



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 12 October 2016**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Wednesday, 12 October 2016**

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

**The PRESIDENT** read the prayers.

## *Bills*

### **EDUCATION AND TEACHING LEGISLATION AMENDMENT BILL 2016**

### **BUILDING PROFESSIONALS AMENDMENT (INFORMATION) BILL 2016**

#### **First Reading**

**Bills 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) (11:01):** I move:

That standing orders be suspended to allow the passing of the bills through all their 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 bills stand an order of the day for a later hour.

**Motion agreed to.**

**The PRESIDENT:** According to sessional order I shall now call over formal business.

## *Motions*

### **PAN-MACEDONIAN ASSOCIATION OF NEW SOUTH WALES**

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

(1) That this House notes that:

- (a) on Wednesday 5 October 2016, the Pan-Macedonian Association of New South Wales held its annual cocktail party at the Grand Roxy Foundation Centre, Brighton Le Sands;
- (b) the event was part of the thirty-third Dimitria Festival Sydney which is being held during October and November 2016 to highlight the achievements of Hellenism and the Greek people over several thousand years and is named after Saint Dimitrios, the Patron Saint of Thessalonica, Macedonia Greece; and
- (c) those who attended as special guests included:
  - (i) Dr Stavros Kyrimis, Consul-General for Greece in Sydney;
  - (ii) Associate Professor Nick Doumanis of the University of New South Wales, guest speaker;
  - (iii) Mr Branislav Grbic, Deputy Consul of the Republic of Serbia in Sydney;
  - (iv) Mr David Mamyan representing the Consulate General of the Russian Federation in Sydney;
  - (v) the Hon. David Clark, MLC, Parliamentary Secretary for Justice, also representing the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism;
  - (vi) Ms Sophie Cotsis, former member of the Legislative Council representing Mr Luke Foley, MP, Leader of the NSW Opposition;
  - (vii) the Hon. Shaoquette Moselmane, MLC, Opposition Whip, Legislative Council;
  - (viii) Mr Steve Kamper, MP, member for Rockdale;
  - (ix) Mr George Houssos representing the Hon. Courtney Houssos, MLC;
  - (x) Mr Travis Russell representing Mr Bruce Notley-Smith, MP, Member for Coogee;
  - (xi) Dr G. Harinath, Chairman, Multiculturalism NSW Advisory Board;
  - (xii) Mr Harry Danalis, President, Greek Orthodox Community of New South Wales;

- (xiii) Mr Soterios Tsouris, JP, President of the Board of Directors of the Cyprus Community of New South Wales;
  - (xiv) Mrs Kathy Stojanovic, President of the Hellenic Lyceum;
  - (xv) Mr Paul Tsanis, Vice President of the Inter Communities Council of the Greek Orthodox Archdiocese of Australia;
  - (xvi) Mr Jack Passaris, Ethnic Community Council;
  - (xvii) Mr John Kallimanis, President, Grand Lodge of the Australian Hellenic Educational Progressive Association of New South Wales;
  - (xviii) Mr Dramatinos, Kosmos Greek language newspaper;
  - (ixx) Mrs Charoulla Themistocleous, Secretary, Australian Hellenic Educators Association;
  - (xx) Mr Themis Kallos, Executive Producer, SBS Greek Language program;
  - (xxi) Mr Spiros Papastefanou and Ms Litsa Diacovasilis, SBS Greek Language program;
  - (xxii) Mrs Nektaria Elafios, St Ioannis Greek Orthodox Church, Parramatta;
  - (xxiii) Dr Efrosini Deligianni and Ali Haigh, University of New South Wales;
  - (xxiv) Ms Nia Kateris, Chairperson, the Greek Festival of Sydney; and
  - (xxv) representatives of numerous Greek Associations and Brotherhoods.
- (2) That this House:
- (a) congratulates and commends the Pan-Macedonian Association of New South Wales, particularly its President Mr Nick Fassoulas and executive members for hosting and organising the Annual Cocktail Party of the Association in celebration of the thirty-third Dimitria Festival Sydney and for their ongoing work for the Hellenic-Australian community; and
  - (b) extends greetings and best wishes to members of the Pan-Macedonian Association of New South Wales as well as the wider Hellenic community on the occasion of the thirty-third Dimitria Festival Sydney.

**Motion agreed to.**

**SCHOOL NURSES ASSOCIATION OF NSW CONFERENCE**

**The Hon. BRONNIE TAYLOR (11:04):** I move:

- (1) That this House notes that:
- (a) the School Nurses Association of NSW held their conference on Monday 26 September and Tuesday 27 September 2016; and
  - (b) 150 delegates participated in the program, discussing topics including anaphylaxis, mental health, alcohol trauma, concussion and nutrition.
- (2) That this House:
- (a) recognises the important role that health plays in ensuring children can participate in education to their full potential;
  - (b) acknowledges the fabulous work of school nurses employed in schools around New South Wales; and
  - (c) congratulates all those involved in the organisation of the conference, in particular Britta Crozier, President, School Nurses Association of NSW, and Christine Schubert, Secretary, School Nurses Association of NSW.

**Motion agreed to.**

**REPUBLIC OF KOREA NATIONAL FOUNDATION DAY**

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

- (1) That this House notes that:
- (a) on Thursday 29 September 2016, a reception hosted by the Consul-General of the Republic of Korea, Mr Sangsoo Yoon, and his wife, Mrs Heeyoung Shin, to celebrate the National Foundation Day of Korea was held at the Korean Cultural Centre Sydney and attended by members and friends of the Korean-Australian community;
  - (b) the National Foundation Day of the Republic of Korea commemorates the establishment of the Chosen Kingdom in 2333 BC marking the beginning of Korean society and celebrates the culture and achievements of the Korean people; and
  - (c) those who attended as guests included:
    - (i) the Hon. Victor Dominello, MP, Minister for Innovation and Better Regulation, also representing the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism;

- (ii) the Hon. Craig Laundy, MP, Federal member for Reid, Assistant Minister for Industry, Innovation and Science;
  - (iii) Ms Jodi McKay, MP, member for Strathfield, shadow Minister for Transport, Roads, Maritime and Freight;
  - (iv) the Hon. Scott Farlow, MLC;
  - (v) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
  - (vi) Rear Admiral Ian Crawford, AO, AM (Mil), RAN (Rtd), Korean War Veterans Association;
  - (vii) Councillor Stephen Bali, Mayor of Blacktown City Council;
  - (viii) Councillor Gail Giles-Gidney, Mayor of Willoughby City Council;
  - (ix) Mr Allen Treanor, Department of Premier and Cabinet;
  - (x) Ms Susan Calvert, Executive Director-International, Department of Premier and Cabinet;
  - (xi) Ms Marnie Wright, Deputy State Director, Department of Foreign Affairs and Trade;
  - (xii) Ms Elena Kirillova, ACT/New South Wales State Director, Austrade;
  - (xiii) the Hon. Warwick Smith, New South Wales Chairman ANZ;
  - (xiv) Mr Peter Wertheim, AM, Board Member, New South Wales Anti-Discrimination Board;
  - (xv) Dr Eman Sharobeem, National Community Engagement Manager, SBS Radio;
  - (xvi) Dr Ji Young Song, Director and Research Fellow, Lowy Institute;
  - (xvii) Mr Geoffrey Little, the United Nations Association of Australia New South Wales;
  - (xviii) numerous consular and diplomatic representatives; and
  - (xix) leaders and representatives of a number of Korean-Australian community organisations.
- (2) That this House:
- (a) congratulates and extends best wishes to the Republic of Korea and its people and also the Korean-Australian community on the occasion of the commemoration of National Foundation Day of the Republic of Korea; and
  - (b) commends the Korean-Australian community for its ongoing positive contribution to the life of our State.

**Motion agreed to.**

**AUSTRALIA INDIA BUSINESS COUNCIL NSW THIRTIETH ANNIVERSARY**

**The Hon. ERNEST WONG (11:05):** I move:

- (1) That this House congratulates the Australia India Business Council NSW on the poignant celebration of its thirtieth anniversary.
- (2) That this House recognises the strong cultural and historical links between New South Wales and India as a priority market for business and investment.
- (3) That this House acknowledges the ongoing efforts of the Australia India Business Council NSW towards fostering and enabling bilateral trade, commerce and investment between Australia and India, and its role as a key participant and leader in several successful initiatives.
- (4) That this House commends the Australia India Business Council NSW and in particular its newly elected National Chair, Ms Sheba Nandkeolyar, and new Vice-Chair, Mr Jim Varghese, for the outstanding effort in coordinating the Annual Australia India Address, which this year was held on 22 September 2016 at the Hilton Sydney.
- (5) That this House notes that:
  - (a) the 2016 Annual Australia India Address attracted business leaders, government representatives, key stakeholders, signatories and media from Australia and India; and
  - (b) the special guest speaker at the event was Mr Tulsi Tanti, Chairman and Managing Director, Suzlon Energy Limited, who has received multiple awards for his extraordinary achievements in the dissemination of wind energy in India, and for his outstanding contribution in the application of composite materials and development of composite technology by the Solar Energy Society of India.

**Motion agreed to.**

**NATIONAL AMPUTEE AWARENESS WEEK**

**The Hon. NATASHA MACLAREN-JONES (11:06):** I move:

- (1) That this House notes that:
  - (a) National Amputee Awareness Week was held from 4 to 10 October 2016 to raise awareness for amputees and to eliminate the stigmas they may face in the community;



- (b) Limbs 4 Life is the peak body for the almost 200,000 amputees in Australia and provides support to amputees and their families;
  - (c) Limbs 4 Life was co-founded by Melissa Noonan and Jacinta Dyson to provide information, programs and services to assist amputees, their families, their care givers and health care professionals;
  - (d) programs offered by Limbs 4 Life include one-on-one peer support, health and wellbeing education, rehabilitation and social inclusion events; and
  - (e) Limbs 4 Life works to increase public awareness of amputation and holds public forums to educate the community about the prevention of limb loss.
- (2) That this House congratulates and commends Limbs 4 Life for its continued dedication to the needs and interests of amputees, their families and supporters.

**Motion agreed to.**

**SYDNEY LEGACY NINETIETH ANNIVERSARY**

**The Hon. GREG DONNELLY (11:06):** I move:

- (1) That this House notes that:
- (a) Sydney Legacy was founded in 1926;
  - (b) as a charity, Sydney Legacy provides services to dependents of veterans who gave their lives or health serving their country; and
  - (c) Sydney Legacy currently cares for approximately 13,000 widows and 600 dependents of the 90,000 widows and 1,900 children and disabled dependents throughout Australia.
- (2) That this House notes that:
- (a) on Sunday 28 August 2016, the Annual Ecumenical Church Service to mark the opening of Legacy's Week of Remembrance was celebrated at the Scots Church, Margaret Street, Sydney; and
  - (b) special guests who attended the service included:
    - (i) the Hon. Greg Donnelly, MLC, representing the Leader of the Opposition, the Hon. Luke Foley, MP;
    - (ii) the Hon. Natasha Maclaren-Jones, MLC, representing the Hon. David Elliott, MP, Minister for Veterans Affairs;
    - (iii) Mr Paul Legatee, President, Sydney Legacy;
    - (iv) Mrs Meg Green, President, War Widows Guild Australia;
    - (v) Mrs Rhondda Vanzella, President, War Widows Guild New South Wales; and
    - (vi) Mrs Neroli Lane, President, Womens Auxiliary.
- (3) That this House acknowledges and congratulates Sydney Legacy on its ninetieth anniversary and expresses its hope that it will continue to prosper and thrive in the years ahead.

**Motion agreed to.**

**RESTAURANT AND CATERING INDUSTRY AWARDS**

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

- (1) That this House notes that:
- (a) on Monday 12 September 2016 the "Savour Australia Restaurant and Catering HOSTPLUS Awards for Excellence in New South Wales" were held at a gala dinner at Luna Park hosted by the Restaurant and Catering Industry Association of Australia and attended by over 1,000 participants in the restaurant and catering industry in New South Wales; and
  - (b) those who attended as guests included:
    - (i) the Hon. John Barilaro, MP, Minister for Regional Development, Minister for Skills and Minister for Small Business;
    - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Deputy Premier, the Hon. Troy Grant, MP, Minister for Justice and Police, Minister for the Arts and Minister for Racing, and Mrs Marisa Clarke;
    - (iii) the Hon. Shayne Mallard, MLC;
    - (iv) Mr Mark Scanlan, New South Wales Chairman of the Restaurant and Catering Industry Association of Australia;
    - (v) Mr John Hart, Chief Executive Officer of the Restaurant and Catering Industry Association of Australia; and

- (vi) Mr John Black, Managing Director of TAFE NSW.
- (2) That this House notes that those who received the Award for Excellence as winner in their specific industry category comprised:
- (a) Sydney Metropolitan Restaurant Awards:
- (i) Category: Asian Restaurant—China Doll, Woolloomooloo;
  - (ii) Category: Beer Cafe/Wine Bar—GPO Cheese and Wine Room, Sydney;
  - (iii) Category: Breakfast Restaurant—Kazbah, Balmain;
  - (iv) Category: Burger Bar—Ribs and Burgers, The Rocks;
  - (v) Category: Cafe Restaurant—Little Jean, Double Bay;
  - (vi) Category: Chinese Restaurant—The Eight Restaurant, Haymarket;
  - (vii) Category: Coffee Shop/Tea House—Nadia's Cafe, Blacktown;
  - (viii) Category: Contemporary Australian Restaurant [Formal]—Sails on Lavender Bay, McMahon's Point;
  - (ix) Category: Contemporary Australian Restaurant [Informal]—Botanic Gardens Restaurant, Sydney;
  - (x) Category: European Restaurant—Cafe Ananas, Sydney;
  - (xi) Category: Family Dining Restaurant—Greenfield Station Bistro—Bankstown Sports Club, Bankstown;
  - (xii) Category: Fine Dining Restaurant—Quay, The Rocks;
  - (xiii) Category: Greek Restaurant—Alpha Restaurant, Sydney;
  - (xiv) Category: Indian/Sub-Continent Restaurant—AKI's Restaurant, Woolloomooloo;
  - (xv) Category: Italian Restaurant [Formal]—Ormezzio at the Spit, Mosman;
  - (xvi) Category: Italian Restaurant [Informal]—Popolo Sydney, Rushcutters Bay;
  - (xvii) Category: Japanese Restaurant—Toko, Surry Hills;
  - (xviii) Category: New Restaurant—Anason, Sydney;
  - (xix) Category: People, Produce, Place Tourism Restaurant—Bennelong, Sydney;
  - (xx) Category: Pizza Restaurant—Arte Bianca, Double Bay;
  - (xxi) Category: Restaurant In A Casino/Pub/Club—The Smoking Goat—Dedes at the Point, Abbotsford;
  - (xxii) Category: Restaurant In A Hotel/Motel/Resort—ABODE Bistro Bar—ParkRoyal Darling Harbour, Sydney;
  - (xxiii) Category: Seafood Restaurant [Formal]—Flying Fish, Pyrmont;
  - (xxiv) Category: Seafood Restaurant [Informal]—Sealevel Restaurant, Cronulla;
  - (xxv) Category: Specialty Restaurant—Efendy, Balmain;
  - (xxvi) Category: Steak Restaurant [Formal]—Prime Restaurant, Sydney;
  - (xxvii) Category: Steak Restaurant [Informal]—The Meat and Wine Co, Circular Quay;
  - (xxviii) Category: Sushi Bar—Raw Bar, Bondi Beach; and
  - (xxix) Category: Tapas Restaurant—Subsolo, Sydney.
- (b) New South Wales Regional Restaurant Awards:
- (i) Category: Asian Restaurant—O Sushi, Byron Bay;
  - (ii) Category: Beer Cafe/Wine Bar—Grain Store Newcastle, Newcastle East;
  - (iii) Category: Breakfast Restaurant, Northern/New England—Bent on Food; Wingham, Southern NSW—Mr. Benedict, Albury, Hunter/Central Coast—Nice at Nelson Bay, Nelson Bay
  - (iv) Category: Cafe Restaurant, Northern/New England—Bent on Food, Wingham; Southern NSW—Mr. Benedict, Albury, Hunter/Central Coast—Table 1 Espresso, Merewether;
  - (v) Category: Chinese Restaurant—Marigold Inn Restaurant, Tamworth;
  - (vi) Category: Contemporary Australian Restaurant [Formal]—Eschalot Restaurant, Berrima;
  - (vii) Category: Contemporary Australian Restaurant [Informal]—SOUTH on Albany, Berry;
  - (viii) Category: European Restaurant—L'isle de France Sur Mer, Terrigal;

