, a person, if dissatisfied, can seek to appeal a decision by the Registrar General to the Supreme Court. A person may ask for that decision of the Registrar General to be made in writing. Subsequently, if the appeal goes to the Supreme Court, the Registrar General is prevented from introducing new facts not covered in the written reason. This bill makes no allowance for the Registrar General's decision to be provided in writing. This amendment is a modest amendment that simply seeks to protect all consumers in the appeals process to have a written copy of the Registrar General's decision, which does not seem particularly unreasonable. Amendments Nos 6 and 7 seek to remove a new power given to the Registrar General and the Minister to introduce new fees and charges. The new power proposed in this bill is without scrutiny or oversight. The new power is unreasonable and exposes the people of New South Wales to a completely unknown level of financial liability.

Mr SCOT MacDONALD (16:55): The Government opposes amendment No. 3. The Government's proposed amendment to section 12E as outlined in the bill removes the word "paper" where it appears throughout the section. It was made to allow the conveyancing rules to set rules for both paper and electronic transactions, not just paper transactions. This will allow rules for both paper and electronic transactions to be consolidated in one place.

The Government opposes amendment No. 4. The proposed amendment would make the lodgement rules subject to the same tabling and disallowance requirements as regulations. The transaction legislation already includes strong protections around the making of lodgement rules. For example, lodgement rules must be published and notified at least 20 business days before the commencement, and they cannot be inconsistent with the provisions of any Act under which titling and registry functions are exercised. Also, the lodgement rules can only be made in relation to a limited class of matters as set out in section 12F. The concession arrangement will give the Registrar General a right of veto over proposed lodgement rules where it is in the public interest. As the regulator of titling and registry services, the Registrar General will be in the best position to assess the appropriateness of rules.

The Government opposes amendment No. 5. New section 121 allows for a person to request the Registrar General to review a decision made by the operator. It requires the Registrar General to notify the applicant, the operator and others of the review decision and the reasons for the decision. The intention is that the Registrar General's notification would be in writing. The Government opposes amendment No. 6. The governance sections 134 (2A) and 134 (4) of the Real Property Act allow for the Torrens Assurance Fund levy to be applied separately to lodgement fees, rather than being included within the lodgement fee. This is desirable for transparency reasons and is appropriate given that the levy will go to the State and the lodgement fees will go to the private operator.

The Government opposes amendment No. 7. Section 144A allows for the Registrar General, as the regulator of the titling business, to set the fee for new services. It is common for regulated monopoly businesses to have prices set by a regulator. Section 144A provides an efficient approach that facilitates innovation and enhanced service delivery of property market transactions, which is one of the Government's objectives for this transaction. As the Government has said, for existing regulated products, price increases will be limited to a maximum annual increase in line with the consumer price index [CPI].

The Hon. RICK COLLESS (16:58): I support the comments made by the Parliamentary Secretary at the table, Mr Scot MacDonald, in opposing these remaining amendments. In doing so, I refer to my contribution to the second reading debate on this bill. I made a comment about the Hon. Mick Veitch because I interpreted that he was saying that the Central Mapping Authority [CMA] was to be part of this concession. In fact, I misinterpreted what the Hon. Mick Veitch said, and I apologise unreservedly to him.

Mr JUSTIN FIELD (16:59): The Greens support the Opposition amendments. However, I note that our main concern relates to how fees will be set. We appreciate the Government's position regarding the CPI. I do not think that is specifically dealt with in the bill but it will be subject to the concession arrangements. We do not know what other services might be provided and how those fees will be determined. In my contribution to debate on the second reading of the bill I raised concerns about the potential for data to be sold off for other commercial purposes, whether or not that would be considered a service and how the fees would be set. I also raised questions about fees for doing searches and whether they might be impacted by the CPI increase or subject to a greater increase. I do not think the Government responded adequately to those concerns, although it might not be appropriate for it to do so when we are considering amendments.

The CHAIR: The question is that Opposition amendments Nos 3 to 7 on sheet c2016-084 be agreed to.

The Committee divided.

Ayes 12
Noes 18
Majority.....6

AYES

Buckingham, Mr J	Donnelly, Mr G (teller)	Faruqi, Dr M
Field, Mr J	Mookhey, Mr D (teller)	Primrose, Mr P
Searle, Mr A	Sharpe, Ms P	Shoebridge, Mr D
Veitch, Mr M	Voltz, Ms L	Wong, Mr E

NOES

Ajaka, Mr J	Amato, Mr L	Brown, Mr R
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Farlow, Mr S	Franklin, Mr B (teller)	Gallacher, Mr M
Gay, Mr D	Green, Mr P	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Mitchell, Ms S
Nile, Reverend F	Pearce, Mr G	Phelps, Dr P

PAIRS

Houssos, Ms C	Harwin, Mr D
Moselmane, Mr S	Taylor, Ms B
Secord, Mr W	Mason-Cox, Mr M

Amendments negatived.

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

Motion agreed to.

Mr SCOT MacDONALD: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

Mr SCOT MacDONALD (17:10:0): On behalf of the Hon. Duncan Gay: I move:

That the report be adopted.

Motion agreed to.

Third Reading

Mr SCOT MacDONALD (17:10:3): On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a third time.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that this bill be now read a third time.

The House divided.

Ayes 17
Noes 13
Majority.....4

AYES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Farlow, Mr S	Franklin, Mr B (teller)	Gallacher, Mr M
Gay, Mr D	Green, Mr P	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mitchell, Ms S	Nile, Reverend F
Pearce, Mr G	Phelps, Dr P	

NOES

Brown, Mr R	Buckingham, Mr J	Donnelly, Mr G (teller)
Faruqi, Dr M	Field, Mr J	Mookhey, Mr D (teller)
Primrose, Mr P	Searle, Mr A	Secord, Mr W
Sharpe, Ms P	Shoebridge, Mr D	Veitch, Mr M

NOES

Wong, Mr E

PAIRS

Harwin, Mr D	Houssos, Ms C
Mason-Cox, Mr M	Voltz, Ms L
Taylor, Ms B	Moselmane, Mr S

Motion agreed to.

HEALTH LEGISLATION AMENDMENT BILL 2016

Second Reading

The Hon. SARAH MITCHELL (17:19): 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.

I am pleased to introduce before the House the Health Legislation Amendment Bill 2016.

The bill repeals the New South Wales Institute of Psychiatry Act 1964 and seeks to make a number of miscellaneous amendments to various Health Acts, being the:

- Health Administration Act 1982,
- Health Services Act 1997,
- Mental Health Act 2007, and
- Mental Health (Forensic Provisions) Act 1990.

I will turn firstly to the New South Wales Institute of Psychiatry Act, which establishes the Institute of Psychiatry. The institute has been a longstanding provider of quality mental health education and training, and currently provides a number of higher education courses accredited through the Commonwealth regulatory body, the Tertiary Education Quality Standards Agency [TEQSA].

In 2013, a review of the institute was undertaken on behalf of the Mental Health Commissioner. The review found that the institute's functions would be more effectively undertaken by the Health Education and Training Institute [HETI] which would better align mental health education with other health education. HETI is a statutory health corporation established under the Health Services Act to provide health education and training.

These recommendations were accepted by the then Minister for Health. The institute's administrative and financial functions were transferred in a staged process to HETI in January 2014 and the educational staff were later transferred in September 2015. The transfer of the organisation's higher educational functions to HETI and the repeal of the New South Wales Institute of Psychiatry Act are critical aspects of the implementation of the recommendations of the review. There has been ongoing monitoring of the transition by an oversight committee that has been chaired by the NSW Mental Health Commissioner.

A key element of the transition of the education functions from the Institute to HETI is for HETI to be accredited as a higher education provider with TEQSA.

TEQSA is the Commonwealth statutory authority established to regulate Australia's higher education sector. It registers entities as higher education providers and accredits the qualifications and courses provided by those entities.

The Institute of Psychiatry has held accreditation as a higher education provider for a number of years. As part of the transition, HETI has applied to be registered as a higher education provider against redesigned institute courses. Accreditation of HETI as a higher education provider is not only a key element of the transition of the institute's functions but will also be a huge asset for the broader health system in terms of other education opportunities to support identified workforce needs.

To further the transition and recommendations of the review, the bill will repeal the New South Wales Institute of Psychiatry Act.

However, the commencement of the repeal of the New South Wales Institute of Psychiatry Act will only take place once HETI has obtained TEQSA accreditation and the institute has completed all its obligations to students in the 2016 academic year as a current higher education provider. It is expected that once the transition is complete, HETI will establish a new portfolio relating to mental health higher education, training and community education which will assist in ensuring that quality mental health education and training continues to be a priority in New South Wales.

The institute has provided a wonderful contribution to the people of New South Wales and I would like to take this opportunity to thank all past and current members of the institute for the dedication and hard work in the field of mental health education training and I look forward to HETI continuing to provide quality mental health education and training in New South Wales.

The bill also proposes other changes to mental health legislation. The Mental Health (Forensic Provisions) Act has a number of provisions relating to forensic patients. There are two categories of forensic patients:

- Those who have been found not guilty of a crime by reason of mental illness, and
- Those who are unfit to be tried for an offence and who are detained following a "special hearing". A special hearing determines whether, on the basis of the limited evidence before the court, a person committed the offence. If found to have committed the offence, the person can be given be give a "limiting term" and detained. A limiting term is the maximum period for which the patient can be detained. However, the patient can be released earlier if the Mental Health Review Tribunal decides that they are not a risk to the public.

The tribunal must review all forensic patients at least every six months. Under section 53, six months before the expiry of a forensic patient's limiting term, if the tribunal considers that the patient will still need on-going involuntary care, the tribunal can make the patient a civil patient.

As a civil patient, the patient is subject to the Mental Health Act. Such a power is important to ensure that, if a forensic patient requires ongoing care, such care can be provided in the civil system.

However, occasionally a limiting term forensic patient will not only require ongoing care but the patient continues to pose an unacceptable risk to the community. As such, in 2013 schedule 1 was included in the Mental Health (Forensic Provisions) Act.

Schedule 1 allows the Attorney General or the Minister for Health to make an application to the Supreme Court to extend a forensic patient's forensic status beyond their limiting term. The Minister and the Attorney General can only make such an application six months before the expiry of the patient's limiting term. The court can only make an order extending the patient's forensic status if the patient poses an unacceptable risk of causing serious harm to others and the risk cannot be adequately managed by other less restrictive means.

The interaction between schedule 1 and section 53 can have unintended consequences. If the tribunal exercises its powers under section 53 and makes a person a civil patient, the patient ceases to be a forensic patient. This means that the Minister for Health and Attorney General cannot exercise their powers to make an application to the Supreme Court to extend the patient's forensic status.

For public safety, it is important to ensure that the tribunal cannot exercise its powers under section 53 until the Minister and the Attorney General have considered whether or not to exercise their powers under schedule 1.

As such, the bill will amend section 53 to provide that the tribunal cannot exercise its powers until it has been advised by the Minister and the Attorney General that they will not be making an application under schedule 1. However, if such an application is made but not successful before the expiry of the patient's limiting term, the tribunal will be able to exercise its powers under section 53.

Under schedule 1 of the Mental Health (Forensic Provisions) Act, if the Attorney General or the Minister makes an application to extend the patient's status, the court can make an interim order extending the patient's forensic status. The interim order allows sufficient time for the court to hear the matter and make a final determination. If the court's final order is after the patient's limiting term expires and the court does not extend the patient's forensic status, the patient will be automatically released as the person will no longer be a forensic patient. However, the patient may continue to be unwell, even if they do not pose an unacceptable risk to the community. An automatic release that does not allow for an assessment as to whether or not the patient requires involuntary care or treatment as civil patient may not be meet the therapeutic needs of the patient.

Accordingly, the bill amends schedule 1 to allow the Supreme Court, when it dismisses an application, to order that the patient be detained for 24 hours to allow for the patient to be assessed to determine if the patient requires involuntary care or treatment as a civil patient under the Mental Health Act. Appropriate safeguards have been included in the amendments to protect patients:

- detention for the purpose of an assessment can only occur for 24 hours,
- the detention can only occur where the Supreme Court makes an order and
- the patient must be released if the assessment finds that the patient is not a mentally ill person or mentally disordered person. If the assessment finds that the patient is a mentally ill person or mentally disordered person, the patient will be subject to the Mental Health Act, and all of the safeguards in that Act.

Other amendments to the Mental Health (Forensic Provisions) Act included in the bill are more administrative in nature. The bill:

- updates the old references to the Department of Human Services,
- allows the powers of Ministers and Secretary to be delegated,
- clarifies that the Minister for Health and the Attorney General can appear before the tribunal when the tribunal is reviewing a patient following an apprehension of the patient under section 68,
- clarifies the period in which appeals under section 77A can be made, and
- ensures that information between the Minister for Health and the Attorney General can be appropriately shared.

The bill will also amend the Mental Health Act to provide that if a sitting judicial officer is appointed as president of the Mental Health Review Tribunal, the president will maintain their judicial status and continue to receive their judicial salary and entitlements while serving as president. This will bring the Mental Health Review Tribunal into line with other similar bodies, such as the Civil and Administrative Tribunal of New South Wales.

The bill, in schedule 1, makes minor administrative changes to the Health Administration Act by updating the references to the Health Secretary and the Ministry of Health.

I turn finally to the amendments to the Health Services Act, which are set out in schedule 2 of the bill.

The Health Services Act provides for the establishment of a number of different health entities, particularly:

- Local health districts [LHDs] and specialty health networks [SHNs] which run hospitals and other health services, and

- the health "pillars", which are the statutory health corporations [SHCs] that provide statewide expertise to support LHDs and SHNs.

While SHNs are statutory health corporations, the Health Services Act provides that generally the same governance arrangements that apply to LHDs apply to the SHNs.

Currently, there are inconsistencies in the governance arrangements for the boards of LHDs and SHCs, in both structure and content. For example, the governance provisions for LHD boards are set out in the Health Services Regulation, while the governance arrangements for SHC boards are set out in the Act. In addition, there are differences in relation to the appointment of board deputy chairs and the power of the board to rescind or vary board resolutions.

The bill moves the board governance provisions relating to LHDs from the regulation into the Act. This will ensure that the key governance provisions relating to the health system are set out in primary legislation. The bill also seeks to align, where appropriate, the board governance arrangements for the different bodies. For example, the bill gives the Minister the power to appoint a deputy chairperson to the board of an SHC, clarifies that a board of an SHC can vary or rescind resolutions of the board and extends the pecuniary interest requirements to any committee of an SHC board.

The bill also includes a new board governance provision for LHDs. On the commencement of the Government Sector Employment Legislation Amendment Act 2016, the board of an LHD will exercise employer functions in respect of the chief executive, including appointment of the chief executive. Board members may include an employee of the LHD, in respect of whom the chief executive in turn exercises employer functions, or a person with a clinical appointment made by the chief executive.

This dual role of those board members—of being employed or appointed by the chief executive, whilst at the same time exercising employer functions in respect of the chief executive—has the potential to create a real or perceived conflict of interest. To deal with conflict, the bill provides that a board member who is employed or otherwise holds a clinical or other prescribed appointment with the LHD must not sit on any deliberations or participate in any decisions relating to the board's exercise of the employer functions in respect of the chief executive, including appointment. However, the bill will allow employee board members, or persons with a clinical appointment, to provide advice to the board about employment matters affecting the chief executive. As noted earlier, these changes will also apply to SHNs.

The bill also makes changes relating to the process for making by-laws for LHDs and SHCs. Currently, while the Health Secretary or the Minister can make model by-laws, the approval of the Secretary or the Minister is still required before a LHD or SHC can make by-laws, even where the model by-laws are adopted.

The bill simplifies this process for making by-laws while retaining the existing consultation requirements. The bill amends section 39 to allow the Health Secretary to make model by-laws for LHDs. An LHD will then be able to either:

- adopt the model by-laws,
- modify the model by-laws with the approval of the Secretary, or
- where a model by-law does not cover a particular matter, the LHD will be able to make a by-law on that matter provided that the additional by-law is not inconsistent with the model by-laws and the Health Secretary is notified.

Similar changes will be made to section 60 in respect of SHCs.

The bill also makes other changes to the Health Services Act, being extending the possible term of office for local health district board members from four to five years, with a maximum period of 10 years, and including a new section 116H to clarify that the Health Secretary is the respondent in any industrial relations proceedings involving NSW Health staff.