- (ix) Category: Family Dining Restaurant—Merimbula Aquarium and Wharf Restaurant, Merimbula;
- (x) Category: Fine Dining Restaurant—Hobarts by Lesley Taylor, New Lambton;
- (xi) Category: Indian/Sub-Continent Restaurant—Indian Tandoori Restaurant, Albury;
- (xii) Category: Italian Restaurant—Enzo Italian Restaurant, Camden;
- (xiii) Category: New Restaurant—Canon Food Bar Espresso, Warners Bay;
- (xiv) Category: People, Produce, Place Tourism Restaurant—Cupitt's Kitchen—Cupitt's Winery, Ulladulla;
- (xv) Category: Pizza Restaurant—Sam's Pizzeria, Batemans Bay;
- (xvi) Category: Restaurant In a Hotel/Motel/Resort—Restaurant Botanica—Spicers Retreat, Pokolbin;
- (xvii) Category: Restaurant In A Pub/Club/Tavern—Harrigan's Irish Pub, Harrington;
- (xviii) Category: Restaurant In A Winery—Cupitt's Kitchen—Cupitt's Winery, Ulladulla;
- (xix) Category: Seafood Restaurant [Formal]—The Cowrie Restaurant, Terrigal;
- (xx) Category: Seafood Restaurant [Informal]—Lure, New Lambton;
- (xxi) Category: Specialty Restaurant—Taco Bill, Albury;
- (xxii) Category: Steak Restaurant—The Cottage, Scone; and
- (xxiii) Category: Thai Restaurant—LEAF in Berry, Berry.
- (c) Sydney Metropolitan Catering Awards:
  - (i) Category: Boardroom Caterer—The Caterer—A Sydney Company, Mascot;
  - (ii) Category: Corporate Caterer—Commonwealth Bank of Australia, Sydney;
  - (iii) Category: Events Cater—Australian Turf Club, Rosehill;
  - (iv) Category: Function/Convention Centre Caterer—Doltone House—Jones Bay Wharf, Pyrmont;
  - (v) Category: Industrial/Institutional Caterer—Lansdowne Gardens, Neutral Bay;
  - (vi) Category: New Caterer—Catering Project, Sydney;
  - (vii) Category: Restaurant Caterer—Sails on Lavender Bay, McMahons Point;
  - (viii) Category: Site-Contract Caterer—Eurest—Novartis Pharmaceuticals, North Ryde;
  - (ix) Category: Small Caterer—Juju, Annandale;
  - (x) Category: Venue Caterer—Blond Catering—Brickworks Design Studio, Sydney; and
  - (xi) Category: Wedding Caterer—Deckhouse, Woolwich.
- (d) New South Wales Regional Catering Awards:
  - (i) Category: Function/Convention Centre Caterer—Club Taree, Taree;
  - (ii) Category: Restaurant Caterer—Circa 1876, Pokolbin;
  - (iii) Category: Site and Industrial Caterer—Chartwells—UNE Armidale, Armidale; and
  - (iv) Category: Wedding Caterer—Estate Tuscany, Pokolbin.
- (e) Hospitality Awards:
  - (i) Category: Product Supplier—Comcater;
- (f) Consumer Vote Award:
  - (i) Southern New South Wales—Kohli's Indian, Nowra;
  - (ii) Northern New South Wales—Table 1 Espresso, Merewether;
  - (iii) Sydney Metropolitan—Fish Cafe, Balgowlah;
  - (iv) Category: Lifetime Achiever—Neil Slater;
  - (v) Category: Hall of Fame—Serge Dansereau; and
  - (vi) Category: Restaurateur of The Year—Steve Anastasiou.
- (g) Caterer of the Year:
  - (i) New South Wales Regional—Estate Tuscany, Pokolbin; and
  - (ii) Sydney Metropolitan—Blond Catering—Brickworks Design Studio, Sydney.
- (h) Cafe of the Year:

- (i) NSW Regional—Bent on Food, Wingham; and
  - (ii) Sydney Metropolitan—Little Jean, Double Bay.
- (i) Restaurant of the Year:
  - (i) NSW Regional—Hobarts by Lesley Taylor, New Lambton; and
  - (ii) Sydney Metropolitan—Quay, The Rocks.
- (3) That this House notes that those who received an Honourable Mention in their specific industry category comprised:
  - (a) Sydney Metropolitan Restaurant Awards:
    - (i) Category: Small Bar—Atrium Bar, Bankstown;
  - (b) New South Wales Regional Catering Awards:
    - (i) Category: Events Caterer—Bonville Golf Resort, Bonville; and
    - (ii) Category: Small Caterer—The D'Vine Group, Somersby.
  - (c) Hospitality Awards:
    - (i) Category: George Mure Professional Development Award—The Star, Sydney.
- (4) That this House notes that the Restaurant and Catering Industry Association of Australia, which represents 35,000 restaurants, cafes and catering businesses, has a commitment to ensuring that Australia's restaurant and catering industry's reputation is of world class excellence and the Annual New South Wales Awards for Excellence Gala Dinner assists in achieving this.
- (5) That this House congratulates and commends:
  - (a) the Restaurant and Catering Industry Association of Australia particularly its Chairman Mr Mark Scanlan, chief executive officer Mr John Hart and the association's board of management for their encouragement and assistance to our nation's restaurant and catering industry; and
  - (b) the 2016 Award recipients at the Association's Gala Presentation Dinner held on Monday 12 September 2016.

**Motion agreed to.**

**GREEK-SERBIAN ORTHODOX AND CULTURAL FRIENDSHIP DAY**

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

- (1) That this House notes that:
  - (a) on Sunday 25 September 2016, the twenty-third annual Greek-Serbian Orthodox and Cultural Friendship Day was held at the Saint Archdeacon Stephen Serbian Orthodox Church, Plumpton, to celebrate the friendship between the two communities and their shared cultural and Orthodox Christian religious traditions;
  - (b) the annual Greek-Serbian Orthodox and Cultural Friendship Day was jointly conceived and initiated in 1992 by Mr Dimitrios Kametoupoulos from the Greek community and Mrs Ljubica Ridley from the Serbian community and has continued to be organised by them each year to the present time;
  - (c) this year's Friendship Day, attended by more than 1,000 members of both the Greek and Serbian communities, opened with a joint community religious service officiated by Reverend Father Srboljub of the Serbian Orthodox Church, and was followed by a day of cultural and festive activities including performances from 21 Greek and Serbian dance groups; and
  - (d) those who attended as special guests included:
    - (i) Mr Branislav Grbic, Deputy Consul for Serbia, representing Dr Branko Radosevic Consul-General for Serbia in Sydney;
    - (ii) Mr Peter Soules, representing Dr Stavros Kyrimis, Consul-General for Greece in Sydney;
    - (iii) Mr Yuri Kovalenko, Consul, Russian Federation in Sydney;
    - (iv) Ms Mary Alimbakis-Tatara, Pan-Macedonian Association of NSW;
    - (v) Mrs Charoulla Themistocleous, Secretary, Australian Hellenic Educators Association of NSW, Queensland and ACT;
    - (vi) Mr Ilija Glisic, President, Serbian Orthodox Church School Community and Parish of Saint Archdeacon Stephen Plumpton; and
    - (vii) representatives of numerous other Greek and Serbian religious and community organisations.
- (2) That this House:
  - (a) congratulates and commends Mr Dimitrios Kametoupoulos and Mrs Ljubica Ridley for initiating in 1992 the Greek-Serbian Orthodox and Cultural Friendship Day and for organising its celebration each year since then to the present time thus making it an annual event in the cultural life of Sydney; and

- (b) extends greetings and best wishes to the Greek and Serbian communities and commends them for their fine example of inter-community cultural and religious friendship and harmony and ongoing contribution to the cultural and religious harmony and heritage of the State of New South Wales as exemplified in the Annual Greek-Serbian Orthodox and Cultural Friendship Day.

**Motion agreed to.**

**MACEDONIAN ORTHODOX CHURCH CORNERSTONE LAYING CEREMONY**

**The Hon. DAVID CLARKE (11:08):** I move:

- (1) That this House notes that:
  - (a) on Saturday 20 August 2016, Bishop Petar of the Macedonian Orthodox Diocese of Australia and New Zealand conducted the cornerstone laying ceremony for the construction of the new St Mary's Church Atkinson Street Liverpool, attended by several hundred members and friends of the Macedonian Orthodox community;
  - (b) Bishop Petar was assisted in the cornerstone laying ceremony by Reverend Father Dimce Voinovski and Reverend Father Mitrev, Parish Priests of St Mary's Macedonian Orthodox Church Liverpool; and
  - (c) those who attended as invited guests included:
    - (i) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (ii) Mr Paul Lynch, MP, Member for Liverpool, shadow Attorney General;
    - (iii) Mr Craig Kelly, MP, Federal member for Hughes;
    - (iv) Ms Anne Stanley, MP, Federal member for Werriwa;
    - (v) Councillor Peter Ristevski, Liverpool City Council, community advisor to the Macedonian Orthodox Church in Australia and master of ceremonies for the event;
    - (vi) Councillor Peter Harle, Liverpool City Council;
    - (vii) Councillor Geoff Shelton, Liverpool City Council;
    - (viii) Councillor Wendy Waller, Liverpool City Council;
    - (ix) Professor Frank Zumbo;
    - (x) representatives and leaders of various Macedonian Orthodox community organisations.
- (2) That this House:
  - (a) congratulates the Macedonian Orthodox Church and community on the occasion of the cornerstone laying ceremony for the construction of the new St Mary's Church Liverpool; and
  - (b) extends greetings and best wishes to the Macedonian Orthodox Church and community for their ongoing contribution to the religious and community life of the State of New South Wales.

**Motion agreed to.**

**AGED CARE**

**Ms JAN BARHAM (11:08):** I move:

- (1) That this House notes that:
  - (a) as at 30 June 2015, there were 61,267 recipients of residential aged care in New South Wales;
  - (b) as at 30 June 2015, the average level of Australian Government subsidy for a permanent residential aged care recipient was \$60,200 per annum; and
  - (c) for-profit providers have acquired a larger stake of residential aged care beds over the past 10 years, with for-profit providers operating 33.4 per cent of residential aged care places in New South Wales as at 30 June 2015, compared with 29.3 per cent in 2004-05.
- (2) That this House notes that according to the Australian Government's Aged Care Financing Authority's [ACFA] report entitled "Fourth report on the Funding and Financing of the Aged Care Sector", published in July 2016:
  - (a) average profits of residential aged care providers rose to \$10,222 per resident per annum in 2014-15, a figure which is up from \$9,224 the year before, and \$8,660 in 2012-13;
  - (b) in 2014-15 not-for-profit providers earned average profits of \$9,318 per resident per annum, an increase from \$7,680 per resident per annum in the previous year, while for-profit providers recorded average profits of \$12,945 per resident per annum, a slight decrease from average profits of \$13,504 per resident per annum in the previous year;
  - (c) the removal of the high-care/low-care distinction after 30 June 2014 means that the breakdown of profits by a facility's care type was not reported for 2014-15, but ACFA's previous report shows that high-care facilities had been the most profitable, earning an average of \$9,907 per resident per annum in 2013-14, compared with mixed care providers recording average profits of \$5,455 per resident per annum; and

- (d) the top 25 per cent of providers recorded earnings before interest, taxes, depreciation and amortisation of \$23,687 per resident per annum, an increase of 8.2 per cent from \$21,889 per resident per annum in the previous year.

**Motion agreed to.**

**REPUBLIC OF CYPRUS FIFTY-SIXTH ANNIVERSARY OF INDEPENDENCE**

**The Hon. DAVID CLARKE (11:09):** I move:

- (1) That this House notes that:
- (a) on Sunday 2 October 2016, at the Cyprus Community Club Stanmore, the President, Mr Soterios Tsouris, JP, and the Board of Directors of the Cyprus Community of New South Wales hosted a celebratory function to commemorate the fifty-sixth anniversary of the Independence of the Republic of Cyprus attended by members and friends of the Cypriot-Australian community; and
  - (b) those who attended as invited guests included:
    - (i) Dr Stavros Kyrimis, Consul-General for Greece in Sydney;
    - (ii) Dr Panayiotis Diamadis, Vice-President, Australian Institute for Holocaust and Genocide Studies;
    - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (iv) Mr Panikos Achilleos, President of the Cyprus Hellene Club;
    - (v) Mr John Kallimanis, President of the Grand Lodge of the Australian Hellenic Educational Progressive Association of NSW;
    - (vi) representatives of numerous Cypriot-Australian and Hellenic community organisations.
- (2) That this House:
- (a) congratulates the Cyprus Community of NSW, particularly its President Mr Soterios Tsouris, JP, and Board of Directors for organising the successful function held on 2 October 2016 in celebration of the fifty-sixth anniversary of the Independence of the Republic of Cyprus; and
  - (b) extends congratulations and best wishes to the Cypriot-Australian community on the occasion of the fifty-sixth anniversary of the Independence of the Republic of Cyprus.
- (3) That this House commends the Cypriot-Australian community for its ongoing contribution to the cultural life and advancement of the State of New South Wales.

**Motion agreed to.**

*Documents*

**UNPROCLAIMED LEGISLATION**

**The Hon. NIALL BLAIR:** According to standing order, I table a list of all legislation not proclaimed 90 calendar days after assent as at 11 October 2016, copies of which are available on request from the Clerks.

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**Mr DAVID SHOEBRIDGE:** I move:

That Business of the House Notice of Motion No. 1 standing in my name be postponed until a future day.

*Motions*

**SITTING DAYS 2017**

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

- (1) That, unless otherwise ordered, the days of meeting of the House in 2017 be as follows:
- Budget sittings:
- February 21, 22, 23
  - March 7, 8, 9, 28, 29, 30
  - April 4, 5, 6
  - May 2, 3, 4, 9, 10, 11, 23, 24, 25, 30, 31
  - June 1, 20, 21, 22
- Spring sittings:
- August 8, 9, 10,
  - September 12, 13, 14, 19, 20, 21
  - October 10, 11, 12, 17, 18, 19
  - November 14, 15, 16, 21, 22, 23 [reserve days 28, 29, 30].
- (2) That, unless otherwise ordered, the initial hearings by General Purpose Standing Committees in the inquiry into the budget estimates and related papers for 2017-18 take place during the week commencing 28 August 2017, and supplementary budget estimates hearings take place during the week commencing 2 October 2017.

**Motion agreed to.**

*Bills*

**HOUSING LEGISLATION AMENDMENT 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) (11:22:55):** I move:

That this bill be now read a second time.

I am very pleased to bring before the House the Housing Legislation Amendment Bill 2016. The State's social housing system is a vital service for those in our communities who are vulnerable or disadvantaged and who cannot participate in the private market. Unfortunately, demand is expected to only increase with our ageing society and pressure for affordable housing in major cities. In Sydney, where the population is projected to increase from 4.7 million to between 8 million and 8.9 million in 2061, this is especially concerning. With so many who need and who are expected to need social housing, we have to make strategic decisions about how we use and grow our social housing stock.

Other important considerations about how we best support the people who live in social housing are the support and tools we provide to help them improve their circumstances. Providing a home is the first step, but our responsibilities do not end there. That is why I am so proud that the Baird-Grant Government is taking up the challenge of reforming the social housing system to secure it for the future. We are also focusing on ensuring that those who need social housing get the support they need up-front, with a view to hopefully gaining independence one day. The current social housing system in New South Wales reflects the needs of society following World War II when public housing was, by and large, for working families with low incomes.

In the 1950s, 73 per cent of people living in social housing were couples with children. But the main clients of social housing in New South Wales have changed over time. Today, the social housing system supports a very different demographic. It is a safety net for the most vulnerable in the community, including the elderly, people with a disability or severe and chronic mental health illness, carers with long-term caring responsibilities and those experiencing drug and alcohol misuse and domestic and family violence. The result of this is that the proportion of social housing tenants exiting the system has declined. The average length of tenancies has risen to over 12 years.

This has occurred at the same time as the proportion of private rental housing that is affordable to low-income households has fallen from 50 per cent to less than 30 per cent over the past decade, which also has contributed to an increase in demand for social housing. That is why the social housing system needs reform, and that is why the Baird-Grant Government is acting. In January this year, the Government introduced a new social housing strategy called Future Directions for Social Housing in NSW. This strategy is breathing new life into the State's social housing assets and setting challenging objectives for government, the sector and the community as a whole to work towards.

This legislation enables us to implement Future Directions—for example, by strengthening our partnerships with the non-government sector by building the size and capacity of community housing providers that are generally well focused on providing wraparound supports and services to social housing tenants. The delivery of wraparound supports and services translates to tenants being given better opportunities to live up to their full potential. Specifically, Future Directions will see the Government further develop its partnerships with non-government partners to deliver 23,000 new and renewed social housing dwellings. Most of this will be delivered by 2025. It also will transfer the management of up to 35 per cent of the State's social housing to community housing providers.

This largely delivers on the 2009 Council of Australian Governments [COAG] agreement for the community housing sector to take on a bigger role in delivering services to vulnerable tenants and increasing their opportunities to obtain education and/or employment and/or capacity in life skills. The size, capacity and service quality of the community housing sector will grow as providers will have access to a stream of income that is not available to the public housing system. I am referring to Commonwealth Rent Assistance, which is expected to be worth about \$1 billion over 20 years. This increase in income will enable community housing providers to spend more on support services for tenants. It also will reduce the New South Wales Government's maintenance costs in its social housing portfolio, freeing up funds for other potential social housing initiatives.

As part of Future Directions, the Government also announced an additional \$280 million over four years in private rental assistance, health, education and employment programs. These measures will support tenants to build their independence and take more responsibility for their own lives. Importantly, the State-owned assets will remain with taxpayers. This bill delivers on these commitments in two ways. First, schedule 1 of the bill amends the Housing Act 2001 to make clear that the Land and Housing Corporation, the statutory body that owns the State's public housing assets, will be able to enter into a lease arrangement, known as a concurrent lease, with a registered community housing provider for specified public housing properties. This lease arrangement will enable the transfer of the management of public housing tenancies from the Land and Housing Corporation, as the landlord, to the community housing provider, as the landlord, in a way that is automatic and legally secure for all parties.

Tenants will not have to sign any confusing documents, and their lease conditions for the most part will be the same. They will, however, have a community housing provider as their landlord. Tenants' personal and health information will remain completely private and will be transferred only if the Government is satisfied that the community housing provider has the necessary procedures in place to ensure that the information will remain private. These legislative amendments also will ensure that tenants transferring to community housing providers will be able to apply for Commonwealth Rent Assistance. Tenants' rent settings will not change and their rent will continue to be calculated in the same way as it is in public housing, where tenants on low incomes pay 25 per cent of their income as rent. Tenants' after-rent income will remain the same. Ultimately, the Government is seeking to dramatically expand the size and capability of the community housing sector in New South Wales. Tenants who transfer to community housing providers will benefit from the tailoring of services to their needs.

Schedule 2 to the bill amends the Community Housing Providers (Adoption of National Law) Act 2012 to provide for the establishment of a local registration scheme for community housing providers that are unable to be registered under the National Regulatory System for Community Housing. This includes, for example, local Aboriginal land councils that are prevented from seeking registration under the national system because of wind-up provisions governed by the Aboriginal Land Rights Act 1983. The ability to register as a housing provider is important because it enables local organisations that deliver housing services, such as local Aboriginal land councils, to be provided assistance as housing providers where they meet the criteria for registration.

As much as is possible, the criteria for registration under the local scheme mirror the criteria in the national system. The Government expects all organisations that deliver social housing services to register under the Community Housing Providers National Law to ensure uniformity in how well the sector is governed and, importantly, meet the needs of tenants. It also creates a level playing field in the sector. A national registration system for the community housing sector provides minimum standards that all housing providers must meet, and also provides quality assurance for government and other investors. This is vital given that nearly 35 per cent of social housing in New South Wales soon will be managed by community housing providers. This package demonstrates the Baird-Grant Government's determination to reform the social housing system for the future and to deliver a better social housing experience for tenants. I commend the bill to the House.

**Debate adjourned.**

## **JUSTICE PORTFOLIO LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2016**

### **First Reading**

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

### **Second Reading**

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

That this bill be now read a second time.

The Government is pleased to introduce the Justice Portfolio Legislation (Miscellaneous Amendments) Bill 2016. This bill is part of the Government's regular legislative review and monitoring program. The bill makes miscellaneous amendments to legislation to clarify criminal procedure and improve the efficiency and operation of legislation affecting the courts and other justice cluster agencies. All of the proposals in this bill have been widely consulted on. Many proposals originated with stakeholders who have "on the ground" experience of our justice system and are well placed to advise government on the minor clarifications, corrections and improvements required to make sure the system works in the best way possible. I thank all stakeholders who have contributed to the development of this bill, in particular the heads of jurisdiction, the Bar Association, the Law Society and various government agencies.



By way of summary, the bill includes amendments to improve the Child Sexual Assault Evidence Pilot, which commenced in March 2016 as part of the Government's election commitment to reduce trauma to children during trials for child sexual assault by prerecording their evidence and using children's champions to help them communicate their evidence. Additional amendments will enhance existing safeguards for victims of sexual assault, both children and adults, when giving their evidence. The bill also will address gaps and anomalies in bail laws.

Further amendments will improve criminal procedure and law enforcement, including the implementation of a recommendation of the Ombudsman; ensure that entitlements for judicial officers are fair and transparent; improve efficiency in court procedure; clarify the jurisdiction of the NSW Civil and Administrative Tribunal and the Local Court regarding claims for unpaid strata levies; improve the operation of the Legal Profession Uniform Law; and make technical adjustments to sentencing procedure in response to recommendations of the Law Reform Commission 2013 sentencing report and members of the judiciary. Together, these miscellaneous amendments will update and improve the operation of the justice system in New South Wales.

I will now outline each of the amendments in the order in which they appear in the bill. The bill contains amendments to both the Bail Act 2013 and the Bail Amendment Act 2015. The amendments to both Acts follow ongoing monitoring of the legislation by the Government and introduce measures to increase efficiency in Local Court bail proceedings and also to remedy some oversights in the original drafting of the legislation. Schedule 1.1 makes four amendments to the Bail Act 2013. Item [1] of schedule 1.1 inserts the definition of a "supervision order", currently in section 16B, into the definitions found in section 4. Item [2] of schedule 1.1 removes the definition of "supervision order" in section 16B to reflect this change.

Item [3] of schedule 1.1 will enable a prosecutor to apply for bail conditions to be imposed on a grant of bail to the accused. This amendment will avoid an unintended technicality requiring a prosecutor to first make a detention application before making submissions to the court in relation to bail conditions. The amendment will allow prosecutors to make variation applications where they are seeking conditional bail for people who have no current bail conditions—for example, where the prosecution was commenced by way of a future court attendance notice. This change will make bail proceedings more efficient. Item [4] of schedule 1.1 will allow the Local Court or authorised justice to hear a variation application to vary conditions of bail imposed by a higher court where the accused and prosecutor consent to the terms of the variation application.

I now turn to the amendments to the Bail Amendment Act 2015. The Bail Amendment Act 2015 contained amendments to implement the final recommendations of the Hatzistergos review of the Bail Act 2013, the report of the Sentencing Council on bail, and the joint Commonwealth-New South Wales Martin Place siege review. The further amendments contained within this bill remedy drafting oversights in the Bail Amendment Act 2015. Schedule 1.2 to the bill contains these amendments. Item [1] of schedule 1.2 amends the Bail Amendment Act 2015 to extend the show cause test under section 16B of the Bail Act 2013 to apply to a serious indictable offence that is committed by an accused person while the person is the subject of a warrant authorising the arrest of the person issued under the Criminal Procedure Act 1986 and the Crimes (Sentencing Procedure) Act 1999.

This change remedies a drafting oversight in the implementation of the recommendations of the Hatzistergos review. Item [2] of schedule 1.2 amends the Bail Amendment Act 2015 to extend the factors that a bail authority must consider in the "unacceptable risk" test under section 18 of the Bail Act 2013 to include whether the accused person has a history of compliance or non-compliance with a supervision order. This change also remedies a drafting oversight in the implementation of the recommendations of the Hatzistergos review.

Schedule 1.3 amends the Children (Criminal Proceedings) Act 1987 to allow for committal proceedings for a child co-defendant in the Children's Court and an adult co-defendant in the Local Court to be joined in the Children's Court at the discretion of the Children's Court. Currently, in criminal proceedings involving two or more co-defendants the Children's Court can hear committal proceedings for a young person and an adult co-defendant if the adult is less than three years older than the young person. In cases involving a young person and an adult co-defendant who is more than three years older than the young person, separate committals must be run in both the Children's Court and the Local Court. This may mean that victims and other witnesses who give evidence at the committal appear on two separate occasions before doing so again at trial.

The costs of conducting separate committal proceedings in terms of court, prosecution and defence time and resources, as well as the impact on witnesses required to give evidence on multiple occasions, are a significant reason to extend the circumstances in which joint committal proceedings involving children and adults can be heard. The amendments will provide the Children's Court with the discretion to allow joint hearings of committal proceedings in the Children's Court, regardless of the age of the adult co-accused, if the Children's Court is of the opinion that it is in the interests of justice to do so. The amendments will not operate in reverse to permit children to be joined with the adult co-accused in Local Court committal proceedings.

Schedule 1.4 makes amendments to the Crimes Act 1900. Item [1] of schedule 1.4 extends the limitation period for commencing a prosecution for the summary offence of unauthorised access to or modification of restricted data held in a computer from the standard six months for a summary offence to 12 months from when the offence was alleged to have been committed. The NSW Police Force advises that extending the limitation period for this offence is necessary because offences of this nature are often detected some time after their commission and only after analysis of technical information, which can in itself take some time to complete. Items [2] and [3] of schedule 1.4 remove references to repealed provisions in schedule 10 of the Crimes Act 1900. These references include offences, Acts and codes that are no longer in force.

Schedule 1.5 amends the Crimes (Domestic and Personal Violence) Amendment (Review) Act 2016 to resolve a drafting oversight. The amendment will enable regulations of a savings and transitional nature to be made about how the provisions of the legislation apply to existing applications for apprehended violence orders [AVOs]. The Crimes (Domestic and Personal Violence) Amendment (Review) Act 2016—the amendment Act—made a number of amendments to the Crimes (Domestic and Personal Violence) Act 2007 to provide victims of violence with further protection by introducing additional prohibitions that can be imposed as part of an AVO and to increase defendants' compliance with AVOs by rewriting the conditions in AVOs in plain English. The amendment Act has not yet been commenced. As currently drafted, the provisions of the amendment Act do not affect applications for AVOs that were made, but not finalised, before the commencement of the amendment Act.

It is important that the new provisions contained in sections 35 and 36 of the amendment Act relating to AVO conditions apply to existing applications. These protections should be afforded to all victims seeking an AVO, not just those who make an application after the amendments. In addition, the limited capacity of supporting technology to maintain systems for both old and new AVOs simultaneously may cause operational difficulties for courts, police and the community. The amendment will enable the regulations to provide that the new provisions relating to AVO conditions apply to any proceeding arising from an application for an AVO that was made, but not finalised, before the amendment Act commenced.

Schedule 1.6 amends the Crimes (Sentencing Procedure) Act 1999 to make minor amendments to clarify some aspects of sentencing law. Items [1] and [2] of schedule 1.6 provide that the court may impose a fixed term for an offence included in the standard non-parole period [SNPP] scheme if the term is equal to or greater than the non-parole period the court would have set, had the court imposed a head sentence and non-parole period. This will implement a recommendation of the NSW Law Reform Commission in its 2013 sentencing report to provide courts with the flexibility to impose a fixed term if they wish to do so, while ensuring that the integrity of the SNPP scheme is preserved.

The Crimes (Sentencing Procedure) Act 1999 prohibits a court from setting a non-parole period when the sentence is for six months or less. That means these sentences must be fixed terms. Item [3] of schedule 1.6 provides that if a court imposes an aggregate sentence of more than six months for multiple offences, it would not need to be a fixed term, even if the individual sentences the court would have imposed would have been less than six months. This is a clarifying amendment to remove any doubt and to address concerns raised by the judiciary. The Crimes (Sentencing Procedure) Act 1999 already states that the Local Court may impose multiple sentences of imprisonment up to a total of five years. Item [4] of schedule 1.6 makes it clear that the Local Court may also impose an aggregate sentence of imprisonment of up to five years. This amendment aims to avoid doubt, so it is clear that when the Local Court imposes an aggregate sentence its jurisdiction is the same as accumulating sentences. This will implement a recommendation of the NSW Law Reform Commission in its 2013 sentencing report.

Item [5] of schedule 1.6 enables Intensive Correction Orders that are to be served consecutively, or partly concurrently and partly consecutively, to commence when appropriate rather than immediately. This fixes a technical drafting error by reinserting subsections 71 (2) and 71 (3) into the Crimes (Sentencing Procedure) Act 1999, which were mistakenly deleted by the Courts and Other Justice Portfolio Legislation Amendment Act 2015. Schedule 1.7 makes amendments to the Criminal Procedure Act 1986. Item [1] of schedule 1.7 inserts a new provision into the Criminal Procedure Act 1986 to allow the Chief Justice of the Supreme Court and the Chief Judge of the District Court to replace a trial judge in criminal jury trial proceedings if the judge dies, becomes ill or is otherwise unable to continue. Currently, if a judge becomes unable to continue a trial due to incapacity, the jury must be discharged and the trial must be recommenced. This can result in considerable financial and emotional costs to the parties, the witnesses, the jury members, the legal representatives, the courts and the community.

This new provision will ensure that, in appropriate circumstances, the Chief Justice of the Supreme Court and the Chief Judge of the District Court will be able to appoint a substitute judge to continue the trial to avoid the need for the trial to recommence. This amendment is limited to trials conducted by jury only, as the ultimate finding of guilt on the facts is for the jury to determine. The role of the presiding judge is limited to making rulings

as to evidence, summing up, giving directions to the jury and delivering the sentence—functions that can be reasonably performed by another judicial officer should the original presiding judge become unable to continue due to death or severe illness. The new provision is not intended to be used in administrative situations or in the case of temporary illness, which may be better dealt with by an adjournment. Parties will have the opportunity to make submissions to the head of jurisdiction of the court as to whether a substitute judge should be appointed or the trial recommenced.