The bill updates the protection from personal liability provision in section 139 to cover all reviews and inquiries conducted in relation to the operation of the public health system, rather than the existing narrow protection provided only in respect of reviews into conduct, performance or disciplinary matters.

The bill also includes a new section 139A in the Health Services Act. Section 139A will provide a protection from personal liability to staff of the NSW Health Service who, in good faith, assist a registered health practitioner in providing treatment under the Guardianship Act or the Children and Young Persons (Care and Protection) Act. This will ensure that individual staff members, such as assistants in nursing or security staff, who assist, in good faith, registered health practitioners in providing lawful treatment are not personally liable in the event harm to patient occurs. Rather, the bill clarifies existing common law principles to make clear that any liability arising from the treatment will be borne by the relevant public health organisation and not the individual staff member.

This bill is part of the Government's regular review of legislation and will assist in ensuring that legislation falling within the Health portfolio remains up to date and relevant.

I commend the bill to the House

The Hon. WALT SECORD (17:19): As the shadow Minister for Health I lead for Labor in debate on the Health Legislation Amendment Bill 2016, which makes amendments to and repeals various pieces of health legislation. The bill arises from the Government's regular review of legislation within the Health and Mental Health portfolios which the Government claims is to keep the bills up to date. Labor will not be opposing the bill but will be moving an amendment in relation to the local health district boards as Labor believes the Minister for Health is engaging in overreach on these appointments. Inside this bill is a sneaky measure by the Minister for Health.

The Hon. Ben Franklin: Sneaky!

The Hon. WALT SECORD: It is a sneaky measure. While my colleague the shadow Minister for Mental Health, Tania Mihailuk canvassed this bill extensively in the other place in relation to mental health I will

concentrate mainly on the health aspect of the bill. This bill proposes to make various amendments to four Acts governing the portfolios of Health and Mental Health. They include updating references within the Health Administration Act 1982. The bill amends sections of the Health Services Act 1997 relating to governance and the liability of health staff in certain circumstances. It also amends the Mental Health Act 2007 to ensure that a president of the Mental Health Review Tribunal who holds office within the judiciary maintains his or her judicial commission, rank, salary and other privileges. Furthermore, it amends provisions within the Mental Health (Forensic Provisions) Act 1990 relating to the classification, assessment and release of patients, amongst other administrative related amendments.

In relation to the Health portfolio, I refer to schedule 1 to the bill which proposes to amend the Health Administration Act 1982 to update references to certain administrative positions and titles within NSW Health. These amendments will omit references to the Director General, to be replaced by the Health Secretary. This merely alters from an administrative and industrial relations perspective some descriptive references within the Act which are needed following the implementation of the Government Sector Employment Act 2013.

Schedule 2 to the bill proposes to make various governance related amendments to the Health Services Act 1997. One of the amendments proposes to vary the length of tenure for members of local health district boards. This is the area in which Labor has concerns and will be moving amendments. The bill proposes to extend the maximum term of appointment and the maximum number of years a person can hold office as a member of the local health district board from four to eight years and five to 10 years respectively. This is a doubling of the terms. I request that the Parliamentary Secretary, in her reply to debate on the second reading, elaborate on the reasoning behind this proposal and explain the practical benefits of proceeding with these proposed amendments.

Opposition members believe that this is an attempt by the Minister for Health to extend her reach and her tentacles well beyond her tenure. It is her attempt to extend her influence after she is removed. Labor would also like to know whether these amendments were crafted before the Premier's statement on 4 August in which he said he wanted to refresh his ministerial frontbench. Labor is concerned that the Minister for Health will in a rush appoint a whole new set of cronies across the 15 local health district boards in New South Wales in a ham-fisted attempt to continue her twisted influence after the Premier removes her later this year or early next year.

The Hon. Catherine Cusack: Point of order: The Hon. Walt Secord is reflecting on the Minister in another place and making the most outrageous imputations about her motivation and her behaviour. I ask that the member be asked to withdraw those statements.

The Hon. Daniel Mookhey: To the point of order: The member's comments are well within the acceptable bounds of debate on the second reading and are indeed relevant to understanding precisely what has motivated the presentation of this bill.

The Hon. Duncan Gay: To the point of order: The phrase "twisted influence" might be a compliment in the Construction, Forestry, Mining and Energy Union [CFMEU] but it is unparliamentary and should not be permitted.

The Hon. Greg Donnelly: To the point of order: The phrase "twisted influence" is a way of expressing a judgement about the appointment process. It is a phrase and there is nothing unparliamentary about it. The member is entitled to use language that he sees fit to describe the situation.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The term "twisted influence" is an inappropriate term to use to describe the motivations of other members. I ask the Hon. Walt Secord to withdraw the comments and to keep that in mind in future.

The Hon. WALT SECORD: My comments go to the motivation behind the amendments, but to please the House and to smooth proceedings I will withdraw the comments.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I thank the member for doing so. The House appreciates it.

The Hon. WALT SECORD: Sadly, the first step to repairing the New South Wales health and hospital system is to refresh with a new Minister for Health. However, I have digressed and I should return to the leave of the bill. A series of further internal governance related amendments is also proposed within schedule 2 to the bill. Local health districts will be given the capacity to adopt model by-laws with variations to be approved by the Health Secretary. Similar changes have also been proposed to apply to statutory health corporations. I do not object to that. This amendment has been welcomed by the Health Services Union [HSU] New South Wales and is a proposal to insert a new section 139A into the Act.

The provision would have the effect of exempting from personal liability members of staff of the health service who have assisted a registered health practitioner in good faith in providing care or treatment under the

functions of the Guardianship Act 1987 and the Children and Young Persons (Care and Protection) Act 1998. Instead of being personally liable, liability would be transferred to the local health district or statutory health corporation to which the member of staff belonged at the time of the appointment. That seems sensible. The proposal to transfer liability from individual staff to the local health district or statutory health corporation is an important correction in health administration. We thank the HSU again for its advice on this matter.

I now turn to the mental health aspects of the bill. Schedule 3 to the bill will make a further amendment to the Mental Health Act to ensure that a person who is president of the Mental Health Review Tribunal concurrently serving as a member of the judiciary is able to maintain his or her status as a judge and to receive his or her judicial salary and entitlements while serving as the president of the tribunal. These provisions will update the Act to reflect a similar arrangement between members of the judiciary who also serve as members of the NSW Civil and Administrative Tribunal [NCAT].

The most significant amendments within this bill are contained in schedule 4 which proposes to amend section 53 of the Mental Health (Forensic Provisions) Act to restrict the capacity of the Mental Health Review Tribunal [MHRT] to reclassify "forensic patient" to "civil patient". A forensic patient is a person who has been admitted to a mental health facility following a finding of not guilty to a criminal offence due to mental illness or a person who is unable to be tried for a criminal offence due to mental illness. As the Minister outlined in her second reading speech, under existing provisions within the Act—schedule 1 to the Mental Health (Forensic Provisions) Act—both the Attorney General and the Minister for Health may make an application to the Supreme Court to vary or extend the forensic status of a patient beyond the declared term.

This application can only be made within six months before the expiry of the term. However, this application can only be made prior to reclassification from forensic to civil patient by the MHRT. The proposed amendments will entitle both the Minister and the Attorney General to notify the tribunal that they will not seek to extend the forensic status of a patient. I understand that the intent of this proposal is to prevent instances of reclassification occurring through the tribunal prior to the Minister or the Attorney General having the opportunity to apply for a patient's forensic status to be extended or not extended. While my colleague the shadow Minister for Mental Health said in her speech during the second reading debate that this is a legitimate policy consideration, particularly when considering the need to protect members of the community from patients who still pose a risk to community safety, I have been advised that there may be unintended consequences that derive from this amendment.

The shadow Minister has asked that either the Minister or the Attorney General be required to indicate to the tribunal whether they wish to seek to extend the forensic status of a patient for all applications made to the tribunal. This would place a significant responsibility on the Minister and the Attorney General to ensure that the proper level of judgement and oversight is undertaken when making a decision whether to act. If a forensic patient were to be reclassified as a civil patient by the tribunal, with no objection being made by the Minister or the Attorney General, and no harm was caused to the community by such a patient once they were released from the mental health facility as a civil patient, the wider community would undoubtedly hold the Minister or Attorney General to account for failing to act prior to the reclassification by the tribunal, irrespective of the reasonability of the circumstances.

With regard to further amendments within schedule 4 to the bill, a new section 11A is proposed to be inserted into schedule 1 to the bill, which will provide for the Supreme Court to grant an interim extension order for a patient to be detained for a period of 24 hours if an application for an extension order to the court is dismissed. This amendment seeks to give medical practitioners or accredited persons the ability to assess whether a patient is a mentally ill person and requires further care. The final proposal of note in the bill is the repeal of the New South Wales Institute of Psychiatry Act 1964. As of January 2017, the New South Wales Institute of Psychiatry will become part of the Health Education and Training Institute. The transfer of the institute's higher education courses to the Health Education and Training Institute was a recommendation as a result of a wider review of the functions conducted in 2013 on behalf of the Mental Health Commissioner. As such, it is necessary to repeal this Act. In conclusion, New South Wales Labor will not oppose this bill. However, I foreshadow that we will move an amendment in Committee involving local health district boards.

The Hon. PAUL GREEN (17:31): On behalf of the Christian Democratic Party I speak in debate on the Health Legislation Amendment Bill 2016. The Hon. Walt Secord covered many issues. The object of the bill is to repeal the New South Wales Institute of Psychiatry Act 1964, to amend the Health Administration Act 1982 to update certain references and remove a redundant provision, to amend the Health Services Act 1997 to update and ensure consistency between the governance provisions of local health districts and statutory health corporations, to update and simplify provisions relating to the making of by-laws, to avoid any conflicts that may arise when a local health district board is exercising employer functions, to extend the existing protection from personal liability provision, and to make provision in relation to the liability of members of staff of NSW Health

who assist in the exercise of functions under the Guardianship Act 1987 and the Children and Young Persons (Care and Protection) Act 1998.

The bill will also amend the Mental Health Act 2007 to ensure that a President of the Mental Health Review Tribunal who holds the office of judge retains their judicial commission, rank, salary and other privileges. The bill will amend the Mental Health (Forensic Provisions) Act 1990 in several ways. It will impose certain restrictions on the power of the Mental Health Review Tribunal to make an order that a forensic patient be classified as an involuntary patient, to provide for an interim extension order to continue in force for an additional 24 hours in certain circumstances to enable a medical practitioner or accredited person to assess whether a mental health certificate should be given in respect of the patient, to allow the sharing of certain information between Ministers administering the Act, to clarify that the tribunal must comply with release criteria in section 43 before releasing a forensic patient, to provide delegation powers for Ministers administering the Act and the Secretary of the Department of Justice, and to make further provision in relation to when the Minister for Health and the Attorney General may appear before the tribunal, or make submissions to the tribunal, and to make other minor statute law revision amendments to the Acts specified above.

The issue of a patient's mental health is a tricky area. To treat patients who are having acute psychotic episodes well, we must treat them differently to ensure that we are meeting their deep needs. Sadly, in regional and rural areas we do not have people who are qualified to do that within moments of a call. It is sometimes hard to get hold of such people. The legislation addresses some of those issues. We should do what we can to help healthcare professionals in those extraordinary circumstances when a person has an acute psychotic episode because they are the ones who are empowered to handle those situations keeping patient safety in mind. There are no overwhelming concerns with this bill. It is merely building a better health system, to which I am sure all members in this House are committed. I commend the bill to the House.

Mr JEREMY BUCKINGHAM (17:36): I make a short contribution to debate on the Health Legislation Amendment Bill 2016 on behalf of The Greens. The Greens support the bill and will consider the Opposition's amendment, depending on the contributions of members.

The Hon.Walt Secord: He is telling the truth.

Mr JEREMY BUCKINGHAM: Surprisingly. The bill is an uncontroversial omnibus bill, which makes administrative changes to a number of existing Acts. The bill will amend the following Acts—the Mental Health (Forensic Provisions) Act 1990, the Mental Health Act 2007, the Health Services Act 1997 and the Health Administration Act 1992—and will repeal the New South Wales Institute of Psychiatry Act 1964. The Health Services Act 1997 amendments will better align the governance provisions of the local health district, which is responsible for hospitals and health services; address potential conflicts for board members; increase the term of appointment of members of the boards, about which we have concerns and are considering; simplify the process for the making of by-laws by local health districts; extend the existing protection from personal liability in certain areas; and protect NSW Health staff from personal liability when assisting a registered health practitioner in providing treatment under the Guardianship Act or the Children and Young Persons (Care and Protection) Act, which we support strongly.

In respect of the Mental Health (Forensic Provisions) Act, the bill imposes restrictions on the power of the Mental Health Review Tribunal, which cannot make a forensic patient a civil patient unless the Minister and Attorney General have noted that they will not apply for extended forensic status. It will allow the Minister and the Attorney General to have a right to appear before and make submissions to the tribunal's review process when reviewing a forensic patient who has been apprehended. The Supreme Court will be able to make an order for the 24-hour detention of a person whose forensic status has not been extended to assess whether they require care or treatment as a civil patient under the Mental Health Act. The bill will allow information to be shared between Ministers administering the Act. It allows the Minister or secretary to delegate their functions—which The Greens support—and it clarifies that the normal 28-day appeal period runs from when the Minister and the Attorney General receive written notification of the order and the reasons of the tribunal.

In respect of the Mental Health Act 1997, the amendments will allow that if a sitting judge is appointed as president of the tribunal it will not affect tenure, rank, status, or salary entitlements of that judicial office, which is a commonsense provision and an amendment that we support. In conclusion, The Greens support the bill and thank the Minister's staff for their excellent brief.

The Hon.Walt Secord: They would not provide me with one.

Mr JEREMY BUCKINGHAM: Why would they? The Hon. Walt Secord has burnt all his bridges. Unlike me, who works in a collaborative way—

The Hon.Walt Secord: You will get the order of the brown nose.

Mr JEREMY BUCKINGHAM: That is why the Hon. Walt Secord does not get the dinners. Accordingly, The Greens support the bill and will consider the Opposition's amendment in Committee.

The Hon. SARAH MITCHELL (17:39): On behalf of the Hon. John Ajaka, in reply: I thank all honourable members for their contributions to debate on the Health Legislation Amendment Bill 2016. As members have said, this bill forms part of the Government's regular review of legislation to ensure that legislation retains its relevancy and is responsive to community needs. The bill will make changes to the Health Services Act to better align the governance provisions of the local health districts and statutory health corporations. Other changes to the Health Services Act will streamline the provisions relating to the making of by-laws by local health districts and statutory health corporations. In addition, the bill also includes a new provision, section 139A, to provide for a protection from personal liability for staff of NSW Health who, in good faith, assist registered health practitioners in providing treatment under the Guardianship Act. The bill clarifies that instead of liability attaching to individual staff members, liability will attach to the relevant local health district or statutory health corporation.

Amendments to the Mental Health Act will ensure that if a sitting judge is appointed as President of the Mental Health Review Tribunal, the president will continue to receive their judicial entitlements and retain their judicial status. This will bring the tribunal into line with other similar bodies, such as the NSW Civil and Administrative Tribunal and assist in the appointment of qualified persons to the role of president. The bill also makes changes to the Mental Health (Forensic Provisions) Act to improve the overall administration of the Act. Therefore, the bill includes a power of delegation and allows for greater information sharing, in relation to forensic patients, between the Minister for Health and the Attorney General. In addition, amendments to section 53 will provide that the Mental Health Review Tribunal cannot make a limiting term forensic patient a civil patient until the Minister and the Attorney General have considered whether to make an application to the Supreme Court to extend the patient's forensic status.

Finally, the bill repeals the New South Wales Institute of Psychiatry Act. For more than 50 years the institute has provided quality mental health education and training in New South Wales. However, following on from the review of the institute's functions, the functions of the institute are moving to the Health Education and Training Institute [HETI]. The move to HETI will allow for a better alignment of mental health education with other health education provided by HETI. The transfer process was commenced in 2013 and the repeal of the Act represents one of the final stages. The repeal will commence once HETI has obtained accreditation as a higher education body and the institute has completed all its obligations to students in the 2016 academic year as a current higher education provider. I thank all current and former members of the institute for their part in providing quality education and training, and I look forward to HETI continuing the important work the institute has undertaken for the past 50 years. I commend the bill to the House. Once again, I thank all honourable members for their contributions. I also thank the Minister and the staff of her office for their continued outstanding work.

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

Motion agreed to.