The amendment includes a non-exhaustive list of factors to guide decision-making under the provision, including the progress of the trial, whether any key witnesses have given evidence, and the estimated length and complexity of the trial. A significant factor may also be the nature of the evidence and whether a full transcript of the proceedings is available for the substitute judge to familiarise themselves with the proceedings. The amendments specify that if a substitute judge is appointed, the rulings of the previous judge as to evidence is binding, unless the substitute judge is of the opinion that it would not be in the interests of justice for the ruling to continue. This will ensure that the substitute judge is not required to revisit all the evidence that has been heard in the proceedings, unless other evidence is received that justifies such an approach on a particular issue.

Items [2] and [3] of schedule 1.7 amend section 291 of the Criminal Procedure Act 1986 to provide that when a sexual assault complainant's evidence is being given, regardless of whether this is in person, via video link or recording, proceedings will be held in a closed court unless otherwise ordered. Section 291 of the Criminal Procedure Act 1986 currently provides that the court must be closed when a complainant gives evidence in proceedings for a prescribed sexual offence, unless the court orders otherwise. The purpose of this provision is to reduce the trauma suffered by victims when giving evidence about sexual offences. However, section 291 (6) provides that when a recording of a victim's evidence is tendered or played in a retrial, the court is not required to be closed. The existence of this provision creates a risk that a victim's recorded evidence could be played in open court in a retrial, causing further distress to the victim. The amendment will ensure that the court is closed when a victim's recorded evidence is being played to limit further trauma and distress.

The Criminal Procedure Act 1986 currently provides that a recorded interview between a child under 16 and a police officer may be admitted as evidence in a sexual assault trial. Item [4] of schedule 1.7 clarifies that an interview may be admitted regardless of whether the police officer is from New South Wales or another jurisdiction. Item [5] makes a consequential amendment. Items [6] to [11] of schedule 1.7 relate to the Child Sexual Offence Evidence Pilot—the pilot—provisions, which are contained in the Criminal Procedure Act 1986. Item [6] of schedule 1.7 amends the Criminal Procedure Act 1986 to expand the pilot to include all child prosecution witnesses. Currently, the pilot provisions apply only to children who are victims in the proceedings. This means that non-victim witnesses must give evidence at trial rather than at a prerecorded hearing and are not eligible to utilise the services of a children's champion. The proposed amendment will ensure that all child prosecution witnesses are eligible for prerecorded hearings and the use of children's champions. This will further the pilot's aim of reducing the stress and duration of court proceedings for children in child sexual assault matters.

The Criminal Procedure Act 1986 presently provides that the pilot provisions apply only to proceedings for prescribed sexual offences. There has been uncertainty about whether the pilot provisions will extend to proceedings where an accused person faces charges for both prescribed sexual offences as well as other offences. Item [7] of schedule 1.7 amends the Criminal Procedure Act 1986 to make it clear that the pilot provisions will apply to evidence given by children in proceedings that include both prescribed sexual offences and other offences, such as non-sexual offences against children.

Currently, the Criminal Procedure Act 1986 provides that the pilot provisions do not apply to matters that were listed for trial before the commencement of the pilot legislation. Item [8] of schedule 1.7 clarifies that the pilot provisions apply to proceedings that have been listed for trial before the commencement of the pilot legislation but are then subsequently re-listed for trial after the commencement of that legislation. The amendment resolves a drafting oversight in clause 83 of schedule 2 to the Criminal Procedure Act 1986 and will ensure that children who would greatly benefit from the provisions are not excluded from the pilot. Item [9] of schedule 1.7 makes it clear that the amendments in items [7] and [8] of schedule 1.7 apply from the date the pilot legislation commenced.

Item [10] of schedule 1.7 amends the Criminal Procedure Act 1986 to correct a minor drafting error in clause 88 (1) of Schedule 2 to the Criminal Procedure Act 1986 by removing a redundant reference to the word "explain". Item [11] of schedule 1.7 amends the Criminal Procedure Act 1986 to add tertiary qualifications in teaching to the acceptable qualifications for children's champions. The legislation presently requires that a children's champion must have a tertiary qualification in psychology, social work, speech pathology or occupational therapy. However, in the most recent recruitment process for children's champions there were no eligible Aboriginal and Torres Strait Islander applicants. Concerns have been raised that the lack of Aboriginal and Torres Strait Islander children's champions may mean that some Aboriginal and Torres Strait Islander child

witnesses cannot be supported as well as they could be if an Aboriginal and Torres Strait Islander children's champion were available. Extending eligibility to teachers will increase the pool of eligible applicants, particularly Aboriginal and Torres Strait Islander applicants.

I turn to amendments to the District Court Act 1973 and Supreme Court Act 1970. Schedule 1.8 and items [1] and [2] of schedule 1.18 amend the District Court Act 1973 and the Supreme Court Act 1970 to make clear that acting judges are remunerated when they continue to deal with matters after their commission concludes. Each Act provides that acting judges may continue to deal with any heard or partly heard matters after their commission expires, and in such circumstances acting judges have all the entitlements and functions of a judge. However, this is currently contradicted in sections that provide an acting judge is entitled to be remunerated so long as he or she holds office. The amendments will remove the contradictory sentences from sections 18 (3B) of the District Court Act 1973 and section 37 (3B) of the Supreme Court Act 1970.

Turning to amendments to the Drug Misuse and Trafficking Act 1985 and the Drug Misuse and Trafficking Amendment (Drug Exhibits) Act 2016, the bill makes changes to the Drug Misuse and Trafficking Act 1985 and the Drug Misuse and Trafficking Amendment (Drug Exhibits) Act 2016 to address a drafting error in the amending Act. Schedule 1.9 amends the Drug Misuse and Trafficking Act 1985 to change the person responsible for authorising qualified persons to issue certificates with respect to plant identification for prosecutions under the Drug Misuse and Trafficking Act 1985 from the "Director-General of the Department of Industry and Investment" to "Secretary of the Department of Industry, Skills and Regional Development". Schedule 1.10 removes the provisions in the amending Act that make incorrect amendments.

I turn to amendments to the Land and Environment Court Act 1979, Local Court Act 2007 and Statutory and Other Offices Remuneration Act 1975. Schedules 1.11, 1.13 and items [2] and [3] of schedule 1.15 amend the Land and Environment Court Act 1979, the Local Court Act 2007 and the Statutory and Other Offices Remuneration Act 1975 to ensure that the Statutory and Other Offices Remuneration Tribunal, rather than the Governor, can determine the remuneration for acting commissioners of the Land and Environment Court and acting magistrates of the Local Court. This will ensure consistency with how the remuneration of full-time commissioners and magistrates is determined annually by the Statutory and Other Offices Remuneration Tribunal. A further amendment is made to section 13 of the Land and Environment Court Act 1979 to provide that travelling and subsistence allowances for acting commissioners are determined by the Minister. This is a continuation of the present situation, which mirrors the arrangement for full-time commissioners.

Schedule 1.12 amends the Legal Profession Uniform Law Application Act 2014 for two main purposes: to clarify provisions relating to the issue of certificates of determination for costs assessment and to clarify when the time for lodging appeals begins to run; and to provide for annual reports required under the legal profession legislation to be tabled when Parliament is not sitting. This will permit annual reports that are submitted outside a parliamentary session to be made public, and will mean that tabling does not need to be delayed until Parliament is sitting again. Item [1] of schedule 1.15 amends section 11C of the Statutory and Other Offices Remuneration Act 1975 to facilitate a living away from home allowance claimable by judicial officers as part of a salary sacrifice arrangement.

Judicial officers can access salary sacrifice arrangements only for the provision of a motor vehicle and payments of employee contributions to a superannuation scheme. The amendment means judicial officers will be eligible to claim a living away from home allowance for up to 12 months when on a temporary full-time work assignment that requires living away from their usual place of residence. A living away from home allowance administered as part of a salary sacrifice arrangement will give judicial officers an amount of their salary that is exempt from paying income or fringe benefits tax. This amendment will ensure that judicial officers have access to an allowance that is currently available to all private and public sector employees who receive salary sacrifice arrangements as part of their remuneration package. It will not alter the total remuneration provided to judicial officers, which is determined by the Statutory and Other Offices Remuneration Tribunal.

Amendments to the Strata Schemes Management Act 2015 includes the amendment of sections 85 and 86 through schedule 1.16. The Act has not yet commenced. The amendment to section 86 clarifies that the NSW Civil and Administrative Tribunal [NCAT] can hear claims for unpaid strata levies only if the parties have other proceedings before the tribunal. Where the only issue is an unpaid strata levy owners' corporations should file that claim in court. This will ensure that claims are dealt with quickly and efficiently. Nearly half of all claims for unpaid strata levies in the Local Court are resolved by default judgement. This means that the lot owner did not respond to the court case and the owners' corporation automatically received judgement in their favour.

NCAT does not have default judgement provisions. If these claims are filed in NCAT, owners' corporations will need to attend a hearing even if the lot owner does not appear. This could result in claims taking longer, which is not in the interests of owners' corporations. The amendment also clarifies that owners' corporations may only recover interest and expenses as part of a claim for unpaid strata contributions, and that

expenses must be reasonably incurred and reasonable in amount. This is the current position at law under section 80 of the Strata Schemes Management Act 1996, which is the equivalent of the new section 86.

Amendments to the Supreme Court Act 1970, items [1] and [2], are detailed above. Item [3] of schedule 1.17 amends section 48 of the Supreme Court Act 1970 to ensure that appeals from judicial registrars of the District Court no longer go to the Court of Appeal in the first instance. This is a procedural amendment identified by the Chief Justice of the Supreme Court and President of the Court of Appeal, who are of the view that the current appeal route is an anomaly.

Amendments to the Surveillance Devices Act 2007 include new schedule 1.18 to allow police and other law enforcement officers to film all lawful searches. Section 8 of the Surveillance Devices Act 2007 currently prohibits, without the consent of the occupant, the use of optical surveillance devices, which includes hand-held video or still cameras, when police are on premises, unless there is a relevant exemption. Current exemptions allow police to record the conduct of most, but not all, lawful searches.

As part of its review of section 74 of the Firearms Act 1996 and the Restricted Premises Act 1943, the NSW Ombudsman's office identified that the video recording of searches—namely declared searches conducted under section 10 of the Restricted Premises Act or warrantless searches, such as those conducted under Firearm Prohibition orders—are in breach of the Surveillance Devices Act 2007. The NSW Police Force and the Department of Justice further identified that the video recording of additional types of lawful searches are in breach of the Surveillance Devices Act 2007. These proposed amendments will create consistency by enabling police to video record all lawful searches. Video recordings provide better evidence than the police notebook by providing a more comprehensive record of what happens during the search. Video recordings also facilitate police accountability for the execution of searches. I commend the bill to the House.

**Debate adjourned.**

#### **CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2016**

**Returned**

**DEPUTY PRESIDENT (The Hon. Trevor Khan):** I report the receipt of a message from the Legislative Assembly returning the abovementioned bill without amendment.

#### **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2016**

**First Reading**

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

**Second Reading**

**The Hon. DAVID CLARKE (12:04):** On behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No 2) 2016 continues the statute law revision program, which has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984 and are an effective method for making minor policy changes and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. It contains amendments to 28 Acts and related amendments to six instruments. I will give an outline of some of the amendments that are included in this schedule.

Schedule 1 amends the State Records Act 1998 to change the name of the State Records Authority of New South Wales to the State Archives and Records Authority of New South Wales. The new name will better reflect the functions of the authority, which include the preservation, management and provision of access to the archival resources of the State. Amendments are made by schedule 1 to several Acts in the portfolio of the Minister for Innovation and Better Regulation. An amendment to the Residential Tenancies Act 2010 will allow the Principal Registrar of the Civil and Administrative Tribunal to approve the form of a warrant for possession issued by the registrar under that Act. Currently, the form of a warrant for possession must be approved by the Commissioner for Fair Trading.

The Landlord and Tenant (Amendment) Act 1948 is amended to remove an unnecessary requirement for certain statements given by a lessee under the Act to be in a form prescribed by regulations. The amendments also will allow the regulations to provide for the waiver or refund of fees payable under that Act. Amendments to the Building and Construction Industry Security of Payment Act 1999, the Holiday Parks (Long-term Casual

Occupation) Act 2002 and the Strata Schemes Management Act 2015 will confer on the Commissioner for Fair Trading functions under those Acts that are currently conferred on the Secretary of the Department of Finance, Services and Innovation. The amendments will make provisions conferring functions under those Acts consistent with other legislation administered by the Minister for Innovation and Better Regulation.

Schedule 1 makes a number of amendments to the Aboriginal Land Rights Act 1983. These include an amendment to provide that a person who is elected to fill a vacancy in the office of chairperson or deputy chairperson of an Aboriginal Land Council holds office for the remainder of the term of the vacant office, rather than a fixed term of two years. The last schedule 1 matter I will mention is the amendment to the Western Sydney University Act 1997. The amendment will enable the Board of Trustees of the Western Sydney University to elect any number of persons as deputy chancellors of the university. Currently only two deputy chancellors can be elected. The amendments also will allow the vice-chancellor of the university to sub-delegate functions delegated to the vice-chancellor by the board of trustees.

Schedule 2 amends a number of Acts as a consequence of the enactment of the Commonwealth Australian Crime Commission Amendment (National Policing Information) Act 2016. That Act extended the functions of the Australian Crime Commission to include functions relating to the provision of systems and services for the sharing of national policing information. Those functions formerly were exercised by the Commonwealth agency CrimTrac. The amendments will replace references to "CrimTrac" with "the Australian Crime Commission", and makes related amendments across seven Acts and three instruments. Schedule 3 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 3 are corrections of cross-references, typographical errors and terminology, and amendments arising out of the enactment of other legislation.

Schedule 4 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, and savings clauses for the substituted provisions. The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned, or at the beginning of the schedule concerned. I am sure that honourable members will appreciate the straightforward nature of the provisions contained in the bill. However, if any amendment requires clarification, it should be brought to my attention and I will arrange for additional information to be provided on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill the Government will consider withdrawing the matter from the bill. I commend the bill to the House.

**Debate adjourned.**

### *Members*

### **LEGISLATIVE COUNCIL VACANCY**

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (12:09):** In view of the holding of a joint sitting at 12.30 p.m. today in this Chamber to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Sophie Cotsis, I suggest that the Deputy President do now leave the chair until after the joint sitting.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I shall now leave the chair. The House will resume at the conclusion of the joint sitting following the ringing of the bells.

*[The Deputy President (The Hon. Trevor Khan) left the chair at 12:10. The House resumed at 14:30.]*

### *Joint Sitting*

### **ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL**

The two Houses met in the Legislative Council Chamber at 12:33 to elect a member of the Legislative Council in the place of the Hon. Sophie Cotsis.

**The Clerk of the Parliaments** read the message from the Governor convening the joint sitting.

**The PRESIDENT:** I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Sophie Cotsis.

**Mr LUKE FOLEY:** I propose John Edward Graham as an eligible person to fill the vacant seat of the Hon. Sophie Cotsis in the Legislative Council, for which purpose this joint sitting was convened. I move that John Edward Graham be elected as a member of the Legislative Council to fill the seat in the Legislative Council previously vacated by the Hon. Sophie Cotsis. I indicate to the joint sitting that if John Edward Graham were a member of the Legislative Council he would not be disqualified from sitting or voting as such a member, and that

he is a member of the same party—the Australian Labor Party—as the Hon. Sophie Cotsis was publicly recognised by as an endorsed candidate of that party and who publicly represented herself to be such a candidate at the time of her election at the Eleventh Periodic Council Election held on 26 March 2015. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

**The Hon. ADAM SEARLE:** I second the motion.

**The PRESIDENT:** Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that John Edward Graham is elected as a member of the Legislative Council to fill the seat vacated by the Hon. Sophie Cotsis. I declare the joint sitting closed.

**The joint sitting closed at 12:37.**

*Members*

### **LEGISLATIVE COUNCIL VACANCY**

**The PRESIDENT:** I report that at a joint sitting this day John Edward Graham was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Sophie Cotsis. I table the minutes of proceedings of the joint sitting.

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

That the document be printed.

**Motion agreed to.**

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

That the President inform His Excellency the Governor that Mr John Edward Graham has been elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Sophie Cotsis.

**Motion agreed to.**

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

*Questions Without Notice*

### **GREYHOUND RACING INDUSTRY BAN**

**The Hon. ADAM SEARLE (14:32):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water, with responsibility for Crown lands. Given the announcement of the greyhound racing industry ban being overturned, that Racing NSW has refused to guarantee that tracks on Crown land will be kept for public use and that there are reports of developers circling Grafton and Casino tracks, will the Minister guarantee all racing tracks on Crown lands will be kept exclusively for public use if they are not used for racing?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:32):** The New South Wales Government will give in-principle support for greyhound racing to have one final chance in New South Wales, subject to the industry agreeing to the strictest regulations in the country to clamp down on animal cruelty. The Government has invited the RSPCA and greyhound racing industry representatives to join a greyhound industry reform panel, which will be chaired by former Premier Morris Iemma, to determine the new regime. The Government will ask the panel to consider mandatory life bans and increased jail terms for live baiting, registering greyhounds for their entire lives, an independent regulator with strong new powers to ensure accountability, and substantially increased resources for enforcement and prosecution as well as for animal welfare.

The panel will report back to the Government by the end of the year. Subject to the panel's recommendations, legislation would then be introduced in early 2017 to repeal the ban and deliver the new regime under which racing would operate. The Government has consistently stated that Crown land used for greyhound racing would be used only for open space, sporting or other suitable community uses. There are no sales or other forms of development planned or expected for Crown land that is currently used for greyhound racing. If there are any changes to the need for Crown land to provide for greyhound racing, the Government will work with the community, local councils, the greyhound racing regulator and racing clubs to find new sporting or community uses for greyhound racetracks located on Crown land, including Wentworth Park. There is no plan to sell or develop Wentworth Park.

**WESTCONNEX**

**The Hon. SCOTT FARLOW (14:34):** My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister please update the House on the WestConnex project and any other alternative solutions?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:35):** I am able to assure the House that this Government is continuing to work hard to address Sydney's congestion with a record spend on roads, including WestConnex, as well as on public transport. This Government understands that real and tangible solutions are required to address these very important real-world problems. Thank goodness it is us and not the weird and wacky Greens who are making the decisions, because their brains trust has just come back with a list of solutions that—even for them—is ridiculous.

**The PRESIDENT:** Order! There is too much audible conversation from Government backbenchers.

**The Hon. DUNCAN GAY:** Let us take first the notice of motion presented earlier today by Mr Jeremy Buckingham—who, coincidentally, is not in the House—which contained the ludicrous suggestion that the \$16.8 billion he claims is being spent by the New South Wales Government on WestConnex should be spent on solar and wind farms. My first comment to Mr Jeremy Buckingham is that he should get his sums right. He says \$16.8 billion; the New South Wales Government is putting in \$3.6 billion. His projects are already \$13.2 billion underfunded. But that is the way The Greens spin. They do not care about the facts—they do not even care about turning up for question time. The leader of The Greens, Mr Jeremy Buckingham, is not even in the House and nor is the alternative leader, Mr David Shoebridge. We will come to him in a moment.

**The Hon. Walt Secord:** Extension of time!

**The Hon. DUNCAN GAY:** Thank you, I will be looking for that. It is beyond laughable to think alternative solutions to solving Sydney's congestion issues involve building 20 solar farms like the one at Nyngan, along with 20 wind farms, a solar hot water rebate for residents and buying back a bunch of coal exploration licences. In the minds of The Greens, they are probably good thoughts; but it will not fix congestion one iota. That is the weird and wacky thinking we get from Labor's favoured partner, The Greens. I have to ask: What planet is this bloke on—because it ain't one that remotely resembles reality and the daily grind that millions of motorists face in Sydney?

But there is more. I mentioned the alternative leader of The Greens. Mr Jeremy Buckingham's North Korean factional colleague, David Shoebridge, also has some weird and wonderful ideas from the wacky world of The Greens. In his notice of motion he suggests that the St Peters interchange should be removed from the WestConnex project in its entirety—just take it out and forget it. People will be circling around it, looking for a way out, looking for a way in, with nowhere to go. Apparently, Mr Shoebridge would prefer that site remain as an asbestos-contaminated dump rather than be cleaned up, as we have done. He also does not want the extra green space that we will be adding to Sydney Park—the equivalent of six Sydney Cricket Grounds. If there is no interchange, where does he propose the traffic along the new M5 will go and where will it end up, not to mention the vehicles using the tunnel that will link to the M4?

**The Hon. SCOTT FARLOW (14:39):** I ask a supplementary question. Will the Minister elucidate his answer with respect to Mr David Shoebridge's alternative solution?

[Interruption]

**The PRESIDENT:** Order! The Minister may respond. No point of order has been taken.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:39):** In the North Korean faction's wonderful new world, there is no way of getting into the tunnel or out of the tunnel. This bloke has not just been playing in the kitty litter; he has been eating it big time. It will be one huge logjam. So how are we going to fix the rat runs through Newtown? There will be no statues to Mr David Shoebridge in Newtown. He will be stuck on a dead-end road with tens of thousands of vehicles sitting at the end of it, looking for the way in or the way out. In case The Greens have missed it, the rest of the people of Sydney—and even the Opposition—have grasped it: The Greens' idea of an alternative plan is just as ridiculous as they are.

**BONDI PARK RESERVE**

**The Hon. WALT SECORD (14:40):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water, as the Minister responsible for Crown lands. Is the Minister satisfied that the Waverley Municipal Council, as trust manager for the Bondi Park Reserve—which includes the Bondi



Pavilion Community Cultural Centre—has fulfilled all the requirements of the Crown Lands Act? Will the Minister intervene to stop the council's planned \$38 million privatisation of this national icon?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:41):** I thank the Deputy Leader of the Opposition for his question. He is right in the sense that he says the Waverley Municipal Council is the trust manager for the Bondi Pavilion, which is located within the Bondi Park Reserve. The Waverley Municipal Council is the appointed manager of the Bondi Park Reserve Trust and has immediate responsibility for the care, control, management, use and development of the reserve and all other occupations within the reserve, including the Bondi Pavilion.

The pavilion is a dynamic, active and creative hub that has long accommodated a range of commercial, community and cultural activities. In 2014 the Waverley Municipal Council exhibited a draft plan of management that included a proposal to redevelop the pavilion. The final plan was adopted by council in November 2014. As the Minister responsible, I have never formally adopted the draft plan of management. Concept designs for the redevelopment of Bondi Pavilion were exhibited by council and resulted in some community opposition to aspects of the development. I understand that the council is considering the merits of the concerns raised. As the manager of the reserve and local planning authority, the council is responsible for ensuring that the community's needs are met and that the values of the reserve are protected in the process.

#### NSW AGEING STRATEGY 2016-2020

**Mr SCOT MacDONALD (14:43):** My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism.

**The Hon. Mick Veitch:** Is this without notice, Scot?

**Mr SCOT MacDONALD:** Sort of. What is the New South Wales Government doing to respond to the ageing population?

**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 and commend him for his continued keen interest in ensuring the best outcomes for our seniors. Our community is changing. We are getting older and living longer—which is great news. By 2031, one in three people in New South Wales will be 50 years or older and one in five will be over 65 years of age. The so-called greying of our community will mean significant change for people, our community and our economy. We should not downplay or underestimate the enormity of this change and the challenges it will bring. However, we cannot forget that change brings both challenges and opportunities. I am a firm believer that having more people living longer is always a great thing for this State.

The Government is determined to ensure that people not only live longer than ever before but also live better than ever before. We want older people to live healthy, active and happy lives as they age. That is why, when it came time to renewing the NSW Ageing Strategy, which was released by our Government in 2012, I elected to consult personally with seniors living in communities across our State, including Griffith, Bathurst, Goulburn, Nowra, Parramatta, Broken Hill and Tamworth. To that end, I kicked off a statewide consultation process in Port Macquarie with my colleague the Hon. Leslie Williams. I also hosted a roundtable with private sector representatives, focusing on how Government can work better with the private sector to deliver the best outcomes for the older people of New South Wales. Discussions were also held with key advisory boards, including my Ministerial Advisory Committee on Ageing [MACA], chaired by Kathryn Greiner, peak ageing bodies, local government, other State departments and ministerial advisory committees.

During April and May I invited input from older people, community members and other interested stakeholders across the State through a "have your say" survey, with more than 700 people completing the online survey, and of course I consulted with all my ministerial colleagues. From my consultations it became clear that, right across the State, there are five key areas that older people view as important. These have formed the priority areas of the new strategy: first, health and wellbeing; secondly, working and retiring; thirdly, housing choices; fourthly, getting around; and fifthly, inclusive communities. I am pleased to advise the House that, following this extensive consultation process, last Friday I launched the NSW Ageing Strategy 2016-2020, which comprehensively addresses those five priority areas. The strategy will build on the success of the first NSW Ageing Strategy, which included the Tech Savvy Seniors Program and established the Elder Abuse Helpline and Resource Unit and the Liveable Communities Grants Program, which funded 24 innovative projects in 2015-16.

I have said before and will continue to say that the New South Wales Government cannot do this alone. Community organisations, local government and the private sector all have a role to play. This whole-of-government and whole-of-community approach to the strategy is evident in the year one implementation plan. This plan describes the initiatives that will be put in place in the first year of the strategy. As well as continuing successful initiatives from the original strategy, there are new initiatives in the year one implementation

plan such as the Good Living, Healthy Eating program, the Getting Active Plan to encourage people to exercise more, the MACA Media Awards, and the Years Ahead project, which will showcase diversity. I look forward to reporting to the House on the progress of this work as we continue to ensure the best for our seniors.

### **DAM CATCHMENT FLOOD OPERATIONS STRATEGY**

**The Hon. SARAH MITCHELL (14:47):** My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on the operation of dams during flooding across New South Wales, and particularly around Forbes?

**The Hon. Mick Veitch:** Are you ready for this?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:48):** I am absolutely ready. I thank the Parliamentary Secretary for her question. The rainfall we have seen across New South Wales over the past few months has not been seen for many years. The State's water storages have improved significantly, with some dams reaching their full capacity in time for the upcoming irrigation season. Ordinarily, our dams are operated to maximise the water allocations that underpin the food and fibre produced in New South Wales. However, when our catchments go into flood, releases from dams are managed carefully to reduce the impact of flooding on river communities. WaterNSW has been managing the record high rainfall seen across much of the State this winter and spring, with the objective of minimising flooding in many communities in New South Wales.

Throughout September and October WaterNSW worked closely with the State Emergency Service and the Bureau of Meteorology. Through careful, around-the-clock management of Wyangala Dam, the flood peaks in the Lachlan Valley were consistently reduced. During the worst of the flooding at Forbes, inflows into Wyangala Dam were occurring at 120 gigalitres per day. At the same time, releases from the dam were held at less than half the rate of inflows. When the flood peak had passed and the Lachlan River and tributaries receded, WaterNSW began controlled releases to create as much storage capacity as possible in Wyangala Dam. It did so without exacerbating flooding downstream. This flood operations strategy was adopted by WaterNSW to create the storage space that was needed to accommodate future rainfall events. By following this strategy, WaterNSW was able to create more than 100 gigalitres of air space, which was enough to absorb much of the inflows that occurred in the following weeks.

I am pleased to inform the House that winter and spring rainfall is benefiting western communities that have desperately needed a drink for three years. Flows in the Darling River are now being passed into Lake Menindee for the first time in over three years, with more water forecast to enter the system in the coming months. It is a great turnaround from the severe drought conditions across the region earlier this year that saw the lakes at less than 3 per cent capacity. The short-term relief for those communities is welcome, but the Government remains committed to the construction of the 270 kilometre Murray River to Broken Hill pipeline. Despite its best efforts, many people in communities in the Lachlan Valley and elsewhere have been adversely affected by the floods across regional New South Wales. The wet weather has impacted crops, with some late-sown crops suffering damage from waterlogging and inundation.

Early indications estimate crop losses to exceed \$680 million, with total agricultural damage in excess of \$720 million. The flooding has injured and killed stock and damaged infrastructure. The Department of Primary Industries and Local Land Services are continuing to work with farmers impacted by the rain event and encourage all landholders to report damage as soon as possible. While rainfall and run-off forecasting is advanced, it is still not exact. The variability in timing and volume of inflows against forecasts means that a degree of flood operations decision-making can occur only once forecasts are verified with observed inflows. I commend WaterNSW, the State Emergency Service, the Department of Primary Industries, Local Land Services and the Bureau of Meteorology for their successful management of this rain event.

### **SHARK MANAGEMENT STRATEGY**

**Mr JUSTIN FIELD (14:51):** I direct my question to the Minister for Primary Industries, and Minister for Lands and Water. I ask this question noting that another shark bite occurred in Ballina today. Recent reporting in the Murdoch press indicates that the Government is softening its position on expanding the shark netting program in New South Wales and planning to seek advice or approval from the Federal Government to expand the netting or meshing program across the State. Will the Minister inform the House whether the Government is currently seeking or planning to seek advice or approval from the Commonwealth Government to expand the meshing program in New South Wales?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:52):** I can inform the House that the New South Wales Department of Primary Industries [DPI] is investigating a shark bite at Sharpes Beach, Ballina, that occurred at lunchtime today. The New South Wales

Shark Incident Response Plan has been activated, including the permit that allows police to destroy any shark that poses immediate threat to human life. The DPI will identify the species of shark and inform New South Wales police. The Government has been advised that the surfer transported himself to hospital with a minor injury.

Department of Primary Industries shark biologists are working in conjunction with Surf Life Saving NSW and local police. All beaches in the Ballina shire have been closed for 24 hours. A DPI shark biologist will study photographs of the board and the bite to determine the size and species believed to be involved in the incident. A blanket closure of Ballina beaches has been put in place for 24 hours. The DPI will continue to work closely with local organisations to update the community as the matter progresses. Smart drum lines are set in the area and the Government will continue to review this situation as it unfolds.

#### NON-EMERGENCY PATIENT TRANSPORT SERVICES

**The Hon. PAUL GREEN (14:53):** I direct my question to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for Health. Earlier this year the Government looked into introducing changes to non-emergency patient transport services in New South Wales. In the interim, two Western Sydney hospitals have approached Paramedical Services to assist them with the flow of non-emergency patients in order to reduce bed blockage and allow hospitals to provide beds to more acute patients. The Department of Health has since written to Paramedical Services and instructed it to cease the provision of those services immediately. Will the Minister inform the House what is being done to ensure that the Government's shared services for non-emergency patient transport are meeting demand in hospitals in Western Sydney, given that Paramedical Services is able to alleviate some of the burden encountered by the government service? Further, will the Minister explain to the House why the health department has written to Paramedical Services instructing it to cease such services?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:55:0):** I thank the member for that detailed question, seeking a number of facts. I will refer it to the health Minister and return with an answer.

#### WENTWORTH PARK SPORTING COMPLEX TRUST

**The Hon. MICK VEITCH (14:55):** I direct my question to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister inform the House how much is being spent on administrators of the Wentworth Park Sporting Complex Trust since the trust board was not reappointed in May? Will the Minister inform the House whether the Government will now take steps to remove the administrator and appoint a trust board to manage the affairs of the trust?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:55):** I thank the member for his question. It is an attempt to ask the same question in a different form in order to find out how much the administrator for the Wentworth Park trust is being paid. It is a question from the member that I have answered on notice and without notice in numerous formats both in the House and during budget estimates hearings.

**The Hon. Mick Veitch:** I will not give up.

**The Hon. NIALL BLAIR:** The little engine will keep trying and trying. I know the member thinks he can, but I am not sure he will. In relation to recommissioning the trust committee, the Government will take advice with regard to the implementation of announcements made yesterday. I am sure that is one of the issues the panel will explore.