In Committee

The CHAIR: There being no objection, the Committee will deal with the bill as a whole. I have one set of amendments before me—Opposition amendments Nos 1 and 2 appearing on sheet c2016-085.

The Hon. WALT SECORD (17:44): By leave: I move Opposition amendments Nos 1 and 2 on sheet c2016-085 in globo:

No. 1 **Constitution of local health district boards**

Page 4, Schedule 2 [1] and [2], lines 2–5. Omit all words on those lines.

No. 2 **Constitution of local health district boards**

Page 17, Schedule 2 [19], lines 25–27. Omit all words on those lines.

I will be brief, as the amendments are clear. I also note the strong views of the Government and those who wish to see an extension of the terms. The Minister's motives in schedule 2 [1] and [2] and schedule 2 [19], lines 25 to 27, are also clear. Sadly, this is about the Minister tinkering with the constitutions of the local health district boards. In New South Wales there are 15 local health districts. The eight metropolitan ones are on the Central Coast, at Illawarra-Shoalhaven, Nepean-Blue Mountains, Northern Sydney, South-Eastern Sydney, South-Western Sydney, Sydney and Western Sydney. In rural and regional areas they are the Far West, Hunter-New England, Mid North Coast, Murrumbidgee, Northern New South Wales, Southern New South Wales and Western New South Wales.

Clearly, this is about appointing people. I cannot describe them as cronies and I cannot impugn the Minister's motives, but they are clearly people whom she sees as being sympathetic to her long-term aims for the health system. So we must resist the Minister's attempts to double the terms of people whom she wishes to appoint—to put in her stacks on the local health districts.

The Hon. Daniel Mookhey: Her legacy.

The Hon. WALT SECORD: It will be her legacy. This is about extending a health system that lurches from crisis to crisis. This is about her appointing people who want to see the continuation of elective surgery lists that surpass 63,000 people.

The Hon. Sarah Mitchell: Point of order: It is clear that during the Committee stage members must talk specifically to the amendments before the Committee. We are dealing with the constitution of local health district boards, not surgery waiting times.

The Hon. WALT SECORD: I will return to the amendments before us. The reason we are resisting the Government's changes and moving our amendments is that this legislation is about the Minister for Health, Jillian Skinner, trying to reach and extend her influence beyond the political grave. I commend the amendments to the Committee.

The Hon. SARAH MITCHELL (17:48): The Government opposes the amendments moved by the Hon. Walt Secord. Currently under section 26 of the Health Services Act board members of the local health district boards can be appointed for a term of a maximum period of four years, and can serve no more than eight years in total. The local health district board provisions also apply to speciality network-governed statutory health corporations, being the Justice and Forensic Mental Health Network and the Sydney Children's Hospitals Network. The bill proposes to amend section 26 to increase the maximum term of office for a local health district board member to five years, and the overall maximum length of service to 10 years. For the benefit of the Hon. Walt Secord, we are talking about a period of four years increasing to five years and instead of serving no more than eight years in total the overall maximum length of service is increasing to 10 years in total.

The amendments moved by the Hon. Walt Secord propose to remove this amendment from the bill, and that is not supported by the Government. Good governance is essential for the operation of the board. A critical element in relation to the governance of the boards is how to achieve the right balance between the benefit of members with experience and new members, who can bring fresh ideas and new and different skills. Views differ as to the best way to achieve that balance. The different functions of different boards will affect the approach that is taken. However, in all cases it is important to be able to maintain good board governance by having a mix of members with corporate knowledge and experience and new members who can consider matters from a fresh perspective.

An extension of the term of office for local health district boards would greatly enable the retention of corporate knowledge that has been developed since establishment of the boards. Furthermore, it would assist board chairs with their succession planning, which is a challenge that board chairs have raised in the past 12 months. The Public Sector Commission's appointment standards for boards and committees in the New South Wales public sector recognise the importance of having the benefit of both experience and new ideas wrought through renewal. The standards provide that generally the tenure of a board member should not exceed 10 years in total, unless that would otherwise be in the public interest. The amendment to section 26 is in keeping with the Public Sector Commission's "Appointment Standards—Boards and Committees in the NSW Public Sector".

However, it is important to note that not every member appointed will be appointed for a five-year term or will serve 10 years overall. There is still a merits process to appointments, and that will continue. Further, whether a member is appointed to a five-year term, or a lesser term, or serves 10, or six or seven years overall will be a matter for individual assessment of the member and the needs of the board. However, the amendment to section 26 will help to ensure that good members can be retained on a board for up to 10 years and the board can have the value of their expertise and experience. Therefore, the Government will not support the Opposition's amendments.

The Hon. WALT SECORD (17:51): I thank the Parliamentary Secretary for her contribution. The Opposition is not persuaded by the notes that she read. The motives are very clear—to allow the Minister for Health, Jillian Skinner, to extend her reach well beyond her political grave, when the Premier removes her later this year or early next year. I make one final point.

The Hon. John Ajaka: Point of order—

The Hon. WALT SECORD: I was about to wrap up, but I guess I might extend my contribution.

The Hon. John Ajaka: If the Hon. Walt Secord wishes to make imputations against a member in the other House, he should do so by way of substantive motion. I respectfully submit that it is inappropriate for him to make an imputation against the Minister for Health between each and every one of his sentences.

The CHAIR: Order! The Hon. Walt Secord was about to wrap up?

The Hon. WALT SECORD: Yes.

The CHAIR: Good.

The Hon. WALT SECORD: I thank members who contributed to the debate. On a final note, I express my disappointment that, despite asking repeatedly for briefings in relation to this legislation, there was absolute silence from the Government. I commend the amendments to the Committee.

The CHAIR: The Hon. Walt Secord has moved Opposition amendments Nos 1 and 2 on sheet c2016-085. The question is that the amendments be agreed to.

Amendments negatived.

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

Motion agreed to.

The Hon. SARAH MITCHELL (17:53:0): On behalf of the Hon. John Ajaka: 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. SARAH MITCHELL (17:53:5): On behalf of the Hon. John Ajaka: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SARAH MITCHELL: On behalf of the Hon. John Ajaka: I move:

That this bill be now read a third time.

Motion agreed to.

Rulings

LAW ENFORCEMENT CONDUCT COMMISSION BILL 2016

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Earlier this day before the luncheon adjournment the House received a message from the Legislative Assembly forwarding the Law Enforcement Conduct Commission Bill 2016 for concurrence. I inform the House that there were anomalies in the receipt and subsequent reporting of the message and the accompanying bill. Accordingly, for prudence and an abundance of caution, I again report the message and ask the Minister for Roads, Maritime and Freight to again move the relevant procedural motions for the first reading, printing and subsequent stages of the bill. I report the message from the Legislative Assembly forwarding the Law Enforcement Conduct Commission Bill 2016 for concurrence.

Bills

LAW ENFORCEMENT CONDUCT COMMISSION BILL 2016

First Reading

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

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (17:57): I move:

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

Motion agreed to.

Second Reading

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (17:57): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Law Enforcement Conduct Commission Bill 2016. At the last election the Government made a commitment to review the oversight arrangements for law enforcement agencies in New South Wales. The Government delivered on this promise by commissioning former shadow Attorney General, Mr Andrew Tink, AM, to undertake this review with a view to simplifying and streamlining the current oversight system. The terms of reference for Mr Tink 's review required him to examine and report on any gaps in the current oversight system, the functional overlap between the existing oversight agencies, options for a single oversight agency and a recommended model for police oversight, including guidance on its design, structure and establishment.

Mr Tink consulted widely throughout his review and received a number of detailed written submissions from stakeholders. He also held meetings with a number of stakeholders to further inform his review. Mr Tink provided his final report to the Government on 31 August 2015. The final report of the Tink review is impressively thorough. It contains a very useful historical context on the evolution of police oversight in New South Wales; an in-depth analysis of the current police oversight system, including its strengths and flaws; an examination of oversight systems in other jurisdictions; and, most importantly, a number of comprehensive evidence-based recommendations. The Government accepted Mr Tink's recommendations, and they form the basis of this reform. I take this opportunity to once again thank Mr Tink for his undertaking and for the comprehensive review that he presented to Government.

The NSW Police Force and the New South Wales Crime Commission perform incredibly important roles, and are at the forefront of the fight against crime and the protection of community. However, as these agencies are given significant powers and authority to perform their functions, it is also important that there is an effective oversight system in place. Oversight of the NSW Police Force and Crime Commission is currently undertaken by three different agencies: the Police Integrity Commission, commonly known as PIC, the Ombudsman and the Inspector of the Crime Commission. Although these agencies are meant to have different oversight functions, there are overlapping responsibilities.

The Tink Review of Police Oversight confirmed what the Government has long suspected: The current system is outdated and complex and the overlapping responsibilities between existing oversight agencies cause confusion, inefficiencies and failures. It is simply not necessary to split the oversight arrangements for the NSW Police Force and the New South Wales Crime Commission across three different agencies. This reform is therefore well overdue. The establishment of the Law Enforcement Conduct Commission, which will be known as the LECC, will create a single civilian law enforcement oversight body that will exercise the functions currently undertaken by the PIC, the Ombudsman and the Inspector of the Crime Commission.

The PIC and the Inspector of the Crime Commission will be abolished, and the Ombudsman's jurisdiction as it relates to police will be transferred. To this end, the LECC will be responsible for the oversight of the NSW Police Force and the New South Wales Crime Commission complaint investigations, as well as investigating matters that could amount to serious misconduct or serious maladministration. The Government will support the LECC in the exercise of its functions by transferring to LECC the budget of the abolished Police Integrity Commission, and the budget of the police and compliance branch of the Ombudsman's office. This funding will allow the LECC to proactively recruit a properly trained, skilled and experienced staff to fulfil its oversight responsibilities. The LECC will have the responsibility to monitor a NSW Police Force critical incident investigation in real time. This is a new oversight function that was recommended by the Tink review.

For those who are not aware, a critical incident is essentially an incident involving a police officer that results in the death or serious injury of a person. The bill outlines the circumstances in which a critical incident will be declared. This includes where the death of a person is caused by the discharge of a police officer's firearm, during the application of force by a police officer, or as a result of a police operation. Due to the serious nature of critical incidents, and the need to determine how and why a death or serious injury has occurred during a police operation, it is important that highly skilled and appropriately resourced personnel undertake critical incident investigations. The NSW Police Force has some of the best investigators in the world, particularly the elite Homicide Squad, which currently leads critical incident investigations involving the death of a person. It is therefore appropriate that the NSW Police Force retain responsibility for investigating critical incidents. This was a recommendation from the Tink Review.

However, it is equally important that an investigation into a critical incident be conducted in an impartial, objective and thorough manner. The families of people involved in a critical incident, as well as the general public, rightly expect this. While the Government has full confidence that the NSW Police Force conducts impartial, objective and thorough critical incident investigations, LECC oversight will ensure public confidence in this process is maintained. The LECC will be notified when a critical incident is declared, and will be able to monitor all stages of the investigation. The LECC will be able to attend the scene of a critical incident, view recordings or transcripts of witness interviews and liaise with senior investigators. If any issues with the conduct of a critical incident investigation are identified, the LECC will be able to bring this to the attention of the Commissioner of Police, and, where applicable, the Coroner.

The LECC will be given some extraordinary powers to exercise some of its functions, including the ability to hold hearings and compel people to give evidence, even if that evidence might incriminate the person. It is therefore important that the LECC be held accountable for the use of these powers, as well as for its general conduct. The new position of Inspector of the Law Enforcement Conduct Commission is being created to oversee the operations of the LECC. This position will replace the Inspector of the Police Integrity Commission, which is being abolished. The inspector of the LECC will be responsible for investigating complaints against officers of the LECC, as well as auditing and scrutinising the LECC's operations. The inspector will report directly to Parliament. The inspector will also have responsibility for monitoring the compliance of law enforcement agencies with legislative requirements relating to the use of covert powers, such as telecommunications interception.

The purpose of law enforcement oversight is to prevent, detect and investigate corruption and misconduct by law enforcement officers, and to provide accountability for the exercise of the powers given to police and Crime Commission officers. It is essential in ensuring the integrity of the New South Wales criminal justice system. It is therefore fundamentally important that there are no gaps in the oversight system. It is for this reason that the commencement of the legislation establishing and governing the LECC will be staged. Some provisions of the bill will commence straightaway. This will allow for the Chief Commissioner and commissioners to be appointed as soon as possible. This will also allow the structure and organisation of the LECC to be finalised. Importantly, the provisions providing the LECC with its investigation and oversight powers will not commence until the LECC, as an organisation, is ready to commence operations. The current oversight arrangements will therefore remain in place until this time.

I now turn to the detail of the bill. Part 2 provides the key definitions and concepts that underpin the LECC's jurisdiction. Of particular importance are the definitions in division 2. Division 2 provides for the kinds of misconduct that fall under the LECC's jurisdiction. These are police misconduct, administrative employee misconduct and Crime Commission officer misconduct. Police misconduct relates to a sworn police officer within the meaning of the Police Act 1990. Administrative employee misconduct relates to any employee of the NSW Police Force who is not a sworn police officer. Crime Commission officer misconduct relates to the Commissioner for the Crime Commission, an Assistant Commissioner for the Crime Commission or any other officer of the Crime Commission within the meaning of the Crime Commission Act 2012. Officer misconduct includes conduct that constitutes a criminal offence, corrupt conduct, unlawful conduct or a disciplinary infringement. This division also defines serious misconduct.

In general, the LECC will be able to investigate only misconduct that constitutes serious misconduct. Serious misconduct is conduct that could result in prosecution for a serious offence, which is an offence punishable by five years' imprisonment or more, or a serious disciplinary action, being action that could result in termination of employment or a demotion; a pattern of misconduct or maladministration carried out on more than one occasion or involving more than one officer that is indicative of systemic issues; or corrupt conduct. The LECC will also have jurisdiction over maladministration involving the NSW Police Force, the New South Wales Crime Commission, and individual officers. The LECC will be able to investigate officer maladministration only of a serious nature.

Misconduct matters management guidelines are also provided for in part 2. These are agreements entered into between the LECC, the NSW Police Force and New South Wales Crime Commission that outline how misconduct matters are dealt with by the parties to the agreement, including the types of misconduct matters that should be investigated and when a misconduct matter should be referred to the LECC. Where the content of misconduct matters management guidelines cannot be agreed between the parties, the Chief Commissioner of the LECC may determine the content.

Part 3 of the bill provides for the constitution and management of the LECC. The LECC will be led by a Chief Commissioner, a Commissioner for Integrity and a Commissioner for Oversight. The Chief Commissioner must be a serving or retired judge of a superior court of record within Australia. The Commissioner for Integrity and the Commissioner for Oversight must have special legal qualifications. This means the two commissioners must be Australian lawyers of at least seven years' standing. Part 3 also outlines the decision-making process for the LECC. Clause 19 (2) provides that decisions to investigate or hold an examination must be made with the agreement of the Chief Commissioner and at least one other commissioner. Clause 19 (3) provides that certain decisions, including the decision to hold a public examination, can be made only with the unanimous agreement of all three commissioners.

To ensure the LECC exercises its functions independently of the Government, clause 22 provides that the LECC and the commissioners are not subject to the control or direction of the Minister responsible for administering the LECC Act. Part 4 explains the functions of the LECC, including its functions to detect, to investigate and to expose serious misconduct and serious maladministration, to refer less serious misconduct matters to the NSW Police Force and the Crime Commission for investigation, and to oversee the investigation or handling of those referred misconduct matters. When exercising its functions, the LECC must have regard to the objects of the Act, which are outlined in part 1. In relation to misconduct matters, the LECC must exercise its functions in accordance with any misconduct matters management guidelines. When exercising its education and prevention function, the LECC must comply with relevant information protection principles contained in the Privacy and Personal Information Protection Act 1998, and the Health Privacy Principles contained in the Health Records and Information Privacy Act 2002.

This part also allows the LECC to make findings, form opinions and make recommendations in the exercise of its functions. This includes making a finding that serious misconduct has occurred and recommending the action to be taken. However, the LECC will not be permitted to make a finding that a person is guilty of committing an offence. Where the LECC provides a report to the Commissioner of Police or the Crime Commissioner that contains a finding or opinion, disciplinary action will be able to be commenced based on the LECC's finding or opinion. The Commissioner of Police or Crime Commissioner will not be obliged to undertake a new investigation into the matter before commencing disciplinary action, but may choose to do so.