#### FOOD SAFETY

**The Hon. MARK PEARSON (14:57):** I direct my question without notice to the Minister for Primary Industries, and Minister for Lands and Water. Heavy metals such as arsenic, mercury, chromium and lead are found naturally in coal. When those toxins enter the environment through dust or leaching into ground water they contaminate air, water sources, soil and pasture. They accumulate in crops and are likely to affect farmed animals. Given the potential food safety and biosecurity implications, will the Minister advise the House of any specific testing for heavy metals that would give confidence in the health and welfare of farmed animals as well as the safety of the food grown in the proximity of coalmines? If so, will the Minister table the test results in this House? If not, why not?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:58):** I thank the member for that detailed question. He began by referring to naturally occurring minerals and substances and the ability for them to end up in feed for animals and then asked whether those elements are tested for in those animals. It is potentially a question running a scare campaign against the consumption of animal products. That might work against vegetarians, because if substances are present in the plants fed to animals they

may also be present in the plants consumed by humans. Rather than stand here and debate the question, which I know is against the standing orders, I am happy to take the question on notice and have a look at what testing may be done in different areas and come back to the member.

### WATER TESTING

**The Hon. DANIEL MOOKHEY (14:59):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. In the light of the Tamworth Regional Council admitting negligence in its water testing program, which resulted in Moonbi, Kootingal and Bendemeer residents being exposed to unsafe uranium levels in their water since at least 2014, will the Minister now commit Department of Primary Industries [DPI]—Water to overseeing future water testing in the affected regions?

**The Hon. Duncan Gay:** Where was the third one?

**The PRESIDENT:** Order!

**The Hon. Niall Blair:** Point of order: I am taking a point of order because I know the clock will be stopped. I found it difficult to hear the member but there was also other noise in the Chamber making it difficult for me to clearly hear the question. I ask the member to either ask the question again or supply me with a copy and I am happy to take it from there.

**The PRESIDENT:** Honourable members will please listen to the Hon. Daniel Mookhey in silence so that the Minister can answer.

**The Hon. DANIEL MOOKHEY:** My question without notice is directed to the Minister for Primary Industries, and the Minister for Lands and Water. In the light of the Tamworth Regional Council admitting negligence in its water testing program, which resulted in Moonbi, Kootingal and Bendemeer residents being exposed to unsafe uranium levels in their water since at least 2014, will the Minister now commit Department of Primary Industries [DPI]—Water to overseeing future water testing in the affected regions?

**The PRESIDENT:** Order! At least 15 seconds of the Minister's time has gone. I ask the Government backbenchers to remain silent.

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:01):** I thank the member for his question. I can advise the House that the Tamworth Regional Council is supplying water to residents of Kootingal and Moonbi. Results from chemical testing requested by NSW Health have been completed and reviewed by the Chief Health Officer's expert panel. However, the full suite of radiation tests is yet to be completed. As the honourable member would know, matters such as this need to be investigated thoroughly. The council has secured a temporary alternative water supply for residents and NSW Health is investigating the matter. As I have clearly articulated in the House previously, routine monitoring by the Tamworth Regional Council has detected elevated levels of naturally occurring uranium in the groundwater supplied to the villages of Kootingal and Moonbi. The Tamworth Regional Council has notified residents and switched the water supply to the alternative Tamworth supply, removing any risk to residents.

The council is currently working with NSW Health, who is advising the council regarding ongoing testing, to inform a health risk assessment. DPI Water has an advisory role and has been in contact with the council. It is able to provide technical assistance if required. Uranium is a naturally occurring element and its presence in groundwater is attributed to the rock units through which the water has infiltrated and flowed through. It is NSW Health standard advice to owners of private bores that bore water should not be used for potable supply unless it has been tested and confirmed to be suitable for consumption.

This issue is being addressed by the experts within the scientific panel. There is advice coming from DPI Water and NSW Health. What I will not participate in is even hinting at using an issue like this for any sort of political scare campaign or gain. I am going to leave the answer there because we have the experts on it and we are not going to blow this into something that it need not be while we have the correct authorities looking into the situation at hand.

### REGIONAL RAIL LINE UPGRADES

**The Hon. TREVOR KHAN (15:04):** My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on his recent trip to Moree and the New South Wales Government's historic investment in upgrading rail lines across the State?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (13:05):** I thank the Hon. Trevor Khan for his question, and on behalf of the House I wish him a happy birthday. Last week, together with the member for Northern Tablelands, Adam Marshall, I had the pleasure of visiting Moree and inspecting the site where \$2 million will be invested to restore the Moree to Inverell

line. Projects across regional New South Wales spanning from road to rail are receiving historic levels of funding and are ensuring our regional communities become safer and more accessible as well as freight movements becoming more efficient.

We will be injecting \$2 million into restoring this 2.8-kilometre section of rail line in Moree which will take 250,000 tonnes of grain off our roads in New South Wales while improving the movement from paddock to port of agricultural produce in the area. This part of the \$15 million pilot for our \$400 million Fixing Country Rail program is about removing trucks from our local roads while ensuring we keep freight moving efficiently across the State. The freight transport network is the backbone of country New South Wales and we need to improve its efficiency. This program is a massive win for the economy of regional communities and the State's producers. All that our colleagues on the other side did was shut down railway lines. Since 2011 we have invested more than \$1 billion into upgrading them.

**The PRESIDENT:** Order!

**The Hon. DUNCAN GAY:** Point of order: Mr President, I cannot hear myself think for the noise coming from the other side.

**The PRESIDENT:** Order! The Minister has the call.

**The Hon. DUNCAN GAY:** Since 2011 we have invested more than \$1 billion into upgrading country regional rail networks and we are continually improving the way we move freight. The line also will result in 6,400 20-foot containers of cotton and pulses every year taken off council and State roads in the region and put onto rail. This is the key to cutting costs for transport operators and our local producers.

**The Hon. Trevor Khan:** And improving road safety.

**The Hon. DUNCAN GAY:** And it does improve road safety. While in the area we inspected truck wash facilities in Moree, for which the Moree Shire Council recently sought further funding under the New South Wales and Federal Government \$10 million Fixing Country Truck Washes program. Moree is a freight hub. We have three major State highways all coming together in this area, including the Newell Highway. Moree is one of the major freight and arterial routes in New South Wales. We are committed to improving the way we do things right across regional New South Wales.

When 2,500 tonnes is moved off road onto rail it means it is not going by road through Moree, and that is safer for the citizens of Moree. But not only that, we are also taking \$25 a tonne off the cost of taking it to the port. Do you know where that port is? That port is in Newcastle—something that those on the other side would not think about. People vote for the Labor Party but the Labor Party does not care about them. That is 250,000 tonnes of grain going to Newcastle that was going to Brisbane because this Government sensibly spent \$2 million upgrading a rail line on the old Moree to Inverell route. Labor could have done it. It was simple. But we had to wait for a sensible government to do it, one that cares about regional New South Wales and listens to the people. *[Time expired.]*

#### **KING EDWARD HEADLAND RESERVE**

**Mr DAVID SHOEBRIDGE (15:09):** My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. Noting that the Government has produced a draft communications strategy for the granting of the Awabakal Local Aboriginal Land Council's land claim over the King Edward Headland Reserve, what protections are proposed to ensure that public access to and public recreation on that important site are retained in the future?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:10):** I thank the member for his question. The land claim is still undetermined. It has not come across my desk for final determination. In 2007 a plan of management was prepared that provided for redevelopment of the site. A competitive tender process resulted in the King Edward Park Reserve Trust signing a project development agreement with Annie Street Commercial Proprietary Limited. Following its assessment, Newcastle City Council granted consent to a development application lodged by Annie Street Commercial for a function centre and cafe on the site. The proposed development occupied 0.6 hectares of the 14.6-hectare reserve.

A subsequent appeal in the NSW Land and Environment Court resulted in the plan of management and development consent for the site being declared invalid. The finding in the King Edward Headland Reserve matter was particular to the facts of that case and does not set a general precedent for other Crown lands cases. It did not invalidate commercial activities on Crown land and it did not rule that the land must be made available for public access. The Department of Industry—Lands is considering the implications of the decision and future options for the site. In the interim, part of the site is considered unsafe for public access following the incomplete demolition of the former bowling club buildings. Most of the King Edward Headland Reserve was reopened to the public for

public recreation on 19 September 2016. The temporary fence was relocated to reopen the former bowling greens and car park section of the site. However, in the interests of public safety, the temporary fencing will continue to protect the former clubhouse, along with an unstable masonry fence and drinking fountain along Reserve Road.

The department is in discussions with Newcastle City Council about the actions required to ensure that the demolition is completed in accordance with the development consent issued to the developer. On 20 June 2016, in a cost decision, the Land and Environment Court directed that costs in the proceedings be shared between the reserve trust and the Newcastle City Council. The court found that the Minister was not liable for any costs. The reserve trust and the Newcastle City Council are liable for the full amount of the applicant's costs. There is still considerable work to be done to identify and separate the costs based on the decision. The land is under an Aboriginal land claim lodged in 2012. Mr David Shoebridge referred to a communications strategy, but the claim is undetermined. After receiving feedback from members of this House who visited the site as part of the inquiry into Crown lands, I asked the department to look again at the restriction of public access. That has resulted in the fence being removed from most of the site. It remains only in a small area. The site is open to the public. We need to wait until the Aboriginal land claim is determined before we can look at ongoing public access.

**Mr DAVID SHOEBRIDGE (15:13):** I ask a supplementary question. I thank the Minister for that answer. Public access is retained where there are land claims over beaches. Is his department actively considering a similar arrangement to ensure that there is public access to and public recreation on King Edward Park, consistent with the land claim?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:14):** As I indicated, I have not received advice on whether the land claim is to be refused, granted or partially granted or the conditions that may come with that. These factors are considered on all Aboriginal land claims. When a determination comes to me for approval there could be a range of provisions attached to the claim. In some cases the claim is partially granted. In others it is either refused or granted outright. I am sure that the assessment process is looking at all factors. The fact that we have asked the department to have another look at that site and to open it up to the public is an indication that we do understand the importance of the site. I need to see the advice from the assessment process when it comes to me for final approval.

#### NATIVE WILDLIFE

**The Hon. PENNY SHARPE (15:15):** My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for the Environment. Given that it is illegal to harm native wildlife, including wombats, without obtaining specific approval through a section 121 occupier's licence, why did the Office of Environment and Heritage close its investigation and not prosecute a Bega Valley landowner who boasted that more than 100 wombats have been killed on his property?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:16:0):** I thank the honourable member for her question. I will refer it to the Minister for the Environment, Mr Mark Speakman, and come back with an answer.

#### ACCESSIBLE TOURISM

**The Hon. MATTHEW MASON-COX (15:16):** My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister outline how the New South Wales Government is supporting accessible tourism?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:16:2):** I thank the honourable member for his question. Last month I had the pleasure of attending World Tourism Day at Jervis Bay. This year's theme is "Tourism for All—promoting universal accessibility". As the Minister for Ageing and Minister for Disability Services, I could not think of a more appropriate theme for the day. Every person should have the chance to enjoy the experiences that travel and tourism bring, including older people and those with disability. World Tourism Day, which is celebrated annually on 27 September, was established by the United Nations in 1980 to raise international awareness of the importance of tourism and its social, cultural and political value. It seeks to address the global challenges outlined in the United Nations Millennium Development Goals and highlight the contribution the tourism sector can make in reaching those goals.

To celebrate World Tourism Day in the Shoalhaven, an organisation named It's Heaven Inclusive Tourism organised a cruise on a fully accessible catamaran on Jervis Bay for 80 members of the community. The catamaran, operated by Jervis Bay Wild, has facilities that enable guests with disability to be hoisted from their wheelchair into the boom net or even into Jervis Bay to go snorkelling. It is wonderful to see companies making inclusivity part of their core business. Most of us take access to tourism for granted, but this is not the case for everyone. This is why the Government is working to make New South Wales the State of inclusion. The NSW

Disability Inclusion Plan, which I launched in February 2015, sets out four focus areas identified by people with disability as priorities for change: building positive community attitudes towards disability; supporting the creation of liveable communities; increasing meaningful employment; and supporting access to systems and information for people with disability.

Inclusive tourism provides opportunities to further these aspirations and to include participants across the State whom we may not have otherwise reached. So far this year I have hosted three public forums to identify strategies to support the growth of inclusive tourism—at Parliament House, Nowra and, more recently, Orange. No other industry has the same geographic reach, range of participants and positive associations as has tourism. Recently there have been some great initiatives promoting tourism for all, such as the Government's announcement to make the Sydney Harbour Bridge walkway accessible and councils developing inclusion plans to ensure that local communities are more accessible and attractive to older people and visitors with disability.

Inclusive tourism is not only about making communities welcoming to people with disability but also about supporting communities to make good decisions regarding inclusion, such as planning events, and ensuring access to shops and buildings for people with disability. Along with those people with disability come their friends and family, as many do not travel alone. This is about servicing a community of 1.3 million people, young and old, with a range of disability. This is substantial business. The tourism market for those with disability is estimated at over \$8 billion per annum in Australia, 11 per cent of the market.

The New South Wales Government also has been working with Local Government NSW and local councils to support the development of local disability inclusion action plans by 1 July 2017. The plans will improve access for older people, those with disability and others, with flow-on effects across the tourism sector. The National Disability Insurance Scheme [NDIS] will provide further opportunities for tourism. As people have a greater say in how they spend their NDIS funding, tourism will benefit and this will create a new market that can provide regional growth and development. The Government is committed to identifying and supporting opportunities for people with disability to lead fulfilling lives. [*Time expired.*]

#### **ASSAULTS ON PEOPLE WITH DISABILITY**

**Ms JAN BARHAM (15:20):** My question is directed to the Minister for Disability Services. On 22 March 2016 the Minister indicated he would raise the issue of violence, abuse and neglect against people with disability and a proposal for a royal commission to the Council of Australian Governments [COAG] meeting of 2 September. Will the Minister advise of any progress towards establishing a royal commission into all forms of violence, abuse and neglect against people with disability, including institutional and residential?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:21:1):** I represented New South Wales at the Disability Reform Council meeting on 2 September 2016 when quite a number of matters were discussed with me, my State counterparts and the Federal Minister for Social Services, Christian Porter, and the Federal Assistant Minister for Social Services and Disability Services, Jane Prentice. Matters discussed included the National Disability Insurance Agency [NDIA] board, issues of governance and safeguards, the NDIA information technology system, and the portal—which was the number one topic at the board meeting. I noted the assurances of Minister Porter that extensive work was being done to resolve the issues of the portal including the Minister allocating an additional 100 staff members to the NDIA to assist.

The Minister and Assistant Minister Jane Prentice assured me that extensive work has been done, that a catch-up for those who missed out on their plan is now taking place, and that things should be back to a normal operating system by the end of this year. Safeguards was another major issue that was raised and extensive discussions have been held between all State Ministers and the Federal Ministers. I was advised that quite a bit of work is still continuing in relation to that. Ms Jan Barham can be assured that quite extensive and good work is also being undertaken between the State, the NSW Ombudsman's office, official community visitors and my agency, Ageing, Disability and Home Care, in relation to these matters. The matters will continue to be discussed and I am happy to report back to the House on those discussions.

#### **PORT KEMBLA SURF LIFE SAVING CLUBS**

**The Hon. LYNDIA VOLTZ (15:21):** My question is directed to the Minister for Roads, Maritime and Freight. In the light of the privatisation of Port Kembla, what is the Minister's response to community concerns that the port privatisation has stopped surf lifesaving clubs accessing the inner and outer harbour?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:23):** I thank the Hon. Lynda Voltz for her question on the leasing of Port Kembla. I am unaware of the matter, but I will take it on notice as an important issue and one that is accurate. I will provide an answer.

## WEED CONTROL

**The Hon. RICK COLLESS (15:24):** My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on what the Government is doing to combat weeds?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:24):** I thank the Hon. Rick Colless for this very important question. The New South Wales Government is committed to reducing the spread of weeds with a coordinated and strategic approach. Having previously been responsible for managing the control of noxious weeds for a local council, I have seen firsthand the problems caused by the spread of pests, including weeds, across our great State. Weeds not only are a headache for our farming community, robbing them of productive land, but also are a drain on the public purse. Weeds cost farmers and the community approximately \$1.8 billion a year in control measures and lost production. Weeds impact severely on agriculture by out-competing production, contaminating produce and poisoning livestock. They also impact our water assets, biodiversity, tourism and human health.

This wide range of impacts shows just how important it is to manage weeds effectively in New South Wales. That is why I am pleased to inform the House that the Government is investing close to \$10 million in the 2016-17 financial year in its Weeds Action Program. This funding will ensure consistent and coordinated regional weed control planning and delivery. The Weeds Action Program is a key initiative under the New South Wales invasive species plan. As part of the program, projects in the south-east Local Land Services region will receive over \$1.4 million, the North Coast more than \$1.2 million, the Central West almost \$985,000, the Hunter close to \$975,000, Greater Sydney over \$955,000, the Riverina over \$717,000, the Central Tablelands over \$716,000, the north-west close to \$600,000, the Northern Tablelands over \$520,000, the Murray almost \$468,000 and the western region almost \$219,000.

This funding will be used to combat notorious pest plants such as serrated tussock, Chilean needle grass, alligator weed, tropical soda apple and fireweed. An additional \$1.5 million also has been allocated to a statewide multifaceted approach that is based on preventing new weed species from gaining a foothold in New South Wales, eradicating newly established weeds and containing problem weeds. The Weeds Action Program empowers regional communities to address weeds that are most important to them at the regional level while maintaining a capacity to manage weeds that have a broader impact for the whole of New South Wales.

The announcement of this funding could not have come at a better time. We are expecting to see an increase in weed growth after a wetter than normal winter and soggy start to spring. Farmers need to be both vigilant and diligent in their surveillance and seasonal weed management programs. This can be an excellent opportunity to reduce existing weed seed banks with many weeds now germinating after a long, dry period. It is critical that emerging weeds are treated quickly before they set seed. Similarly farmers need to be on the lookout for new weeds that may have travelled in floodwaters.

Proper identification is critical, so I strongly recommend that landholders download the WeedWise application of the New South Wales Department of Primary Industries. The WeedWise app is the first of its kind, combining profiles and control information for 300 high-priority weeds across the State. It is available free of charge through the Apple App Store or for Android users on Google Play. The Weeds Action Program is a great example of a successful partnership between State and local government, and I am pleased to report it is making significant inroads on problem weeds across New South Wales.

## GREYHOUND RACING INDUSTRY BAN

**The Hon. ROBERT BORSAK (15:28):** My question is directed to the Minister for Roads, Maritime and Freight, representing the Deputy Premier, and Minister for Racing. Will the Deputy Premier immediately release the time line for repealing the Greyhound Racing Prohibition Bill 2016 and the greyhound racing industry ban, given that only two sittings weeks will occur before the Orange by-election?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:29):** Frankly, I cannot see the point of a question about a time line. It has been indicated that the repeal is happening. The racing ban will be repealed in the first session of Parliament next year before the date that the ban was meant to take place. The dates of Parliament next year were released yesterday. The calendar is on the net for the member to look at. The indication made by the Premier and reinforced by me today is that we will be bringing in legislation to repeal it in the first session. That legislation will be introduced to Parliament before the other legislation takes effect.

The time for questions has expired.



**The Hon. Shaoquett Moselmane:** Point of order: I am advised that questions without notice started two minutes late. We have another two minutes on the clock.

**The PRESIDENT:** Strictly speaking, the member is making a point of order but has indicated no particular breach of the standing orders. Therefore, I am unable to rule in his favour. The Minister has concluded the time for questions. Any other questions can be placed on notice.

*Ministerial Statement*

**NEWELL HIGHWAY FLOODING**

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:31):** Flooding affected the southern half of the Newell Highway in August, September and October 2016 resulting in a full closure of the Newell Highway between Forbes and West Wyalong on 22 September 2016. Roads and Maritime Services [RMS] staff have worked around the clock since then to ensure that all motorists, including the heavy vehicle industry, have up-to-the-minute information about preferred detour routes. Roads and Maritime Services staff have assessed the detour routes daily and have made adjustments and emergency safety repairs, supported by their local government partners, to keep traffic moving.

The Newell Highway between Marsden and West Wyalong reopened on 6 October 2016, providing for access along the Mid-Western Highway from Marsden to Bathurst via Grenfell, Cowra and Blayney. This has more than halved the detour time for motorists from more than two hours to 50 minutes. The Newell Highway from Forbes to Marsden remains closed, with more than 40 centimetres of water flowing across the road in multiple locations. I know how keen local people and business operators are to find out the status of the Newell Highway. Until water recedes Roads and Maritime Services workers cannot inspect the Newell Highway near Marsden or accurately estimate the time needed to make necessary repairs to allow traffic on the road again. It is expected, however, that the Newell Highway between Marsden and Forbes could be open within two weeks, weather permitting. If the weather keeps dry the time line may be better. Crews are on stand-by to inspect, repair and reopen the road at the first opportunity that it is safe to do so.

On 6 October 2016 I announced additional funding of \$13 million to flood-affected councils in the Central West to allow them to accelerate repairs to local roads affected by flooding and wet weather. That funding is in addition to the funding that will be provided under the natural disaster program to restore flood-damaged roads following detailed assessments of the damage by councils and RMS staff. Roads and Maritime Services has mobilised additional work crews from coastal and outside regions to assist with the initial response to road damage in the Central West and is planning a coordinated approach to addressing the surface damage to the network as soon as it possibly can.

**The Hon. MICK VEITCH (15:35):** On behalf of the Opposition I express thanks to all those involved during the extensive flooding in the Central West, including workers from the State Emergency Service, Roads and Maritime Services [RMS] and other emergency services. I implore people to drive carefully having regard to the conditions of the roads and to obey the instructions provided. It is impossible to know the state of the road surface beneath the water, so I urge people to drive carefully and in accordance with the conditions. Our thoughts are with those who have been impacted by these extensive floods. Whilst a little bit of rain is good, there are now significant volumes of water lying all over the place. More rain is predicted. I accept that the road network has been significantly damaged, which will take councils and the RMS staff some time to address.

Another issue that arises from floods of this nature are mosquitoes. Everyone in regional New South Wales knows that there will be a significant number of mosquitoes—probably quite large infestations—breeding in the floodwaters. We know that repairs to the road and infrastructure network are not the only issues that will arise because of all the water lying around. Our thoughts are with those impacted. More importantly, on behalf of the Opposition I extend our appreciation to all volunteers, emergency workers, RMS staff, police and everyone who has been involved during the floods. Their work has been absolutely exemplary. Our thoughts are with those who are enduring difficult times at the moment.

*Bills*

**INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2016**

**Returned**

**The PRESIDENT:** I report the receipt of a message from the Legislative Assembly returning the abovementioned bill without amendment.

*Documents***GREYHOUND RACING INDUSTRY****Further Return to Order**

**The CLERK:** According to the resolution of the House of 14 September 2016, I table correspondence relating to a further order for papers regarding greyhound welfare, received this day from the Deputy Secretary, Cabinet and Legal, Department of Premier and Cabinet, advising that the documents referred to in the resolution will be produced by Greyhound Racing NSW and returned directly this day. I further table documents received this day from Greyhound Racing NSW together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying documents for which privilege is claimed and which are available only to members.

*Bills***SOCIAL AND AFFORDABLE HOUSING NSW FUND BILL 2016****Second Reading**

**The Hon. BRONNIE TAYLOR (15:38):** On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time.

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

**Leave granted.**

I am pleased to introduce the Social and Affordable Housing NSW Fund bill 2016 that delivers on another election commitment. This bill provides for the establishment of the Social and Affordable Housing Fund to set aside dedicated, ring-fenced funding for social and affordable housing in this State. The fund will be called the SAHF NSW, or the SAHF. We made an election commitment to deliver more social housing stock and we are making good on that promise. This new fund will allow us to unlock new homes for those who need them most and support the most vulnerable in the community.

The NSW Government launched the SAHF in January. I acknowledge the contribution from Minister Hazzard, Minister for Family and Community Services, and Minister for Social Housing. The SAHF is a major new innovative initiative in the approach to the way social and affordable housing is delivered in the State. In its first phase the SAHF will target delivery of up to 3,000 additional social and affordable homes, helping to reduce waiting lists for vulnerable families. The request for proposal for phase 1 of the SAHF closed on 17 August, receiving a strong market response. The request for proposals was issued to the shortlisted applicants on 6 May, and the evaluation process is now under way.

At present, social housing developments face a funding gap between the rental stream they receive from tenants plus government subsidies and the revenue required to sustain a commercially viable project. The Social and Affordable Housing Fund will provide a long-term revenue stream to plug this gap and encourage private and non-government organisations to team up to develop housing projects. The SAHF will be set up with \$1.1 billion in seed capital from the Government and will provide much-needed investment certainty to the sector. The Government's investment arm, TCorp, will invest the \$1.1 billion and the returns will go towards social and affordable housing projects in the form of a stable 25-year income stream. By establishing the fund in legislation we are setting up a ring-fenced structure. Funds are quarantined for social and affordable housing, funding not only the current program but also future initiatives. Should the fund outperform over the longer term, the excess earnings will go towards further social and affordable housing programs.

Proponents for phase 1 have been asked to put proposals forward that achieve social outcomes for tenants. The Government will pay for a package of services for up to 25 years that provides: access to accommodation; asset management and tenancy management services; coordination of support services tailored to each tenant; and performance and data monitoring. This outcomes-focused model has been developed in consultation with the NSW Council of Social Service [NCOSS]. I thank them for the input and encouragement they provided during the consultation about putting this important piece of policy forward. I also note the contributions of Infrastructure Partnerships Australia [IPA] following a memorandum of understanding signed in March 2015. The Government is determined to facilitate innovative, value for money, service-driven outcomes that are going to help those people who need it most. Private investors, NGOs and landholders will now have more opportunities to work together to boost our social and affordable housing stock through this new fund.

Proposed section 5 of the bill sets out the purpose of the fund. This includes setting aside funds to create new social and affordable housing stock, deliver associated services and achieve social outcomes for tenants. The fund is financially sustainable over the long term. Our goal is to preserve and grow the capital whilst funding social and affordable housing. By enshrining the fund in legislation we are sending a strong signal to the market of permanency. This innovative ring-fenced financial structure shows the long term vision and commitment of Government to the sector. Payments from SAHF NSW will be made in a transparent manner with the annual financial reports being made publically available and subject to audit by the Auditor-General. In conclusion, this bill provides Government with a dedicated fund for the social and affordable housing sector enabling access to social and affordable housing and, importantly, the support services for the most vulnerable in our community. I commend the bill to the House.

**The Hon. ADAM SEARLE (15:38):** I lead on behalf of the Opposition in debate on the Social and Affordable Housing NSW Fund Bill 2016. The Opposition does not oppose the legislation. I acknowledge my colleagues in the other place, the shadow Treasurer, Ryan Park, and the shadow Minister for Social Housing,

Tania Mihailuk, for the work they have done in debate for the party and for the Opposition on this matter. Currently social housing faces a funding gap between the rental stream that is received from tenants plus the subsidies provided by taxpayers and the revenue that is required to sustain a commercially viable project. The Social and Affordable Housing NSW Fund is said to be designed to address that gap to ensure that the waiting list for social housing, which is growing daily, is reduced. It aims to do this by providing the capital for community housing providers to build, own and maintain their own properties. The government agency will not own any of the stock built under the fund.

Only phase one of the program is currently underway. It was launched in January this year with calls for expressions of interest. The Government only now has introduced a bill to provide for the establishment of the fund, which is somewhat tardy on the part of the Government. Following the closure of the expressions of interest phase, nine consortiums were shortlisted and issued with a request for proposal. Following the evaluation of those proposals, the Government says it intends to award successful consortiums 25-year service agreement contracts. It is expected that those agreements will be awarded soon and we look forward to that happening.

The fund is said to be aimed at providing a long-term revenue stream to plug the gap and encourage non-government organisations to collaborate and develop housing projects. I acknowledge that the Leader of the Opposition in the other place made the issue of social housing a key plank of his budget reply speech. He understands, like all of us on this side of the House, that this is a major issue from not only a social perspective but also an economic and budgetary perspective. Social housing impacts on the budget and we want to ensure that as a community we can provide housing to those who are unable to enter the market on their own. The fund will be established with \$1.1 billion in seed capital from the Government to provide investment to the sector. The investment arm of the Government, TCorp, will invest the \$1.1 billion and the returns will go to social and affordable housing projects in the form of a 25-year income stream.

While this is welcome, it should be understood that this equates to about \$44 million a year each year for the 25 years. So while the announcement of a \$1.1 billion investment sounds significant—and it is better than nothing—boiled down to an annual figure it is, in fact, quite modest when we look at the scale of need we face. The aim is to deliver approximately 3,000 additional social and affordable homes. The Opposition has concerns that, given the structure of the fund, that number may not be met and that there will be a substantial shortfall between that aspirational figure and what is actually delivered, although we hope we are wrong about that.

Again, while 3,000 new homes are certainly better than no homes, it will barely touch the sides in terms of the quantum of additional housing stock needed in this State. For example, the NSW Federation of Housing Associations believes that approximately 100,000 new social and affordable houses are needed over the next 20 years, which is close to 5,000 new homes per year, just to prevent the social housing waiting list from blowing out even further. Over the 25 years, this fund will build less social and affordable housing per year than is already needed just this year.

Given that the Social and Affordable NSW Fund will be established as an investment fund seeking returns in the market, there is a question about whether the returns will be substantial enough to generate the funding required to deliver the 3,000 homes per year over a 25-year period. I ask the Government to outline some more details about its investment strategy, particularly, how it is going to establish a safety net to ensure that what it is aspiring to deliver is, in fact, delivered. I note the commitment given by the Treasurer in her second reading speech that should the fund outperform over the long term, additional earnings will go towards further programs that share the aims of the fund. That is laudable, but I ask the Government in this place: Should the fund underperform, either in the short or over the longer term, does the Government intend to step in with additional revenue to support the objects of the fund to ensure that the 3,000 homes are delivered, or will the quantum of houses to be built be reduced?

Turning to the bill, I note that clause 5 sets out the purpose of the fund, which includes setting aside funds to create new social and affordable housing stock and the delivery of associated services and social outcomes for tenants. Clause 13 deals with delegation. The Minister may delegate the exercise of any function of the Minister under the Act to the secretary of the Treasury, or to any person employed in the Treasury, or to any person employed in a public service agency prescribed by the regulations. Importantly, there will be a review of the Act, as outlined in clause 16. The Minister is to review the Act to determine whether the policy objectives of the legislation remain valid and whether the terms of the Act remain appropriate for securing the objectives. The review is to be undertaken as soon as possible after the period of five years from the commencement of the legislation, and a report on the outcome of the review is to be tabled in each House of Parliament within 12 months of the end of that review.

In its various second reading speeches the Government has spoken about the engagement of the NSW Council of Social Services [NCOSS] and Infrastructure Partnerships Australia, and we acknowledge the work of those stakeholders. The challenge for all of us is not only the construction of social and affordable housing

but also the maintenance of that stock. We are faced with real challenges to ensure that the current regime of maintenance of public housing stock is delivered more efficiently and more effectively. I remember when this Government took office, the former finance Minister, the Hon. Greg Pearce, would regularly lecture those of us on this side of the House about the alleged \$300 million maintenance backlog for social and affordable housing in government hands. I have kept abreast of that issue each year and it is noteworthy that that figure has not decreased; in fact, this year I believe there is a \$330 million maintenance backlog.