The functions of the LECC include assembling evidence that may be admissible in the prosecution of a person for a criminal offence and providing that evidence to the Director of Public Prosecutions. This part also establishes the LECC's inspection function. In order to determine whether the NSW Police Force and the New South Wales Crime Commission are complying with relevant legislative requirements, the LECC must inspect the records of both of these agencies at least once every 12 months. The LECC may undertake further inspections at any time. The LECC must also keep under scrutiny the systems established by the NSW Police Force and the New South Wales Crime Commission in relation to misconduct matters.

Part 5 of the bill outlines how complaints or information about misconduct or maladministration are to be dealt with by the LECC, the NSW Police Force, the New South Wales Crime Commission and various other public agencies. Division 1 of part 5 imposes a duty on the principal officer of a public authority to report to the LECC any matter that the officer suspects on reasonable grounds could be misconduct or maladministration. The LECC may issue guidelines that provide that certain matters do not need to be reported.

Division 2 of part 5 outlines the process by which a complaint about misconduct or maladministration may be made. Any person can complain to the LECC about conduct of a police officer, Crime Commission officer or NSW Police Force administrative employee that could be misconduct or maladministration. Likewise, any person can complain to the LECC about conduct of the NSW Police Force or Crime Commission that could constitute agency maladministration. This part does not affect any other rights of a person to complain about the conduct of an officer of one of these agencies. For example, complaints against police officers are able to be made in accordance with the Police Act 1990.

A complaint to the LECC must be in writing. However, the LECC is able to accept complaints that are not in writing if it considers it is appropriate to do so. In this case the complaint will be reduced to writing as soon as practicable. A member of Parliament can also lodge a complaint on behalf of a person as long as the person consents. The bill clarifies that in this situation the member of Parliament does not become a complainant but can be given information about the progress or outcome of the complaint if the LECC considers it to be appropriate. Division 3 of part 5 outlines how a complaint or information about possible misconduct or maladministration must be dealt with. When the LECC receives or becomes aware of a misconduct matter it must provide notice to the agency to which the matter relates. Notice does not have to be given if it is not in the public interest to do so, for example if giving notice to the agency would prejudice a future investigation.

Clause 44 provides for the types of decisions that can be made by the LECC in relation to a misconduct matter, including whether to investigate the matter itself, to refer the matter to the NSW Police Force, the Crime Commission or another agency for investigation, and whether to oversee its investigation by another agency. This clause also requires the LECC to have regard to any misconduct matters management guidelines when deciding how to deal with a matter, but leaves the ultimate decision as to how to act with the LECC. Clauses 45 and 46 provide a list of factors that the LECC may take into account when deciding how a misconduct matter will be dealt with or whether to commence an investigation into conduct that may be serious misconduct or serious maladministration.

Part 6 sets out the LECC's powers of investigation, which, like the Police Integrity Commission [PIC] and the Independent Commission Against Corruption [ICAC], are modelled on the investigative powers of a royal commission. These powers can only be used to investigate the types of misconduct matters set out in clause 51. This includes investigations into conduct that could amount to serious misconduct, serious maladministration or agency maladministration. Part 6 investigation powers can also be used for investigations into conduct of the Commissioner of Police or a Deputy Commissioner, or the Crime Commissioner or an Assistant Crime Commissioner, that could amount to misconduct or maladministration. The threshold of serious misconduct does not need to be met in these cases.

When undertaking an investigation under Part 6 the LECC will be able to hold examinations. An examination can be held in private or in public. The LECC will be able to compel people to appear at an examination held under part 6. A person is not entitled to refuse to appear and give evidence at an examination. As with other investigative bodies exercising royal commission powers, a person is not entitled to refuse to answer any question or produce a document or other thing on the grounds that answering the question or producing the document might incriminate the person. The privilege against self-incrimination is therefore abrogated. However, if a person objects to answering a question on the grounds of self-incrimination, clause 74 imposes restrictions on how this evidence can be used in certain circumstances. Part 14 also permits the commission to impose further restrictions on how examination material can be used.

Part 7 provides the mechanism by which the LECC can oversight a NSW Police Force or Crime Commission investigation of a misconduct matter. In accordance with part 8A of the Police Act as well as any misconduct matters management guidelines issued by the LECC, the NSW Police Force will be responsible for investigating most misconduct matters that relate to police. Oversight can be conducted by requesting reports and reviewing the outcomes of the investigation by the police or the Crime Commission, or, if the LECC is of the opinion that it is in the public interest to do so, the LECC will also be able to more closely monitor a police investigation under clause 101.

When monitoring a police investigation a LECC officer will be able to be present as an observer during any interviews conducted by police officers for the purposes of the investigation, confer with those police officers about the conduct of the investigation, and request the nominated contact for an investigation to provide reports on the progress of the investigation. The LECC will also be able to require the Commissioner of Police to provide specified information to inform the LECC as to whether a misconduct matter is being dealt with adequately by the NSW Police Force. The LECC's authority to oversight an NSW Police Force critical incident investigation is contained in part 8 of the bill. Clause 110 outlines the features of critical incident. In summary, it is an incident involving a police officer that results in the death of or serious injury to a person.

When an incident exhibiting the features outlined in clause 110 occurs, the Commissioner of Police may declare the incident to be a critical incident. It is usual practice for the responsibility of declaring a critical incident to be delegated to a region commander. As soon as a critical incident is declared, the LECC must be informed. The Commissioner of Police or delegate can revoke a critical incident declaration at any time. The LECC must also be informed of this. When undertaking a critical incident investigation, the critical incident team must examine and report on the matters outlined in clause 113, including the lawfulness and reasonableness of the conduct of the police officers involved. This clause also provides that a critical incident investigation should be undertaken in accordance with the NSW Police Force critical incident guidelines as far as is practicable and operationally appropriate.

The critical incident guidelines are not mandatory, however, and a departure from the guidelines does not affect or invalidate a critical incident investigation. After a critical incident has been declared and the LECC has been notified, the LECC may monitor a critical incident investigation if it decides it is in the public interest to do so. Clause 114 outlines the powers the LECC can use when undertaking its monitoring role. This includes being able to attend the scene of a critical incident, having access to recordings or transcripts of witness interviews, being able to observe witness interviews with the consent of the parties involved, and being able to require the senior investigator to provide access to all relevant documents and reports prepared by police in relation to the critical incident.

When undertaking its monitoring role, the Law Enforcement Conduct Commission will not be able to control, direct, supervise or interfere with the carrying out of a critical incident investigation. However, if during the course of an investigation the LECC considers that the factors outlined in clause 113 are not being examined adequately, or that the investigation is not being conducted in a competent, thorough or objective manner, or that any directions issued by the Coroner under section 51 of the Coroner's Act are not being complied with, the LECC will be able to communicate this to the senior investigator, the Commissioner of Police or the Coroner.

Part 9 of the bill establishes the Inspector of the LECC. The inspector will be responsible for auditing the operations of the Law Enforcement Conduct Commission to ensure compliance with the law, investigating the conduct of the LECC and its officers, and assessing the effectiveness and appropriateness of Law Enforcement Conduct Commission policy and procedures relating to the legality and propriety of its operations. The inspector may exercise those functions whether or not a complaint has been made. Clause 124 outlines the powers the inspector has when carrying out his or her functions.

The Inspector of the LECC will also be given responsibility for inspecting the records of relevant agencies in accordance with relevant covert powers legislation, including the Telecommunications (Interception and Access) (New South Wales) Act 1987, Surveillance Devices Act 2007 and Law Enforcement (Controlled Operations) Act 1997. This will include the relevant records of the ICAC. This inspection function is currently undertaken by the Ombudsman. The amendments transferring this function to the Inspector of the LECC are contained in schedule 6 to the bill. Schedule 6 also makes consequential amendments to other pieces of legislation.

Part 13 of the bill provides for the interactions between the LECC and other agencies, including agencies from other jurisdictions. Clause 165 outlines the relationship with the Ombudsman. Conduct of the LECC or an officer of the LECC is not subject to the Ombudsman's jurisdiction under the Ombudsman Act 1974. The only exception to this is if a matter involving the LECC or an officer of the LECC is referred to the Ombudsman by the Inspector of the LECC. Likewise, the Law Enforcement Conduct Commission or officers of the LECC will not be subject to the jurisdiction of the ICAC unless a matter is referred to the ICAC by the Inspector of the Law Enforcement Conduct Commission.

The bill is moving the NSW Police Force from the jurisdiction of the Ombudsman to the Law Enforcement Conduct Commission. Conduct of the NSW Police Force or a member of the New South Wales police will not, therefore, be able to be made the subject of a complaint, inquiry, investigation or other action under the Ombudsman Act. Clause 165 does, however, allow the Law Enforcement Conduct Commission to consent to the Ombudsman dealing with a matter under the Ombudsman Act if the matter falls under parts 3A and 3C of the Ombudsman Act, and the child protection and disability jurisdiction of the Ombudsman as these types of matters often involve multiple agencies.

Part 14 imposes obligations of secrecy and non-disclosure on officers of the LECC as well as other people involved in investigations, examinations and the exercise of other functions of the LECC. Ordinarily, a person, such as a witness, who is required to provide the LECC with information, evidence, a document or other thing is not permitted to disclose this to any other person. However, the bill provides important welfare-related exemptions to the normal non-disclosure provisions. These exemptions allow a person to disclose information that would normally be subject to a non-disclosure provision to a registered medical practitioner or registered psychologist where this disclosure is necessary to receive medical treatment such as psychiatric care, treatment or counselling.

Schedules 1 and 2 to the bill contain provisions relating to the commissioners, assistant commissioners, inspector and assistant inspectors. Schedule 3 contains savings, transitional and other provisions. Schedule 3 will ensure there are no gaps in law enforcement oversight by providing that the LECC can continue to deal with any matter commenced by the Police Integrity Commission, Ombudsman or Inspector of the Crime Commission prior to the Law Enforcement Conduct Commission commencing operations. All records of these agencies will be transferred to the Law Enforcement Conduct Commission. Schedule 3 also confirms that responsibility for completing Operation Prospect will remain with the Ombudsman. With the consent of the Director of Public Prosecutions, the Ombudsman will be able to commence prosecutions for offences arising out of Operation Prospect. The Ombudsman will also be able to exercise certain powers in relation to police, but this will be strictly limited to Operation Prospect. Any new investigations arising out of Operation Prospect will be conducted by the LECC.

Schedule 5 amends the Police Act 1990. While a large number of amendments being made to the Police Act are to replace references to the Police Integrity Commission with the Law Enforcement Conduct Commission, substantial amendments are being made to part 8A. Part 8A provides the legislative framework for complaints management and investigation within the NSW Police Force. Substantial amendments to this part are required in order to give the Law Enforcement Conduct Commission jurisdiction over NSW Police Force complaints and to ensure the Police Act is compatible with the Law Enforcement Conduct Commission legislation.

Schedule 7 contains an important welfare-related reform relating to parties who are compelled to give evidence before the Crime Commission, ICAC, Ombudsman and the Police Integrity Commission. Schedule 7 amends various Acts to provide an automatic exemption to secrecy provisions governing these aforementioned agencies when disclosure of certain information is required to be given to a registered medical practitioner or registered psychologist for the purposes of receiving medical treatment such as psychiatric care, treatment or counselling.

This bill improves law enforcement oversight in New South Wales by removing the unnecessary overlap and duplication between the existing oversight agencies. A single civilian oversight agency will be far more efficient than the current three oversight agencies. The establishment of the Law Enforcement Conduct Commission is yet another example of this Government's commitment to reforming areas that have been neglected in the past. I commend the bill to the House.

The Hon. LYNDA VOLTZ (17:58): The aim of the Law Enforcement Conduct Commission Bill 2016 is to establish the Law Enforcement Conduct Commission [LECC] and set out the regulatory framework for its operation. The primary objectives of the LECC are to enhance oversight and to prevent and investigate serious misconduct and maladministration in the NSW Police Force and the New South Wales Crime Commission. From the outset, I note that the New South Wales Labor Opposition does not oppose the bill. The important roles that the NSW Police Force and the New South Wales Crime Commission play in protecting and safeguarding our community are invaluable. Consequently, it is appropriate that the powers bestowed upon them to carry out their duties, which are quite substantial, are subject to the appropriate oversight.

Presently the NSW Police Force and the Crime Commission are subject to oversight by the Police Integrity Commission [PIC], the Ombudsman and the Inspector of the Crime Commission. It is widely known that the responsibilities and functions of each oversight body were intended to be different. However, a degree of overlap has occurred over the years, resulting in confusion and some redundancy in their operations. his has resulted in the agencies' operations being inefficient and ineffective. As a result, a report was commissioned from and subsequently submitted by Mr Andrew Tink, AM, titled "Review of Police Oversight". Recommendations set out in the report were accepted and consequently became the foundation for the bill before us today.

Upon the inception of this legislation, the Police Integrity Commission [PIC] and the Inspector of the Crime Commission will be abolished and the Law Enforcement Conduct Commission will be established. The existing Ombudsman's jurisdiction will also be absorbed by the LECC. Following the formation of the LECC, three new commissioners will be appointed—the Chief Commissioner, the Commissioner for Integrity and the Commissioner for Oversight. Part 3, proposed section 18 (3) of the bill sets out that the Chief Commissioner must be a current or past judge or justice of a superior court of record within Australia. Part 3, paragraphs (2) and (4) of proposed section 18 prescribe that the Commissioner for Oversight and the Commissioner for Integrity must have special legal qualifications, and their appointment is subject to the concurrence of the Chief Commissioner. In the essence of true independence, part 3, proposed section 22 has set out that the LECC and its commissioners are not subject to the control or direction of the Minister in the exercise of their functions.

Part 4 sets out the functions of the commission, which include the detection, investigation and exposure of conduct that is or could be serious misconduct or serious maladministration relating to members of the NSW Police Force or the Crime Commission. I would note that the term "serious" has been subject to some discussion already in regards to conduct, and that the Opposition has foreshadowed that it will move amendments in regards to that. Further, part 4 also provides that the LECC's role is not solely to monitor and investigate misconduct and maladministration but also to provide education to the NSW Police Force and the Crime Commission about such matters, and to promote initiatives within the organisations that are directed at preventing and eliminating such behaviour.

This legislation aims to encourage the organisations' members to change their views concerning the stigma behind reporting wrongdoing or misconduct within the NSW Police Force and the Crime Commission. It also provides reasonable complaint handling measures to back up the new essence this legislation attempts to enact. At one point or another, for a formal investigation to take place, all complaints must be reported in writing. Part 5 of the bill outlines the complaint handling and reporting process. It is worth noting that any person can lodge a complaint to the LECC about the conduct of a police officer, a NSW Police Force administrative employee or a Crime Commission officer. The agencies themselves may also be reported to the LECC should an individual believe the agency's conduct constitutes maladministration. At its own discretion, the LECC may decide how a complaint is handled, as it may decide to investigate this matter itself or it may be deemed more appropriate to refer the matter to another agency for investigation.

Any recommendations, opinions or findings that are formed by an LECC investigation and reported to the NSW Police Commissioner may be used by the commissioner to take disciplinary action without needing to reinvestigate the circumstances. The decision as to whether or not the matter is reinvestigated is entirely at the discretion of the NSW Police Commissioner. It is worth noting that the LECC cannot make a finding that a person is guilty of committing an offence. Its duty is to report its findings, not to pass the final judgement on a case. The LECC has also been made responsible for compiling evidence that is to be used for the prosecution of a person for a criminal offence.

Part 8 of the bill provides that the LECC will be made responsible for the oversight of critical incident investigations. The guidelines for critical incidents may be issued by the Commissioner of Police and at any time may vary or replace the guidelines set out in part 8. Critical incident investigations occur when an incident takes place involving a police officer that results in the death or serious injury of an individual. The LECC must be notified upon the declaration of an incident as a critical incident or the revocation of an incident as a critical incident as set out in proposed section 112. All critical incident investigations are to occur in real time. However, it has been made abundantly clear that the commission cannot control, supervise, direct or interfere with any investigations. The commission may render advice should it deem any aspect of the observed investigation to be inappropriate. This remains consistent with the LECC's responsibility to assist in the prevention of serious misconduct. Any findings from an LECC investigation may be brought forward to the Commissioner of Police. I foreshadow that the Opposition will move amendments in regards to this section of the Act.

As part of the LECC's new role and responsibilities, part 6, divisions 2 and 3, give the LECC the ability to obtain information, documents and other things as necessary for an investigation. Further, the LECC has been granted the power to hold examinations in the form of a public or private hearing for the purpose of an investigation. Under the proposed legislation, public hearings can be held only should all three commissioners unanimously decide that such a hearing is the in the public's best interest. Again, I foreshadow that the Opposition will move amendments in regards to the decision-making powers of the three commissioners. Part 2 of the legislation has set out the interpretations and key concepts for the bill. This part defines the various terms and scenarios the LECC will be responsible for. One such definition, I would note, is the definition of "police misconduct" as it only relates to a sworn police officer within the definition provided in the Police Act 1990.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! There is too much audible conversation in the Chamber.

The Hon. LYNDA VOLTZ: The definition of "administrative employee misconduct" solely relates to a non-sworn police officer, and the two are not to be confused. In line with giving the LECC enhanced powers to improve oversight, schedule 7 will make amendments to various health Acts to add exceptions and revoke any person's right to secrecy and non-disclosure under those Acts for the purpose of any hearings or investigations by the LECC—this includes any information retained by medical practitioners, psychologist, counsellors and so forth. Given this extraordinary new power, part 9 of the bill establishes an Inspector of the Law Enforcement Conduct Commission who will, once installed by the Governor, oversee the operations of the LECC and the commission's use of its newfound abilities and powers. An assistant inspector may also be appointed by the Government with the concurrence of the inspector. An assistant inspector may, to the extent to which he or she is directed by the inspector, exercise any function of the inspector, and for that purpose is taken to be the inspector.

The inspector will be responsible for ensuring the LECC's compliance with the law and investigating the conduct of the LECC and its officers. Part 9 goes into further detail and sets up the range of functions for the inspector of the commission, its powers and responsibilities and, finally, the inspector's staffing arrangements. The appropriate secrecy and confidentiality obligations have been included in part 14 for LECC officers and others involved in LECC duties. As part of the section, the LECC has the ability to discuss misconduct matters with the Ministers relevant to particular breaches at any given time. Further, the LECC must not disclose the identity of any complainant at any given time, unless the criteria set out in clause 187 have been met.

For the most part, the overarching view of the majority of key stockholders is that this legislation is long overdue and takes the necessary steps to address the prevalent issues of duplication and overlapping responsibilities within the existing oversight agencies. It is accepted that the creation of a single oversight body for the NSW Police Force and the Crime Commission is the right way to go. As I have noted earlier, the Opposition believes that there are some areas in this legislation that require amendment. The Opposition will move those amendments at the Committee stage. This legislation will see the inception of the LECC and address numerous issues that the existing oversight bodies are currently struggling with.

Mr DAVID SHOEBRIDGE (18:08): On behalf of The Greens I indicate our support for the Law Enforcement Conduct Commission Bill 2016. This is one of those moments when I would hope that members of this place could unite around a positive reform. Is this bill perfect? No, it is not. Is it a major step forward? Yes, it absolutely is. The current oversight of police in New South Wales is an unholy mess. Between the Ombudsman, police internal affairs—now called Professional Standards—the Police Integrity Commission, the Coroner's Court and the regular criminal courts, there have been many occasions in recent history when a matter that should have been dealt with in a speedy, competent and capable fashion by a single oversight body instead bounced from A to B to C to D to E.

That is a poor result for the public, who want a very clear and transparent oversight body; it is a poor result for police, who find themselves dragged from pillar to post in giving evidence on multiple occasions; and it is a poor result for the taxpayer, having to foot the bill for multiple oversights. A classic example is the tragic case of Roberto Curti, a young man who died in the course of a police operation where he was subject to some appalling mistreatment—repeatedly tasered, repeatedly capsicum-sprayed, kneed in the back and held to the ground. Undoubtedly he would not have died had that level of absolutely brutal police conduct not been applied to him.

What happened thereafter? There was an Ombudsman's investigation, a police critical incident investigation, a Police Integrity Commission investigation, a coronial investigation and eventually there were criminal proceedings. Individual police, instead of being held to account by a single, well-resourced, competent oversight body, went to each of those tribunals, having to repeat their evidence. At the end of the day, one police officer got a section 10. The costs to New South Wales taxpayers on the legal defence for the police in the coronial and criminal proceedings were northward of $1.2 million—and nothing was achieved out of that oversight review.

The case that highlighted for many people the comprehensive failure of the current police oversight system was the police bugging scandal, which has been around for the better part of two decades. It was the subject of not one but two upper House inquiries, starting with the Select Committee on the Conduct and Progress of the Ombudsman's Inquiry "Operation Prospect", which reported in February 2015, and then there was a follow-up to that. The two upper House inquiries came at the end of more than two decades of gross failure by the current oversight bodies to go to the truth and uncover exactly what happened. I will read the first paragraph of the Chair's foreword to that February 2015 report:

> In 2003, Strike Force Emblems was established in response to allegations that warrants were improperly obtained during Operation Mascot, an investigation into police corruption that commenced in the late 1990's. The warrants authorised a large number of people, mostly police officers, to have their private conversations 'bugged'. This included the controversial 'Bell warrant' containing 114 names. The Emblems investigators believed that false information may have been used to obtain the warrants but their investigation was stonewalled by a lack of co-operation from the NSW Crime Commission. Despite their attempts to uncover the truth, more than a decade later the issues remain unresolved.

What happened after that? Repeated efforts by police to have the matter investigated internally died because the task force was blocked by the Crime Commission. They tried to have it referred to the Police Integrity Commission and the Ombudsman but were constantly stonewalled, with the Ombudsman saying at that time it was not his business. Then, after more than a decade of frustration, some materials found their way onto the public record in 2012 and blew the whole thing open, and everybody realised there had been this unresolved canker at the centre of the NSW Police for more than a decade. Then I raised the matter in budget estimates and the committee majority determined that it could not proceed further in budget estimates.

The Hon. Adam Searle: And don't they wish they hadn't done that!

Mr DAVID SHOEBRIDGE: I note the interjection. It was then referred to the Ombudsman. On 11 October it will be the fourth anniversary—the birthday, if you like—of the review of Operation Prospect by the Ombudsman, and still there is no resolution. The Ombudsman tells us we might get something by the end of this year. If one wanted proof positive that the oversight mechanisms for the police in New South Wales are fundamentally broken, those are the two key case studies: Roberto Curti and Operation Prospect. But the committee that reviewed Operation Prospect did not throw its hands up and say, "It's all terrible." In February 2015 the committee made this important recommendation, recommendation 6:

> That the NSW Government establish a single, well-resourced police oversight body that deals with complaints quickly, fairly and independently.
>
> That the Legislative Council Standing Committee on Law and Justice inquire into and report on the most appropriate structure to achieve this.

It was a landmark and unanimous recommendation from that committee, which had members from every political party: the Australian Labor Party Opposition, The Greens, the Shooters, Fishers and Farmers Party, and the Government. We realised, as would anybody having seen the evidence before us of the comprehensive failures to date, that the system was broken. The best thing that we could do to address that was recommend that we have a single oversight body.

Of course, the Government got wind of that recommendation and I think it was the night before that it rushed out a position paper saying that it too thought that there was something wrong with the police oversight system. It proposed to refer the matter to Andrew Tink, a former New South Wales parliamentarian and former shadow Minister for Police. It asked Andrew Tink to come up with a report for the way forward in fixing the unholy mess that is police oversight in New South Wales. Andrew Tink accepted and delivered his report on 31 August 2015.

Stopping there, for The Greens one of the most fundamental problems with the police oversight system is that the majority of complaints about police—whether raised by police or members of the public—are almost uniformly investigated by police. Police are investigating police, and there is a fundamental conflict of interest when you have police investigating police. Over the past few years this has been a matter of substantial concern to my office. As the New South Wales Greens Justice and Police spokesperson, I have been very concerned to see that we get some reform in this area and deal with the problem of the conflict of police investigating police. I have been to the United Kingdom and spoken with the commissioner who oversees the English police oversight body, and I have been to New Zealand and spoken with His Honour who oversees the New Zealand police oversight commission.

It is fair to say that the idea of police investigating police is a contested issue, because undoubtedly if we want to fix an organisation we need to have the organisation on board, participating in and accepting the recommendations of oversight. We cannot have a completely isolated body that sets itself up in an antagonistic position to the police and expect that body will be able to drive cultural change and fix the cultural, procedural or other problems in a police force. If it is an entirely antagonistic relationship, we will not have the buy-in that is needed from the NSW Police Force. That was very much the message I got when I was in the United Kingdom and New Zealand.

Where do you draw the line? For us, it is pretty clear: We draw the line on critical incidents. There is a very good reason to have the majority of the bread and butter of police complaints initially undertaken by police. Then, if for some reason the oversight body realises it has gone off the rails or there is a further complaint that raises concerns, the oversight body should be able to take over the investigation. When we are talking about critical incidents where somebody has died or been seriously injured in the course of police operations, The Greens believe that that investigation should not be done by police. The idea that a critical incident team can be wholly independent of the NSW Police Force, can stand at arm's length and undertake an utterly impartial investigation, is plainly false. Undoubtedly, those officers do the best they can. I could probably spend the next eight and a half minutes expressing concerns about some critical incident investigation and the bias that I believe was evident. However, by and large, the officers involved do the best they can.

If members want another illustration of just how conflicted those critical incident investigations can be, they cannot go past the investigation into the Lindt siege. Experienced, but in the scheme of things relatively junior officers, undertook an investigation into the NSW Police Force's response to the siege, during which three people died. The first hour after an incident—after someone is killed or a serious injury has occurred—is called the "golden hour". That is when we need independent people on the ground gathering evidence and statements. Of course, the critical incident team began its investigation in that golden hour after the Lindt siege was resolved.

However, it was not able in any meaningful way to interrogate some of the key players. We cannot expect a junior officer to phone the Commissioner of Police and say, "I want to see all of your text messages. I want to know exactly what you did and what directions you gave. I have a note about direct action, and I want to know what you said." A junior officer cannot ask that of a commissioner. If they did, they would remain a junior officer for a long time. Nor could a junior officer phone Deputy Commissioner Burn and say, "I want to know what role you played. You are the head of the police terrorism unit. What did you do and when did you do it?" A junior officer cannot confront such senior officers. It would have been good if someone had said, "Ma'am Burn, I want to see your text messages", because apparently she deleted them.

If someone genuinely independent—not a junior officer, perhaps someone from the Law Enforcement Conduct Commission—had been undertaking the investigation they would not have been concerned about any blowback on their career. They would have been in a position to confront the key players, starting with the Commissioner of Police, then the Deputy Commissioner, and then the head of operations. That person would have been able to obtain statements and copies of their text messages and emails. That did not happen because police officers were investigating police officers, and there was an inevitable conflict of interest.

Of course, the Law Enforcement Conduct Commission should undertake critical incident investigations. If someone has died or been seriously injured, including a police officer who has died or been seriously injured in the course of a police operation, police officers should not undertake the investigation. The flaw in this bill is that it provides that the LECC cannot undertake critical incident investigations; they must be undertaken by police officers. In what is otherwise a substantial step forward, that is a major flaw that will come back to bite this oversight model. It is a fundamental weakness in this bill.

The Bar Association has provided advice on this bill. Like The Greens, it supports the creation of the Law Enforcement Conduct Commission—it is a good step forward. However, it has particular concerns about clause 114, which relates to the LECC's discretion to monitor conduct in a critical incident investigation. In particular, the association is concerned about clause 114 (3) (c), which provides:

> For the purpose of the Commission monitoring a critical incident investigation, a Commissioner or other officer of the Commission authorised in writing by a Commissioner may (subject to section 115) do all or any of the following:
>
> ...
>
> (c) with the consent of the person being interviewed and the senior critical incident investigator, be present as an observer during an interview conducted by police officers for the purposes of the investigation ...

The association quite rightly points out that if the LECC is monitoring a critical incident investigation it is inappropriate to require the consent of the person being interviewed or the senior incident investigator for the commissioner or a LECC officer to be present. That makes no sense; in fact, it further pulls the teeth of the LECC in relation to critical incident investigations. The Greens agree with the Bar Association that the bill should be amended by removing that requirement.

I will briefly touch on the structure of the proposed commission. There will be two wings, one that will largely replicate the work done by the Ombudsman—although hopefully with a significant change in culture. The other will largely replicate the work done by the Police Integrity Commission. Unlike the current system, which has two siloed and sometimes competing bodies, the wings will sit separately within the commission, although there will be a capacity to refer matters backwards and forwards. Each wing will have a deputy commissioner, who will each head up one of the two distinct groups, and they will be overseen by a single commissioner. A number of key decisions that must be made—such as whether a public hearing should be held or an investigation should be carried out—will require the opinion of not one commissioner but at least two commissioners, and sometimes three. That is, the commissioners will act in concert.

That structure addresses some of the deep concerns that have been raised in the community about the power of a single commissioner in standing royal commissions such as the Independent Commission Against Corruption [ICAC]. It would be to defy reality to suggest that this structure is not in part a response to the concerns raised about the ICAC. As far as this particular structure is concerned, the Law Enforcement Conduct Commission's having those checks and balances—having more than one person making some of the key calls—is a good way to ensure that we restore public and police confidence in the structure and, hopefully, the future conduct of this commission. It will not be only one person's opinion that determines whether public hearings are

held or investigations are conducted. It will require at least two, and in certain circumstances three, commissioners to make a unanimous decision to undertake public hearings and the like. That is a sensible structure for the LECC.

I am sure that if, or when, this bill goes in Committee—which I understand will be a few weeks from now—we will discuss the amendments proposed by the Opposition, The Greens and probably the Christian Democratic Party that have been referred to by the Police Association of NSW. We will debate the checks and balances with regard to procedural fairness. That is a worthy debate for us to have, and it is a debate in which all parties should engage, hopefully in a spirit of compromise and principle.

Valid criticisms have been raised about the way in which the Police Integrity Commission has operated. I am not talking about the current commissioner. However, in the past the Police Integrity Commission has not afforded police officers natural justice. In fact, it has abused the concept of natural justice with regard to police officers even when the inspector highlighted that in reports and it refused even to publish them. We have a deficit of trust, and the structure proposed in this bill partly responds to that deficit. I hope that the discussion about those amendments is not based upon the poor practice of the past. We are setting up a new commission and a new structure, and hopefully in the process we will establish a fresh culture. We cannot hamstring that body because of past faults in the work of the Police Integrity Commission. I commend the bill to the House.

The Hon. MICHAEL GALLACHER (18:28): I support the Law Enforcement Conduct Commission Bill 2016. I will not make a lengthy speech. I hope to offer some different insights rather than debate the structure of the Law Enforcement Conduct Commission. It is clear that all sides agree about the structure, so there is no need to examine it in greater depth. However, a couple of issues will be subject to further consideration with regard to procedural fairness and other issues raised by members.

I will put a couple of observations on the record that may assist members not only in relation to this legislation but also in relation to other areas of law enforcement. It may give members a bit of a road map or a guideline for future reform—who knows? I will take this opportunity to speak about the Law Enforcement Conduct Commission Bill 2016. Other members will talk about the importance of structure for the community. Mr David Shoebridge reiterated that the community needs confidence in relation to structure. Before we even talk about the community—and I say this with all sincerity—the first group of people who need to support the legislation and have confidence in how matters involving police are dealt with are the fine men and women of the NSW Police Force. If the police have no confidence in the structure or in the turf war that we have seen taking place for far too long how can anybody else have confidence? This evening a number of references have been made to the turf war that existed between the Police Integrity Commission [PIC] once it took over from the royal commission and the Ombudsman—and to a degree the Coroner.

Mr David Shoebridge: And the Professional Standards Command.

The Hon. MICHAEL GALLACHER: The Professional Standards Command is everybody's whipping boy; that is the problem. It is the group that commences investigations and it is the group that is constantly being subjected to criticism. It is important to put on the record that the overwhelming majority of arrests of police officers in our State, sad as it is, have been made by the Professional Standards Command—not by the Police Integrity Commission or by the Royal Commission into the NSW Police Force, and not as a result of any work done by the Ombudsman. I take offence when suggestions are constantly made that police are not good enough to conduct such investigations.

All the investigators—the PIC or any similar organisation—invariably use second-hand cops as their investigators. The police conducting these investigations are using the most current investigative techniques and have the greatest understanding of police practice, which is constantly evolving and changing. They also have an understanding of the limitations and abilities of the police force to use scientific and other resources to complete these investigations. They have an intimate understanding of the police force and they get it done. It is disgraceful for anyone to suggest that they are somehow part of the conspiracy. It would be disgraceful if we did not stand up for them and say that we have confidence in the NSW Police Force getting the job done.

When someone calls 000 at night he or she does not say, "Can you send down a couple of PIC investigators because I do not know whether the NSW Police Force is up to the job?" or, "Send a couple of investigators from another agency to help us." They do not do that; they call for members of the NSW Police Force to do the job. I again make the observation that about 30 per cent of reportable complaints against members of the NSW Police Force for most serious crimes are made by members of the NSW Police Force. Those who want to kick the cops seem to turn a blind eye to that.

Back in the 1970s and the 1980s that was not the case, but there has been cultural reform in the NSW Police Force and there is now a self-reporting process to enable police to identify, track down and pursue those who are prepared to break the law. The Hon. Dr Peter Phelps and I have discussed the idea of implementing that

process in other areas of New South Wales—by giving people an ability to self-report criminal or cruel practices. We recognise that the current system has failed the NSW Police Force; the NSW Police Force has not failed us, so it is beholden on us to take steps to fix it.

I listened intently, as always, to the contribution of Mr David Shoebridge. He spoke about the tragic incident involving young Laudisio Curti who was tasered and who subsequently died. That incident was subject to thorough investigation. The siege at the Lindt café is the subject of a coronial inquiry. I do not think it is fair for any of us to comment on it based on what we saw in the media, not necessarily looking at the evidence in its entirety. It is a shame that Mr David Shoebridge is not in the Chamber because I would like to reflect on an investigation involving police about which he was quite passionate a number of years ago—that is, Operation Calyx.

Members who were here would remember that in 2009 police were involved in the shooting of young Adam Salter. It was a tragedy. The PIC commenced an investigation into that matter and made quite incredible observations and claims in open hearings about the honesty of police and about what happened in their view rather than what the police said. They took a number of police officers to task: Sergeant Sheree Bissett, Probationary Constable Aaron Abela, Leading Senior Constable Leah Wilson and Senior Constable Emily Metcalfe. For seven years those four officers were subjected to the most vile criticisms by those who were not prepared to believe the police evidence but who rather suggested that the critical incident was a cover-up or a whitewash. They got onto the bandwagon and called for those officers to be criminally charged.

Another such officer was Russell Oxford, the recipient of many awards including the Australian Police Medal. Many members would know him—he is the officer who led the investigation into the murder of six-year-old Kiesha Weippeart, the young girl whose body was found at Shalvey having been murdered by her mother and stepfather. This officer, Russell Oxford, also recently headed up the Roger Rogerson-Glen McNamara investigation into the murder of Jamie Gao. No member of this Chamber—bar one or two—would ever suggest that that officer is not the sort of officer we want in New South Wales, but counsel assisting in Operation Calyx, a fellow by the name of Geoffrey Watson, said that this officer should have been sacked from the NSW Police Force. Have a look at media reports from those days; have a look at the way in which those officers were treated and have a look at the way in which they were torn to pieces. The ABC carried the headline:

> Adam Salter shooting: Holes in police story proves they are lying… These young police gave their evidence following the PIC inquiry which recommended that they be charged and they were subsequently charged. Throughout the PIC investigation these young police officers were torn to pieces. They were put on restricted duties and for seven years they were subjected to criticism that they were part of a cover-up in the shooting of a young man. None of them went off sick; they all turned up for work and they continued to work for seven years. What sort of an inspiration is that? These young police officers were subjected to that treatment, were subsequently charged and went before the District Court, which earlier this year threw out the case. It is shameful that the PIC is not prepared to say that it got it wrong. A court looked at the entirety of the evidence and found in favour of those police officers; the ABC was not the only one. I recognise that Mr David Shoebridge has made some interesting comments in support of police, but in relation to the Salter issue he stated:
>
> > This report is utterly damning of the police involvement in the death of Mr Salter from beginning to end, with findings of perjury, the production of knowingly false reports and grossly misleading police media statements.

Those officers were all cleared. They all continue to do their work and thank God we have them because they are the police we want on the streets of New South Wales representing us when we put up our hands for help. Some members might recall Paul Jacob—another officer who is worth talking about. He too was the subject of a PIC investigation and—surprise, surprise—the PIC called him a liar. For whatever reason, the PIC elected not to send the matter to the Director of Public Prosecutions [DPP] because it was not prepared to test the evidence before the DPP. Instead, it sent a recommendation about Paul Jacob to the Commissioner of Police. In relation to the allegations it stated:

> The Commission is of the opinion that consideration should not be given to the prosecution of Jacob for any criminal offences.
>
> ...
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> However in the opinion of the Commission the actions taken by Jacob, both individually and as a whole, are such that he should not remain a member of the NSW Police Force.

That was about Operation Rani, which involved the disappearance and suspected murder of a young woman from Bathurst some years ago. A few years later, in 2011, the Inspector of the PIC issued a report in which it was said that procedural fairness had been denied to Detective Inspector Jacob and that he had been misrepresented in the evidence of Operation Rani. The PIC said that the commission did not agree with the opinions and recommendations of the inspector, and those comments stay on file and are a part of history. These two sad indictments illustrate where this organisation has gone wrong and why the NSW Police Force no longer has confidence in the Police Integrity Commission.

We are debating important legislation tonight. Apart from the issues we discussed this evening we should also consider the confidence of the cops. Despite the recommendation by Operation Rani that Detective Inspector

Jacob should have been sacked from the NSW Police Force, in 2012 he was awarded the highest honour given to police—the Australian Police Medal—for his investigations into some of this State's worst murders, including the granny killer, John Glover; the kidnapping murder of Sydney heart surgeon Dr Victor Chang; Lauren Huxley's vicious assault in her own home in Northmead; and most members will know that this officer led the investigation into the arrest of Gordon Wood for the murder of Caroline Byrne. He is now head of the serious sex crimes squad in New South Wales even though bureaucrats have said that this officer should not be in the NSW Police Force. Bring on this legislation. Let us fix this mess once and for all.

The Hon. ADAM SEARLE (18:43): I contribute to debate on the Law Enforcement Conduct Commission Bill 2016. As my colleague the Hon. Lynda Voltz outlined, the Labor Opposition does not oppose the legislation. The legislation before the House emerges not originally from the Tink report, as the Minister for Justice and Police in the other place and the Minister in this place would have us believe, but from a Legislative Council Select Committee on the conduct and progress of the Ombudsman's inquiry "Operation Prospect". As Mr David Shoebridge indicated earlier, not one but two upper House inquiries were held in connection with Operation Prospect, which emerged as a result of the unresolved and scandalous bugging of many police officers, journalists and others—a matter that was not dealt with internally. It was not dealt with either by a number of existing oversight bodies.

It was a running sore in the NSW Police Force for two decades. So deep and poisonous was this lack of resolution that it shook the foundations of the senior leadership of the police force in this State in the persons of Deputy Commissioner Nick Kaldas and Deputy Commissioner Cath Burn, which was on full display when they gave evidence to the select committee. It is a matter of record that Mr David Shoebridge, the Hon. Lynda Voltz and I, together with others in this place, served on those committees. It was tragic to see that the conflicting and overlapping responsibilities of different oversight bodies comprehensively failed to deal with this matter and paralysed senior leadership in the police. It seems to me that this lack of resolution is likely to be the reason, if not one of the reasons, that Nick Kaldas chose to depart from his position as Deputy Commissioner of the NSW Police Force.

Mr David Shoebridge: We lost a very good man as a result.

The Hon. ADAM SEARLE: I acknowledge that interjection. We lost a very good man and a very good police officer. The idea of a unified civilian oversight of police emerged from the Select Committee on the conduct and progress of the Ombudsman's inquiry" Operation Prospect". I refer members to the report that was handed down on 25 February 2015, in particular, pages 114 to 119. Those pages show that during the inquiry several participants expressed concerns about the system of oversight of police complaints in this State, including the multiple number of agencies involved in the investigation and oversight of police conduct and the conflict of interest inherent in the system where, of course, police can oversight their own colleagues.

Several participants in the inquiry criticised the existing structural arrangements for police oversight. It was noted, and previous speakers have indicated, that oversight is conducted by the NSW Police Force Professional Standards Command, part of the Ombudsman, the Police Integrity Commission, the Coroner, the Independent Commission Against Corruption [ICAC], and even WorkCover. They all play roles in oversighting the police. The Police Association, representing its members, asserted that conflicting findings by multiple agencies had resulted in a loss of confidence in members of the police force:

> In a system where there are multiple oversight agencies, a matter may be assessed by one or more agencies as not warranting further investigation, only for another agency to launch a full investigation. In such cases, justice is put at risk and important questions are raised about the reasons for the differing decisions and the appropriateness of the decision to investigate where more than one agency declined to do so.

I note that in the 2013 Review of Oversight of Police Critical Incidents, the NSW Police Commissioner had reported that oversight agencies collide in a way that was not intended and, at times, can impede police investigations. In its submission to the select committee inquiry the Police Association noted:

> Dividing the functions, resources, expertise and organisational knowledge across multiple agencies has led to poor investigative practices and fragmentation of best practices and proficiencies. It formed the view that the existing situation involving multiple agencies was no longer fiscally responsible. I will not go through the multiple cost of maintaining and running the Police Integrity Commission, part of the ICAC and the Ombudsman, but it is clear that there is a multiplicity and doubling up of work. The Police Commissioner in that inquiry indicated that, in his view, in matters involving police, allegations of police impropriety or, worse, corruption, a single agency was the best solution. He indicated in his evidence that it might be time to look at something like the Independent Police Complaints Commission that exists in the United Kingdom. This view was endorsed by Deputy Commissioner Kaldas, who said:
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> The framework that we have has sprung up in an ad hoc fashion out of various scandals; it is not a structured, thought-through process, it is simply we have reacted to something and we have said we will need another body to do that and so on. What we have now is a patchwork …

The Police Association called for a one-stop shop so that police officers are not dragged through multiple jurisdictions and subjected to multiple inquiries. The lack of confidence that members of the NSW Police Force have in existing arrangements is an important factor for us to consider. I note the contribution of the Hon. Mike Gallacher who, prior to becoming an elected member of this place, was a serving police officer. He spoke about what he knows.

There are, of course, other considerations. Let us consider the lack of resolution around Strike Force Emblems which has debilitated the NSW Police Force for two decades, and other matters on which other speakers in this debate have touched. There is not just a doubling-up or overlapping of responsibilities, a lack of clarity or a waste of public expenditure; there is also a delay and unclear outcomes which is bad for people who have become victims, whether they are police officers or people who feel that they have been mistreated by the NSW Police Force. The lack of clarity in relation to something as serious as civilian oversight of the NSW Police Force is an important public policy matter.

It is not remarkable that the upper House select committee formed the consensus that there should be a new unified agency to end the multiagency approach that has been confusing, where agencies have the potential to undermine other agencies' findings and, in turn, undermine public confidence. I am referring to public confidence in the oversight of the police, which is vital to public trust, and to a lack of confidence in the NSW Police Force as an institution.

If the community has no faith in the NSW Police Force as an institution that is a real problem for law enforcement because the police cannot do their jobs without the active engagement of the community. It is also problematic when police have to investigate their own, in particular, given the conflict of interest, as the committee noted, between police officers' obligations to their colleagues as well as their obligations to the public. The idea that a single, well-resourced oversight body was far preferable to the current structure is not remarkable, although it is good that all of the political parties represented on that select committee came together in support of all the recommendations, in particular, recommendation 6 which states:

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

The terms "quickly" and "fairly" are important so that we do not have a rerun of the still unresolved Strike Force Emblems matter, and other matters of the kind that could be investigated. It is also important that the body be well resourced—a matter to which I will return in due course. In the preparation of this legislation the Government has been very consultative, which is not what occurred in relation to legislation dealing with crime prevention orders. On behalf of the Opposition I thank the office of the Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing for the early and multiple engagements. I note also that the Government has engaged with the Law Society and the Bar Association as well as with the Police Association over an extended period—certainly a longer period than occurred in relation to other significant legislation that has come before the Parliament. That is good because it acknowledges and recognises the importance of getting this legislation right and making sure there is confidence in the civilian oversight of the NSW Police Force—not just by the Parliament but also by the community.

If that were done in a narrow and partisan way it would be highly problematic. The way in which the Government has gone about engagement on this matter has been good. What we have before us is legislation that seeks to preserve the existing range of conduct about which complaints can be made, and which provides the new body—the Law Enforcement Conduct Commission [LECC]—with most of the existing powers enjoyed by the Ombudsman and the Police Integrity Commission, and their functions to oversight complaints. It includes improvements including a positive obligation on police to report misconduct; provisions requiring the LECC and the NSW Police Force to provide a complainant with the reasons for the decision made on their complaint, including a decision not to conduct an investigation; and provisions that enable the new body to oversight all critical incident investigations. Under existing legislation a critical incident investigation can only be oversighted by the Ombudsman if the incident was the subject of a complaint.

These are significant improvements to the architecture of civilian police oversight. When we are seeking to integrate a number of existing bodies with existing powers, each comes with a history and we cannot always get it right, no matter how long or how thoughtful the consultation has been. I note that the NSW Ombudsman has articulated a number of continuing concerns about the legislation as it is currently configured. Those concerns are certainly shared by the New South Wales Opposition. I will address those concerns shortly but before I get to that I would like to pick up on a point that was raised by the Hon. Mike Gallacher.

The core of this new body will take up the space that was occupied by the Police Integrity Commission. I will not dwell on that for too long. There has been a lot of criticism of that body, and much of that criticism has been accurately levelled. I do not think many tears will be shed over the departure of the Police Integrity

Commission but it is important for us to create a strong and robust institution to replace it—one that has a different culture and that does not repeat the mistakes of the past. We need a new body that will lead to greater public confidence—not only confidence in the body's role as the regulator but also confidence in the NSW Police Force.

One of the concerns that the Ombudsman has about the current legislation is that the new body's own investigative powers would be limited to serious misconduct and serious maladministration in a way that is not only limited but also inferior to the powers currently available to the Ombudsman and the Police Integrity Commission. Importantly, this is inconsistent with the Tink report recommendations 1, 3 and 15. In particular, there is concern about the scope of clause 51 of the bill, which sets out the charter for the Law Enforcement Conduct Commission. I will not go into all the details but there are concerns that the new body will not be able to investigate a broad range of conduct which the Ombudsman can currently investigate, including conduct that is a criminal offence but that is not a serious indictable offence; unlawful conduct that is not an offence or corrupt conduct; police force maladministration that does not meet the threshold of serious maladministration under clause 11; or conduct that the Ombudsman considers should be investigated in the public interest but that does not meet any of the serious thresholds required under clause 51.

One example of this is the investigation into the use of police tasers, followed by a special report to Parliament in October 2012 entitled "How are Taser Weapons used by the NSW Police Force?" The investigation included a comprehensive review of more than 2,000 taser-use incidents and the NSW Police Force systems, policies and procedures, including arrangements for ensuring the proper governance of and accountability for the misuse of the devices. The investigation resulted in 44 recommendations for strengthening police systems, most of which were supported and implemented by the NSW Police Force. The Ombudsman feels it would be unlikely that the new body would be able to commence such an investigation under the legislation that is now before the House. If that is the case, that is a significant problem. It is also problematic that the powers of the new body would conflict with and depart from the Tink report recommendations. If that is a correct analysis, the new body would not have all the functions and powers of the Ombudsman set out in part 8A of the Police Act, or indeed all the powers available to the Police Integrity Commission [PIC] presently.

Concerns also have been articulated about limitations on the ability of the chief commissioner to make operational decisions such that those limitations are in conflict with the Tink report's recommendations 9 and 11. Clause 19 of the legislation sets out the powers available, the manner in which the new body will work and decisions of the commission. It sets out that some powers of the commissioner will be exercisable only if two of three commissioners agree, one of whom must be the chief commissioner. However, there are some functions the commission can exercise only when there is a unanimous decision, in circumstances outlined in clause 19 (3), of all three commissioners. Clause 19 (3) states:

> (a) a decision … to delegate a function of the Commission,
>
> (b) a decision … to hold an examination (or part of an examination) of conduct that is (or could be) serious misconduct in public,
>
> (c) a decision … that there are reasonable grounds to issue a search warrant.

The Ombudsman's concerns are that that could impede the operational effectiveness of the body, and I must say that I share that concern. I understand the need for safeguards and I understand some of the concerns that have been expressed about the conduct of the PIC in the past when ultimately one person made the decision. But that is addressed by the requirement that the core functions of the commission can be exercised only if the chief commissioner and one of the other two commissioners agree. I think that is a sufficient safeguard.

Concerns have been expressed not just by the Ombudsman. A number of bodies have expressed concern that the extreme width of definitions in clauses 9, 10 and 11 relating to misconduct and maladministration may lead to confusion. I think that is probably inherent in the desire to ensure that there is as wide a coverage of operations of the new body as is possible. The Ombudsman also has expressed concerns about the oversight of critical incidents and that the bill, in its current form, is not consistent with Mr Tink's recommendations 43 or 45.

In the time that is available for my speech, I will identify a couple of issues. There is concern that the new body will not have the right to attend interviews as an independent observer but can do so only with the consent not only of the chief critical incident investigator but also of the person who is being investigated. I note that there is no such restriction in the current system. Section 146 of the Police Act allows the Ombudsman to act as an independent observer for monitoring police complaint investigations. The requirement that the person who is the subject of the investigation must consent before the Law Enforcement Conduct Commission can do its work seems to me to be a curious provision. Even when there is no wrongdoing involved, a serving officer on the ground, who is involved in a critical incident and who is faced with this new regulatory body wanting to investigate the matter, would only be human if he or she said, "I don't agree." The provision is unusual and is one that could

seriously impede the commission's functions. The Opposition has other concerns that will be dealt with by way of legislative amendments. I look forward to the Committee stage.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): According to sessional orders proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.

Reverend the Hon. FRED NILE (19:04): The Christian Democratic Party supports the Law Enforcement Conduct Commission Bill 2016. This bill will streamline and simplify the law enforcement oversight regime by establishing a single civilian oversight agency known as the Law Enforcement Conduct Commission [LECC]. The current police oversight regime is outdated and complex, with overlapping responsibilities for current oversight agencies resulting in inefficiencies and failures. I support the Government's commitment to follow through on its election promise to review the police oversight system. The Government appointed a former shadow Attorney General, Mr Andrew Tink, AM, to conduct this review and to report to the Government, which he did in August 2015.

I have known Andrew Tink for many years and found him to be a very thorough and detailed person with great ability, which is evident in the very good report he submitted which has resulted in this bill before the House, probably the largest bill that has been introduced for some time with 164 pages. The bill covers every aspect of law enforcement, conduct and oversight in our State. I have had many meetings with the NSW Police Association which has minor concerns that are more than just tinkering around the edges. The association has drafted some minor amendments to improve the operation of the bill as a result of its experience and the feedback it has received from police officers over the years.

This is following previous oversight bodies such as the Police Integrity Commission, which it was very unhappy with, the Police and Compliance Division of the Ombudsman's Office and the Inspector of the Crime Commission. I have given the draft amendments to the Government and they are being considered. Those minor amendments will produce good results and I hope in due course the Government will see fit to agree to them in the Committee stage. I note that the Deputy Premier, the Hon. Troy Grant, said in congratulating Mr Tink in his second reading speech:

> Mr Tink consulted widely throughout his review and received a number of detailed written submissions from stakeholders. He also held meetings with a number of stakeholders to further inform his review. Mr Tink provided his final report to the Government on 31 August 2015. The final report of the Tink review is impressively thorough. It contains a very useful historical context on the evolution of police oversight in New South Wales; an in-depth analysis of the current police oversight system, including its strengths and flaws; an examination of oversight systems in other jurisdictions; and, most importantly, a number of comprehensive evidence-based recommendations. The Government accepted Mr Tink's recommendations, and they form the basis of this reform.

I also thank Mr Tink for his excellent work in helping the Government's operations in this State. I have always had a deep interest in law and order. Two of my three sons were police officers, each having served for more than 20 years. I have had a lot of discussions with them over the years, sometimes serious and sometimes merely chatting about their roles. They were very happy to have chosen a career in the NSW Police Force. They have both retired and have taken up other duties. One son, David, then became a ranger with the Shoalhaven City Council and now protects the environment and other areas.

The bill provides the structure, functions and powers of the LECC. The bill also amends other legislation to allow the LECC to perform its duties. The LECC's primary responsibilities will be: the investigation of serious misconduct and serious maladministration within the NSW Police Force and the New South Wales Crime Commission—I emphasise the words "serious misconduct" and "serious maladministration"—the oversight of the investigation of complaints by the NSW Police Force and Crime Commission, including complaints about conduct that does not reach the threshold of "serious misconduct" or "serious maladministration"; and, finally, the oversight of the NSW Police Force critical incident investigations. These investigations normally involve a police officer.

The LECC will also be responsible for preventing officer misconduct and maladministration, auditing and keeping under scrutiny the records of the NSW Police Force and Crime Commission to ensure compliance with relevant legislation, and adjudicating appeals relating to the witness protection program. The LECC will be headed by a Chief Commissioner, who will be a serving or retired superior court judge, as well as a Commissioner for Integrity and Commissioner for Oversight. The commissioners will be lawyers of at least seven years standing. I am a member of the Independent Commission Against Corruption [ICAC] oversight committee and we are discussing possible reforms to ICAC, so this proposal for the governance of the LECC is interesting.

To ensure that the powers of the LECC are exercised appropriately, some decisions must be made by at least two commissioners, one of whom must be the Chief Commissioner. These include a decision that a matter reaches the threshold of "serious misconduct" or "serious maladministration"; a decision to hold a private hearing

or attend witness interviews as an observer with the consent of the witness and others; a decision to be given access to transcripts or recordings of witness interviews without unreasonable delay; and requiring a nominated contact to provide access to documents prepared by police for the purposes of the critical incident investigation.

The purpose of LECC monitoring is to ensure that the NSW Police Force conducts critical incident investigations in a competent, thorough and objective manner, and in accordance with the LECC Act. The LECC will not control, direct, supervise or interfere with a critical incident investigation. The LECC will be accountable to the Inspector of the Law Enforcement Conduct Commission. The inspector will be able to investigate the conduct of the LECC or an individual LECC officer. This investigation may be an own motion investigation or it may arise following a complaint against the LECC. The inspector will also audit and keep under scrutiny the records of the LECC and the exercise of the LECC's functions to ensure compliance with legislative requirements. The inspector will obviously report to the Parliament. I know that the Inspector of the Independent Commission Against Corruption has performed a valuable role, and I am sure that it will be helpful to have an Inspector of the LECC.

I have provided to the Government the seven amendments to this bill suggested by the NSW Police Association. The amendments are minor and aimed at improving the legislation. For example, amendment No. 1 is that a commissioner must give a direction if the failure to do so might prejudice a person's safety or the fair trial of a person who has been or may be charged with an offence. These amendments would help the practical working of the bill. We want this bill to work effectively in our State to provide the highest levels of law enforcement and, particularly, the highest levels of conduct by New South Wales police officers. The Christian Democratic Party is pleased to support the bill.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (19:14): In reply: I thank members for their contributions to debate on the Law Enforcement Conduct Commission Bill 2016. Concerns were raised about the involvement of police in critical incident investigations. The Government has concluded that the NSW Police Force is best placed to undertake critical incident investigations, with the Law Enforcement Conduct Commission [LECC] providing monitoring. This reflects the position of the Tink review into police oversight. The Tink review recommended the NSW Police Force retain responsibility for investigating critical incidents because it is the only agency with the specialist investigative skills to undertake this type of investigation and the ability to maintain these skills at a sufficiently high level at a reasonable cost. To replicate all the necessary experience and skills required to investigate homicides in an external agency would be extremely resource intensive. It requires highly skilled and trained investigators, forensic and ballistic analysis capabilities, crime scene support such as vans, lights and forensics and transport to facilitate prompt attendance at scenes across New South Wales.

After closely reviewing organisations in other jurisdictions that conduct external investigations of critical incidents, Mr Tink concluded that, given the number of critical incidents in New South Wales and the size of New South Wales, only the NSW Police Force has the necessary expertise and resources 24 hours a day, seven days a week to investigate a critical incident scene. However, the Government has recognised concerns raised about the need for an independent expert agency with authority to monitor and oversight the NSW Police Force conducting these investigations. The LECC has therefore been given the ability to monitor critical incident investigations. This will ensure that critical incident investigations are undertaken in accordance with the Law Enforcement Conduct Commission Act and conducted in a competent, thorough and objective manner.

The Law Enforcement Conduct Commission Bill 2016 improves law enforcement oversight in New South Wales by removing the unnecessary overlap and duplication between the existing oversight agencies. A single, civilian oversight agency will be far more efficient than the current three oversight agencies. Our law enforcement officers work in a difficult environment that can often involve making split-second, life-or-death decisions. They perform a tremendously challenging job and deserve a fair and just oversight system that maintains the highest standards of integrity. This bill provides the LECC with the powers necessary to ensure that these standards are upheld by police and employees of the New South Wales Crime Commission.

Along with others, I thank Mr Andrew Tink, AM, for undertaking the review of police oversight. His report provided the Government with the necessary guidance to make these reforms possible. Mr Tink, with whom I served in Parliament, and my friend the Hon. Richard Bull will probably go down as two of the best Ministers that New South Wales never had. That is the fair appraisal that many people make of Andrew Tink.

Mr David Shoebridge: He'll be able to write the history of it.

The Hon. DUNCAN GAY: He will be able to write the history. Sadly, his health prevented him from going forward but he has great ability and integrity. It is understood that the amendments have been, or will be, distributed. The Government is open to supporting amendments that will improve the bill. We will adjourn before the Committee stage in order to consider all amendments on their merits. The establishment of the Law

Enforcement Conduct Commission represents the fulfilment of an election commitment to review and reform law enforcement oversight. It is clearly an important reform that deserves the support of all members of this place. I congratulate the Deputy Premier on bringing it forward and I commend the bill to the House.

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

Motion agreed to.

The Hon. DUNCAN GAY: I move:

That consideration of the bill in Committee stand an order of the day for the next sitting day.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DUNCAN GAY: I move:

That this House do now adjourn.

BELUBULA RIVER

The Hon. PENNY SHARPE (19:20): I bring to the attention of the House the Cliefden Caves. The Cliefden Caves area is located on the Belubula River, south-west of the City of Orange in the Central West. The site is unique, containing internationally significant Ordovician fossils, limestone caves, a warm spring, a habitat for threatened bat species and historic cultural sites. The Cliefden Caves limestone was first found by non-Indigenous Australians in 1815 during the explorations of surveyor G. W. Evans. There are more than 100 recorded caves and geological features at Cliefden in pristine condition due to controlled access to the site. Some of the caves are up to three kilometres long and hold important records of past environments in cave sediment deposit. The 45-million-year-old invertebrate fossils at Cliefden have long been recognised as examples of Australia's palaeontological heritage.

More than 60 scientific papers have been published in a variety of peer-reviewed Australian and international journals, documenting 191 genera and 263 species of fossils from these and other sites in the vicinity of Cliefden Caves. Of these fossil species, 45 genera and 101 species are unique to the area that is threatened by flooding. The fossil deposits at Cliefden are used as an international palaeontological reference site. There is a thermal spring on the Belubula River adjacent to the caves. Warm springs such as these are rare in New South Wales—in fact, there are only three documented. It is important to note that in February 2015 WaterNSW proposed a dam at one of two sites at Cranky Rock on the Belubula River.

The Hon. Dr Peter Phelps: Cranky?

The Hon. PENNY SHARPE: Cranky Rock Dam—perfect name. The proposed dams have a capacity of 700 to 1,000 gigalitres. This would raise the level at Needles Gap by up to 50 metres and inundate the caves, fossils and thermal spring at Cliefden. There are serious concerns about the impact of these proposed dams, and they cannot be ignored. The Belubula River is already dammed at a number of locations upstream of Cranky Rock, including at Carcoar Dam, Lake Rowlands and the Cadia Valley mine operations. The Millennium drought saw the Belubula run dry, with the entire Lachlan system running out of water. Native fish and platypus also inhabit the river in the proposed area of inundation, and tributaries to the Belubula are known to have a high diversity of macroinvertebrate species compared with that of other watercourses. The Belubula River is a tributary to the Lachlan River system. The wetlands at the end of the Lachlan River are protected by commitments from the Australian Government under international migratory bird agreements.

This is a very significant site to New South Wales. It is unique in New South Wales and understudied because it is relatively difficult to access. Most of it is on private land. It is a precious scientific resource that we must look after long into the future. I recently asked a series of questions on notice in relation to Cliefden Caves, particularly in relation to the proposals around the dams. I asked what the selection criteria of the companies tendering for the second stage would be, what budget was allocated, what timetable had been set, whether the results of the investigation would be publicly available, what stakeholder engagement would be undertaken and by whom, and what geological expertise would be sought in determining the cost impact of any geological impediments to construction and safe water storage. I also asked about the cost-benefit analysis. The answers, as usual, were probably—

The Hon. Dr Peter Phelps: Excellent.

The Hon. PENNY SHARPE: —not as good as we had hoped. No, never excellent; usually hopeless, more often than not brief in their extreme or, frankly, misleading. However, I am not saying that of this Minister: I did get some answers. As we know, there is an expression of interest process going on at the moment p to $5 million will be spent on this investigation and $5 million in protection of the cave should be endorsed. The proposal is expected to take two years, but it is not guaranteed that the investigations into this matter will be made public. This again goes to the secrecy and lack of transparency of this Government. This unique and valuable site in New South Wales has incredible scientific riches that we need to protect, yet we are not getting any promises around proper and full transparency, and public availability. Tonight I call on the Government to ensure that any cost benefit in relation to this dam, which I do not support, is at least made available to the public. This unique place must be protected.

TRIBUTE TO DOREEN JOYCE COBURN

The Hon. ROBERT BROWN (19:25): Tonight I pay tribute to celebrated and talented Australian painter Doreen Joyce Coburn. Doreen was born to a farming family in Lismore on 28 April 1926 and passed away in Sydney on 30 August 2016 after a wonderful and fortunate life. She has left a lasting legacy that will long outlive the 90 years that Doreen Coburn spent with us. Born Doreen Larsson, she was only 16 when she began studying art at what is now the National Art School. At the age of 21, Doreen married Edward (Ted) Gadsby, chief copy writer at Goldberg Advertising Agency. For this country girl life became a sophisticated mix of socialising with friends in the advertising industry and in the Art Gallery Society. All the while Doreen was working at her own art, which would later become much acclaimed for her expressive use of light and colour.

Family life was also very important to Doreen and Ted. Together they had four children—David, Andrew, Helen and Jane—and all the while Doreen was painting at the same art club as Lloyd Rees and Brett Whiteley. When her beloved elder brother, Bruce, died in 1961, at age 37, Doreen was heartbroken and found she could no longer paint. The great Australian painter Lloyd Rees, who was Doreen's friend and mentor, advised her to leave her easel until the urge returned. Lloyd was right. A few months later she won the Wentworth Art Prize with a landscape she painted at Rushcutters Bay. It may well have been a scene she pictured as she enjoyed another of her passions, fishing, at which she excelled.

With the pressures of the advertising world taking their toll, Doreen and Ted divorced after 22 years of marriage. In the end Doreen was a widow to four husbands, but it is a testimony to her spirit and character that she met these tragedies with her renowned forthright optimism. Doreen's second husband was Tom O'Malley, a Canadian businessman who took her to live in Ottawa where she spent five happy years until Tom was diagnosed with and succumbed to cancer. Heart-broken yet again and grief struck, Doreen accepted an invitation from Canadian lawyer Jim Wells, a long-time friend of Doreen and Tom, to visit his home on Prince Edward Island. Doreen fell in love with the island and bought a house, which she began renovating. Soon enough, she and Jim fell in love and were married. It was a few years later whilst visiting her children in Sydney and buying a Bowral property, which was to be her and Jim's Australian base, that Doreen heard that her third husband had suddenly died of a ruptured ulcer. Doreen was devastated by the loss and once again coped by embracing life with painting, fishing trips and her new passion, bridge.

In April 1990 Doreen met the celebrated artist John Coburn at a dinner party. He courted her for months until Doreen said yes to his marriage proposal. Doreen and John were married in early 1991 and bought a cottage at Pearl Beach, where for many years they both painted prolifically for their exhibitions whilst enjoying the coastal life together. Again, health problems arose and John Coburn passed away on 7 November 2006 from heart problems. Doreen lived a very full life, filled with love, family, parties, happy times and, of course, sketching and painting. Doreen is better known to art collectors by her professional name, Doreen Gadbsy.

Professor Peter Pinson, of the College of Fine Arts at the University of New South Wales, described her work as "gloriously buoyant". He wrote, whatever the ostensible subject "rippling surface of Sydney Harbour or the decayed walls of an ancient villa ... the underlying subject is really Doreen's joyous take on a benign world, a world drenched in light and bathed with optimism." Doreen will be sadly missed by her family and her many dear friends. We have lost a wonderful human being and a great Australian who so richly added to our cultural life. Vale, Doreen.

WESTERN NEW SOUTH WALES EVENTS

The Hon. SARAH MITCHELL (19:29): I will update the House about some of the recent initiatives that have been implemented and announcements that have been made in western New South Wales. Last month I had the honour of representing the Minister for Emergency Services, the Hon. David Elliott, in opening the new Bournewood Rural Fire Brigade station and awarding 29 long service medals. For this special occasion I was joined by Senior Assistant Commissioner Bruce McDonald, Superintendent Paul Whiteley and Andrew Gee, the Federal member for Calare. According to known records, the Bournewood brigade was established as far back as

1927. It was a humble beginning, with the earliest firefighting equipment listed as three 100 gallon water tanks and pumps placed around the district to be fitted to members' private trucks.

Today the station has state-of-the-art fire trucks and firefighting equipment, and its members are part of an incredibly well trained and highly skilled firefighting force. The new station was constructed to accommodate the brigade's two tankers, which were previously housed in farm sheds. The station will also allow for proper storage of equipment and will provide a suitable training and meeting venue. This new station is long overdue, and it was a privilege to attend at such a momentous occasion for the community. Some members of the brigade have been loyal firefighters since the early days. The 29 long service medal recipients have amassed an incredible 1,027 years of experience between them. These volunteers are on call 24 hours a day, seven days a week. That means getting calls throughout the night, working in situations most people would run a mile from, and helping people during times of great distress. I offer my heartfelt thanks and congratulations to the men and women of the Bournewood Rural Fire Brigade on their continued work and steadfast commitment to the community.

Last week I was in Parkes to officially launch the 2017 Elvis Parkes Festival program. The Parkes Elvis Festival is one of regional New South Wales's most popular and unique events. It has grown into one of the world's largest Elvis Presley tribute events. In 2016 the festival attracted more than 13,000 overnight visitors to the region, and those visitors contributed more than $9.3 million to the local economy. The festival is fantastic fun, and I am hopeful that fellow former Young Nationals chairman Dom Hopkinson will once again don the jumpsuit and join other Young Nationals in Parkes next year. I am certainly looking forward to attending.

While in Parkes, I also opened the upgraded access roads to the Mugincoble silo. The upgrade has provided a safer and more accessible entrance to the largest grain collection centre in the greater Parkes catchment. The silos receive almost 175,000 tonnes of grain each year. Funding from the State and Federal governments allows projects such as these to be fast-tracked and safety and productivity benefits to be realised sooner. The silo has been operating at less than its 360,000 tonne capacity partly because of a lack of heavy productivity vehicle access, which has meant a decline in deliveries because growers have used other sites or on-farm storage. Funding obtained through the Fixing Country Roads program has ensured that the silos can now operate more efficiently.

Today I had the pleasure of meeting Amy Flannery from Forbes. Amy is a young artist who has been awarded a $10,000 scholarship as part of a New South Wales Government initiative to provide opportunities for the State's next generation of arts professionals to develop their skills and knowledge. Amy was one of a select group of 10 talented young regional artists awarded scholarships during the current round of the NSW Young Regional Artist Scholarship program. Amy has chosen to use the scholarship to create an intensive dance program at the Broadway Dance Centre in New York City.

The program provides young regional New South Wales artists with an extraordinary opportunity to benefit from expert knowledge, experience and encouragement at the beginning of their careers, which no doubt will help shape their future endeavours. I congratulate Amy and look forward to seeing how her career develops and the works and performances she will produce when she returns to Forbes. Supporting artists in regional New South Wales is a key component of this Government's 10 year policy that guides strategy, investment and partnerships to grow a thriving, globally connected arts and cultural sector.

I attended the Festival of Energy in Dubbo at the beginning of the month on behalf of the Minister for Family and Community Services, the Hon. Brad Hazzard. The festival aims to provide valuable information to consumers about their energy providers. Many people travelled from Sydney, Victoria and South Australia to attend the event to ask providers about how they can reduce their energy bills, and to get tips on how to reduce their energy usage by making simple changes. Sponsors of the event also showed residents how to plan for energy bills in advance and how to manage financial hardship. The Aboriginal Housing Office was involved in organising the event. I understand that it is the first interstate festival that has been organised, and a similar event will be held in Western Sydney later this year. The weather was wet, but it was still a great success. I know that many clients of the Aboriginal Housing Office who attended the festival got a great deal out of it. I congratulate everyone involved in the Festival of Energy in Dubbo.

SHALOM GAMARADA INDIGENOUS RESIDENTIAL SCHOLARSHIP PROGRAM

The Hon. WALT SECORD (19:34): On two occasions in two months, as the shadow Minister for Health and the deputy chair of the Parliamentary Friends of Israel I have had the privilege to be associated with a Jewish organisation, the Shalom Gamarada Indigenous Residential Scholarship Program, which assists Australian Indigenous students to pursue university study, particularly in the field of medicine. The program takes its name from the Hebrew for "peace" and Eora for "friend" or "comrade". It certainly represents a unique friendship between these two New South Wales communities—the Jewish and Aboriginal communities. It provides residential scholarships to Indigenous students at the University of New South Wales' Shalom College, the Jewish residential college.

The program has been successful in its goal to close the gap between Indigenous and non-Indigenous Australians through higher education and by increasing the number of Indigenous professionals, especially in the critical area of Indigenous health. It was co-founded in 2005 by Ms Ilona Lee, AM, and Professor Lisa Jackson-Pulver, AM. The program provides safe accommodation on campus, healthy meals, tutoring and encouragement to assist scholarship holders to stay the course, finish assignments and pass examinations throughout their university career.

The program's first graduate was Dr Beth Kervin in 2009. As of July this year, 27 students had graduated, including 16 doctors. Two more doctors will graduate at the end of the year. That is already 16 more Indigenous doctors who will in turn improve countless lives. Currently, there are 20 Shalom Gamarada Residential Scholarship holders and another 10 Indigenous students living at the college. These 30 Aboriginal and Torres Islander students comprise a quarter of the total college population. They are students primarily studying medicine, but there are also students studying in the fields of business, arts, law and engineering. In total, some 80 students have benefitted from the program in the past 11 years.

In the past five years the program has an outstanding pass rate of more than 90 per cent, which well exceeds that of non-Indigenous university students. It is a testament to what can be achieved when a hunger for knowledge is given simple and careful support. That is something that rings very true with me personally. As members would know, I hail from a different place to this Chamber and I grew up on a native reserve in southern Canada. It is, without doubt, the simple and careful support for my education given by key mentors and figures in my childhood that has shaped the very direction of my life. So it was a personal honour for me to host an event in this Parliament on 24 August to recognise those who have graduated from the program and their benefactors.

The event was attended by the State Aboriginal Affairs Minister, Ms Leslie Williams, and my colleague Labor's shadow Minister for Aboriginal Affairs, Mr David Harris. On that night it was a privilege to meet a range of graduates, young doctors and scientists, as well as the Australian Indigenous Doctors Association. I met Dr Josef Macdonald, who completed his six-year medical degree in December 2011 and graduated with a further Masters of Public Health in 2015. He is also a scholarship trustee, an ambassador for the scholarship program and a doctor in Hunter New England Health. I personally connected with his university experiences. We also heard from Luke Walker, a Wiradjuri man, and Jason Sines, a Bundjalung man, who are two young men training to be doctors. Furthermore, I met Ms Renee Wootton, Australia's only Indigenous aeronautical engineering graduate.

On 12 September I also had the honour of addressing a gathering of students from the college over their regular speaker dinners. Given my personal background and my lifelong connection with the Jewish community, it was one of those occasions where my personal interests in Indigenous matters and Judaism and my public duties as shadow Minister for Health coincided perfectly. I know how education changes lives and I know that the program changes lives. Frankly, I wish such a program had existed when I was at university in Toronto in the 1980s—fresh from my father's Indian reserve. I remember the isolation and lack of emotional support, and I applaud this program that helps bridge the gaps I experienced. Therefore, I am pleased to associate myself with the program. Its extraordinary achievements deserve our acknowledgement, particularly as the program has had no State or Federal government financial support.

In conclusion, I would particularly like to single out the work of Ms Lee, Dr Hilton Immerman, OAM, and Mr David Spears, as well as a number of their financial supporters and groups who have banded together to fund the scholarships. Those groups include Medicines Australia, the Gonski Family Foundation, the Jewish Communal Appeal and the Australian Indigenous Education Foundation. I commend them and thank the House for its attention.

HOSPITAL PUBLIC-PRIVATE PARTNERSHIPS

Mr JEREMY BUCKINGHAM (19:38): The people of New South Wales will not accept the privatisation of their health system. Mark my words: this is a fatal moment for the Baird Government in its tenure. This is the Baird Government's WorkChoices moment, when it puts ideology before the public interest and before the people of New South Wales and what they demand.

The Greens stand with the Opposition and the unions in opposition to this Americanisation and privatisation of our health system. No ifs, no buts, we will fight it and we will stop it. The people of New South Wales do not want it. We saw the Minister for Health sneaking into the other place and in response to a dorothy dixer announcing that the Government is privatising the construction, operation and maintenance of five hospitals. Did the Premier stand with the Minister for Health? No way. Just before the Premier jumps ship, he will sell our hospitals to the highest bidder, his merchant banker mates. We will not cop it. We will not allow it to happen. We are going to stop it. The people of New South Wales, whom we and the Opposition represent, do not want their hospitals privatised. In a recent poll, a whopping 73 per cent said they are very concerned about the creeping

Americanisation of the Australian healthcare system. A further 18.6 per cent said they were somewhat concerned. That is a total of 90 per cent who are concerned. Get the news—they do not want it and they are going to stop it.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The member will direct his comments to the Chair, not to members across the Chamber.

Mr JEREMY BUCKINGHAM: I have not mentioned the members on the other side.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I did not suggest that, but the member will direct this comments to the Chair and not to other members.

Mr JEREMY BUCKINGHAM: Get the news, Mr Deputy President: They do not want it. The Government is on notice that it has made a massive mistake. Just today, the nurses and midwives have decided to make this a key campaign until you are thrown out. That will happen because the Government has made a catastrophic mistake. Public-private partnerships in private hospitals typically are long term. As the Grattan Institute has noted, the South Australian Auditor-General pointed out that they carry democratic risks because the contracts "can extend for periods in excess of the life of a particular parliament and, on the basis of historical experience, the government of the day". The Grattan Institute also noted that former Commonwealth Auditor-General Pat Barrett had raised the issue of accountability in public-private partnerships and suggested:

> Commercialisation and privatisation can strain the thread of accountability between executive government and the elected representatives of the people in parliament.

In the past six months we have seen the importance of accountability. The abysmal accountability and governance at St Vincent's Hospital and in the Central West Local Health District are damning indictments on the regime of public-private partnerships. We saw it with the privatisation of the Port Macquarie Base Hospital. The Auditor-General said that when Port Macquarie Base Hospital [PMBH] was run by a private entity costs were 20 per cent higher than those in similar public hospitals. Performance indicators between the PMBH and public hospitals showed elective surgery waiting times were double the State average and it was the State's worst performing public hospital. It was an absolute disaster.

The Government has not learned from that disaster. It is putting ideology before public interest. It is putting the profit motives of the private sector before public health, which is the bedrock of services that Executive government should provide. Private health insurance is collapsing across the country. The people of New South Wales want a government that puts public interest and the provision of universal health care before the profit motive of the private sector and the shareholders of a public entity. As has been said repeatedly in the polls and by the people, The Greens and Labor, we will stop the Government from privatising New South Wales health. This is the moment the Government signed its own death sentence.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! There have been repeated rulings about members directing their comments through the Chair. When the member says that I will be thrown out, I point out to him that I am in the chair elected by this House. I encourage the member to understand that I take my responsibilities as Deputy President very seriously and I ask the member to treat me with courtesy when I am in the chair.

LOCAL GOVERNMENT ELECTIONS

The Hon. SHAYNE MALLARD (19:44): I take this opportunity to congratulate all the candidates, whether successful or not, across the 78 local government areas who participated in their local council elections on 10 September. At times like this, all members like to indulge in claiming a good outcome for their parties—and I will be no different. I acknowledge all the endorsed Liberal councillors who ran in local government elections across the State. Whilst it is accurate to observe that the Liberal Party did not reach the giddying electoral heights of 2012, it can still be noted that the results are solid and demonstrate that our participation in local government has built a respectable base in local communities. The fact is that the result is an improvement upon the 2008 results, when we were only just putting our toe in the water.

On Sutherland Shire Council the team—led by former mayor Councillor Kent Johns, who is now the Liberal Party State President—were elected to a solid seven of the 15 seats on the council. They included the very talented former mayor, Carmelo Pesce, and fresh talent in Dan Nicholls. This has resulted in a finely balanced Sutherland council that hopefully will be able to work constructively together. I thank the team in Penrith for their hard work over many years, which has been rewarded with five seats on the council. This includes the former deputy mayor, Ross Fowler; East Ward's familiar candidates, Tricia Hitchen, Bernard Bratusa and Mark Davies; and a new face in Joshua Hoole in South Ward.

Whilst Fairfield—in Labor's so-called heartland—is a little uncertain at this moment, it is likely that the Liberal Party will pick up three seats, led by mayoral candidate Joe Mollusso. There is, of course, an Independent

mayor—somewhat of an embarrassment to the Labor Party. In Liverpool I congratulate the mayoral candidate, Tony Hadchiti, who was narrowly defeated by Labor. However, we were still able to pick up four seats on that council, which will see Gus Balloot, Mazhar Hadid, Tina Ayyad and Tony Hadchiti holding the new mayor to account on a finely balanced council.

Further south in Camden a former member of this House, John Ryan, ran on the Liberal ticket. The party secured four spots, but John was not one of them. The team is ably led by former mayor Lara Symkiowiak, who is one of the great success stories of our party in that region. The Liberal team in Campbelltown, led by George Greiss, held three seats in a tough campaign. The Blue Mountains retained four Liberals on the council, including veteran Liberal local government member Kevin Schreiber, who will be a solid representative on the new council.

In Blacktown—which is often considered Labor's heartland—we saw the Liberal Party pick up five seats, with a couple of wards going down to the wire. I congratulate Jaymes Diaz on his election. On Hawkesbury council the party retained four seats, with five members of the new council being Independents. The Australian Labor Party won only two seats and The Greens scored only one seat. Congratulations to the team in Tamworth for fighting the good fight and offering an alternative voice for that important region on council. Keep up the good work. In Cessnock—again, Labor's so-called heartland—the Liberals picked up three seats.

I make special mention of the results in the City of Sydney, which is a council close to my heart. As I have reminded members before, I served on the council between 2000 and 2012 and I ran against veteran Independent Clover Moore for the lord mayoralty on two occasions. Let me take this opportunity to acknowledge and congratulate Clover and her team. Clearly the increased majority for her as Lord Mayor demonstrates that the inner city community identifies with and supports her progressive policy platform. We cannot deny that. I look forward to any opportunities to work with Clover in the coming term.

On the complex matter of the business vote in the City of Sydney, I have observed that, since Frank Sartor was the Independent Lord Mayor of the City of Sydney more than a decade ago, one should not make any assumptions about the loyalty of the business vote. I support reasonable measures that encourage businesses to participate in the council elections when they contribute 85 per cent of the City of Sydney's revenue. It would seem to me, on the evidence, that the laws currently in place are aimed at encouraging that participation. The business role expanded from less than 2,000 in 2012 to more than 20,000 businesses at this election. That will only grow over the coming years, and it should be applauded.

I congratulate Councillor Christine Forster and the Liberal team, which provided a strong alternative voice and challenge to the Clover Moore campaign. The party performed well enough to easily secure two seats on the council, including Craig Chung who will be a great asset on the City of Sydney council. The Greens will not acknowledge their weak performance across metropolitan Sydney, where their vote went backwards. The Greens have gone from two councillors on the City of Sydney between 2008 and 2012 to no councillors elected at this election. In fact, The Greens' vote in the City of Sydney has dropped roughly 50 per cent on what it was in 2008. I congratulate the Liberal Party on the solid results across the State and particularly thank the party secretariat. [*Time expired.*]

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

Motion agreed to.

The House adjourned at 19:50 until Thursday 22 September 2016 at 10:00.