**The Hon. Greg Pearce:** I should have stayed, shouldn't I?

**The Hon. ADAM SEARLE:** I acknowledge that interjection. This Government could have done much worse than to have the services of the Hon. Greg Pearce in the Ministry. But the point is that this Government has failed, according to its own objectives. The Hon. Greg Pearce was right to point out that a \$300 million maintenance backlog was inadequate for Government, and under the Government's watch it has become worse—it certainly has not diminished—so I would like the Government to also outline its plans to bring that backlog to a much more manageable level. All members in this place and in the other place can tell some horrific stories about the lack of maintenance in the public housing sector across the State and, given the booming property market and the revenues that are flowing to Government coffers on the back of stamp duty, it would be incumbent on the Government to ensure that a sufficient amount of that goes to providing housing that remains fit for purpose to the most vulnerable in our society.

I know that my colleague the member for Bankstown feels very strongly about this issue not only because of her firsthand experience in her electorate but also because of her commitment to social justice—a commitment shared by all of us on this side of the House. We support the legislation before the House, but this Government still has many challenges to meet, not the least of which is to hold itself to the standards that it sought to apply to its predecessor.

**The Hon. PAUL GREEN (15:48):** I speak in debate on the Social and Affordable Housing NSW Fund Bill 2016. The object of the bill is to establish the Social and Affordable Housing NSW Fund for the purpose of providing funding for the delivery of social and affordable housing in New South Wales. I am a firm believer that everyone should have a place to call home—a place that provides stability, security, safety and connection with family and community—whether home is a cottage, a terrace, a studio, a bedsit, a unit, a caravan or a room in a boarding house. Access to affordable safe and sustainable housing is important. It can ameliorate disadvantage and enable people to participate in society, both economically and socially.

As our population ages, we want to see more people age in place so that they can flourish in their later years and keep their independence as long as they can, remaining in the area in which they have lived. Access to housing is becoming increasingly difficult, especially affordable and social housing. In 2014 the Select Committee on Social, Public and Affordable Housing identified that social housing is meeting about 44 per cent of the housing needs and we know that recent figures indicate that approximately 67,000 people are still on the waiting list to receive assistance. I welcomed the Government's announcement of the establishment of the Social and Affordable Housing Fund in January this year. The New South Wales Government has invested \$1.1 billion in capital into this fund, which will allow the unlocking of new homes for those who need them most and provide support for the most vulnerable in our community. The first phase of the fund will target the delivery of up to 3,000 social and affordable homes, helping to ease the current waiting lists.

The Government is calling on proponents to forward proposals that achieve social outcomes for tenants and the Government will fund a package of services of up to 25 years that provides, first, access to accommodation; secondly, asset management and tenancy management services; thirdly, coordination of support services tailored to each tenant; and, fourthly, performance and data monitoring. I acknowledge that this model has been developed in conjunction with the NSW Council of Social Service and Infrastructure Partnerships Australia. The establishment of this fund goes some way towards addressing the shortage of supply of social housing. It means that some of our State's most vulnerable people will have a place to call home. However, this is only one small step. The affordable housing shortage will be an ongoing problem and needs to be combated from multiple angles to see the waiting list reduced.

The report completed by the Select Committee on Social, Public and Affordable Housing contains many other recommendations. I acknowledge that the New South Wales Government chose to respond to the report out of courtesy and I thank it for that. I ask the Government to now consider in particular the committee's recommendation to recognise social housing as a form of infrastructure and to enable proceeds from Waratah Bonds to aid it in producing a new supply of social, public and affordable housing.

There is another area about which I am passionate but I cannot say too much about it until tomorrow, after the report is tabled. I believe deeply that another way we can address the affordability of housing is through the shared equity process. Crown land in regional areas has been identified whereby the Government could keep

control of that land but people could get into the market by building houses on those blocks for less money than they would otherwise need. Down the line the Government could sell the block with the house on it, or have a qualification where other people can buy into that block to get into the market.

Western Australia has the Keystart program where people can get shared ownership in equity schemes. I note from my report from the Select Committee on Social, Public and Affordable Housing inquiry that these types of schemes enable people to purchase a home in partnership with an equity provider, which could be the Government, a community housing provider or another organisation. A person can buy into a home with a lower income or equity than normally would be required. The report notes that this type of scheme was described by Regional Development Australia Sydney as a pathway to home ownership for people on low to moderate incomes.

The New South Wales Federation of Housing Associations stated that New South Wales is one of only a few Australian jurisdictions that does not operate a shared equity or ownership scheme. The Committee for Sydney also highlighted that New South Wales is one of only a few States that has not promoted that system. The Committee for Sydney is also quoted in the report as saying:

We stress that at the moment the New South Wales Government is alone among Australian states in not promoting a scheme for shared equity-ownership products targeted either at intermediate renters currently unable to access full home ownership or key workers—

an important part I will talk about in a moment—

who are also the focus in some schemes in Australia and internationally of affordable housing products. It also has no coherent view at the moment of the desirability of government supported or enabled affordable housing or whether it wishes to incentivise the private sector to develop a market for these products—or how it might do so. This cannot be right.

In Western Australia, the Keystart program—known also as SharedStart—has helped more than 85,000 Western Australians to access home ownership. Such statistics make a similar scheme a promising solution for New South Wales. We are not suggesting that it is the only solution but—just as is the case with the issues of broadband, fixed wireless and satellites—there are different aspects to the overall solution. This may be a way of achieving a reduction in the waiting lists and of helping people to get a roof over their heads—whether that is for the aged, young couples, families or couch surfers. Putting more housing stock into the market will ease the pressure on private rentals in our communities.

Regional towns such as Dubbo, Tamworth, Wagga Wagga and even Shoalhaven and Wollongong are fighting for young professionals to come and provide services. When professionals such as nurses, teachers or police come to regional areas their first requirement is to obtain rental accommodation. Unfortunately, people from farms who may want to retire to their local town and age in place are unable to enter the market because there are no affordable rental properties available. We heard evidence where some of those people are living in their cars—people over the age of 65. After people have committed their lives and given their all to their local communities, they should not end up living under a bridge or in a car. We also need affordable rental accommodation for women and kids escaping domestic violence who end up living in cars. We must do better.

The Government came from behind the eight ball in respect of the deficit and where we were financially, but now we could not be in a better place financially. The Government must explore programs such as the Keystart initiative in Western Australia, which is able to provide 85,000 opportunities to access home ownership. Keystart has a lower deposit scheme as part of that initiative, with no mortgage lender insurance and no monthly account keeping fees. New South Wales can do better and there is no doubt that this bill is part of the solution.

Regional Development Australia Sydney pointed out that the Western Australian Government had delivered about 11,000 shared equity loans since 1984 and its loan book is worth over \$550 million. The McKell Institute contended that this type of scheme enables further development of social and affordable housing. The Housing Industry Association provided information about ways in which the rate of home ownership can be increased.

The Housing Industry Association states that this particular scheme reduces entry costs and mortgage payments for home owners, as a person buys the house but rents the land from the Government rather than buying the land outright. In 1950, the proportion of the cost of land within house-land packages was only 12 per cent and 88 per cent of the cost was the house. If you bought land on the coast at Huskisson in the 1950s, the fishing shack, that land cost 12 per cent of the total cost. It could be purchased for—

**The Hon. Rick Colless:** A couple of quid.

**The Hon. PAUL GREEN:** Yes, a couple of quid. The demographics at that time show that government housing was rented by low-paid workers and it gave people a hand up. Now, the land in those coastal communities is worth more than the fishing shack. The land is worth \$1 million and the house only half that. Things have

changed. That equation applies to land and house prices throughout New South Wales and it is difficult for people to achieve their dream of a mortgage. Some would call it a burden.

**The Hon. Lynda Voltz:** Another lawn to mow.

**The Hon. PAUL GREEN:** And another bill to pay. That is the dream.

**The Hon. Adam Searle:** It is a nice problem to have.

**The Hon. PAUL GREEN:** I note the interjection. It is a wonderful burden of prosperity and we are fortunate to be in that situation. Land prices have gone sky-high with house prices the lesser cost, and people are building their house to fill the block boundary to boundary in order to realise the capital of the house and land. McMansions are being built on the beaches. The market drives the prices, but taking the land out of the equation may offer one solution for social public affordable housing. Crown land constitutes 45 per cent of land in New South Wales. Using Crown land parcels could assist in regenerating towns. People would move into a town and put a house on a block if the land cost was removed from their mortgage. That is one way to address the social public and affordable housing crisis.

**The Hon. Matthew Mason-Cox:** Move to the Shoalhaven.

**The Hon. PAUL GREEN:** Yes, the Princes Highway is progressing. I can live in a palace in Shoalhaven or a one-room studio apartment in Sydney. Come down to where it is clean, green and pristine and has good fishing, beautiful mountains and whales swimming past the window. Any initiative must assist people to age in place where they are familiar with the community and have a network of family, friends and doctors. I mention the Sirius building and Millers Point as examples. The Government must address those issues but also afford respect to elderly and vulnerable people and allow them to see out their days in the place they call home. It is an important principle.

If social public affordable housing is sold in a town that has become prosperous, the Government must be mindful of inclusionary zoning and include a percentage of the replacement high-rise development to accommodate vulnerable people in our State. There must be a capacity to embrace all persons living in the area and allow the elderly to age in place. With good housing policy, this can be achieved. There are 100,000-plus homeless people across Australia, 40,000 of whom are youths. Members must do everything possible to assist those youths. The housing report noted that the provision of social public affordable housing is not where it ends but where the journey starts.

Social housing is meant to help people get on their feet and move on to their dream of living in a rental place they can afford or to buy a house. It is not meant for people to stop and stay. The spirit of this social policy is to help people get on their feet and to move on so the next vulnerable person can use the facility. I applaud the Government for establishing this fund. The Christian Democratic Party believes the bill will be successful and provides a solution. The Christian Democratic Party commends the bill to the House.

**The Hon. PENNY SHARPE (16:06):** In speaking to the Social and Affordable Housing NSW Fund Bill 2016, I note that the Labor Opposition will support the bill. It is easy for us to refer to funding mechanisms and the bricks and mortar when we talk about delivering more housing for people to live in. The Hon. Paul Green spoke of that in detail. I will speak about the people who have come to our attention through reports and experience who are without a home, who are not able to buy a home or to live in a home. We know that there are tens of thousands of people sleeping rough. Tonight when we leave this building, many of us will walk past those people on our way home to our safe warm bed.

On the Central Coast churches have set up safe parking areas so that women and children can sleep in their cars because they have nowhere else to go. It is a worthwhile endeavour but it should not be happening. There are kids in out-of-home care who when they turn 18 will leave foster care but have nowhere to go. The statistics tell us that many of them will be homeless, on the street or in jail within the first 12 months. We know of people who reside in insecure housing because the rental laws are tilted towards landlords. In this State, even people who are working and paying their rent can be thrown out, through no fault of their own, and find themselves homeless.

People who lose their jobs are one pay packet away from homelessness. That is what is happening. We know that the housing system in Australia is set up in a way that skews towards speculation and that that is part of the reason we see the ridiculous New South Wales house prices. If the Government is serious about housing people, if it believes that everyone has a right to shelter and that housing will allow people to thrive and fulfil their personal promise, then speculation has to be removed from housing. The market fails in this area. It does not deliver what is needed, which is a roof over the head of every person in this State.

Failure to do that is leading to many other problems that none of us can deal with. People will be walking out of jail today who will have nowhere to go. They want to do the right thing but will find themselves with very few options and will probably be back in jail within six years. There are parents of children in mental health facilities who are very concerned that their children are about to be released but there is no secure housing or no safe place for them in which to live.

This bill is important but it is a drop in the ocean if we are serious about dealing with homelessness. If we seriously believe that everyone has a right to a home we have to take action. The market will not deliver it. Housing affordability in New South Wales, in Sydney in particular, is worse than it has ever been. The response from this Government so far is not to talk about targets when talking about population growth of several million people over the next decade. It simply says it will build more houses and release more land and the market will deal with it. The problem with that policy is that all it delivers is a hope that housing will become more affordable if the bubble bursts. That is the only solution to making things more affordable.

Public sector workers, hospitality workers, cleaners and others in this State are travelling hours and hours a day because they cannot afford to live near their place of work. I am aware of a childcare worker who is employed at a childcare centre that my children attended and who travels from south of Wollongong every day to earn less than \$40,000 a year. That is the only job she can get and she has to live with her parents because that is the only way she can afford to live. Baby boomers all over town and those of us with teenage children know that our kids are not going anywhere soon. They will not have the opportunity that we did as young people to become adults by living out of home and being able to rent. They will be living with us for a very long time because they cannot afford even a deposit on a house.

I do not know how many ways we have to look at it to understand that the housing system in this country is failing. But we must recognise that fact. If ever there were a case for Government intervention, if we seriously believe everyone has a right to a home, then this is it. This bill goes a very small way to dealing with this issue, but the matters that we face are far more significant. As we walk out of this building tonight and see the people scrabbling around on a bit of cardboard hoping to find a place out of the wind and the rain, let us think about it a bit more seriously.

**Ms JAN BARHAM (16:12):** I speak on behalf of The Greens to the Social and Affordable Housing NSW Fund Bill 2016. As indicated by my colleague in the other House Ms Jenny Leong—to whom I have been proud to pass on the responsibility of The Greens NSW housing spokesperson—The Greens do not oppose the bill. The establishment by this Government of a \$1.1 billion fund dedicated to the delivery of social and affordable housing is a positive step. But it is only one step. A lot has been said about taking small steps and that it is good to be moving in the right direction, but there is nothing stopping the Government from taking multiple steps or even a leap.

We have the information and the understanding to work more quickly at resolving the crisis that is the housing situation in New South Wales and the country as a whole. Comprehensive action is needed to address the crisis in the housing system, which includes the lack of adequate housing across the State's cities and regional centres. People focus on the city but there are serious problems in the regions, such as tourism issues in the coastal regions. The lower House is conducting an Airbnb inquiry at the moment and we await the outcome of that. There are so many factors involved in the housing crisis. On the coast many people, some of them long-term residents, can no longer afford to live in the area or cannot find employment.

I refer to the Government's failure to address the 41 recommendations that were handed down by the Select Committee on Social, Public and Affordable Housing. I am very proud to have been part of the committee that put those recommendations to this House. I was the deputy chair to my good friend the Hon. Paul Green who was the chair of that inquiry. The Hon. Paul Green has talked extensively about the importance of that inquiry and has shared some of my concern about the lack of implementation of the recommendations from that extensive inquiry. The Government must seriously consider that inquiry's recommendations and examine the information that was gathered. More could have and should have been done by the Government. It is a tragedy that more has not been done because it means we are further behind than we should have been. This bill is a good move, and I will not undermine that, but the select committee had a much broader focus.

Previous speakers have talked about housing as a continuum and housing as a right. Housing is a part of the way we live. It is a part of whether we gain employment, whether we receive training, whether our children are safe and are cared for in a community and whether they feel that they belong. The Hon. Penny Sharpe talked about people who travel long distances to work in poorly paid jobs. These are the realities of our times. Very few people talk about a holistic approach, but that is what is needed. That was the focus of the inquiry and I encourage all members in this House to look again at that information and lobby within their party for a much broader approach. One action is great; five or 10 actions are even better and make more sense when dealing with the overall problem. When speaking to the motion to establish the inquiry I said:

New South Wales has not had a broad-ranging public inquiry focusing on affordable and social housing need, its contribution to individual and community wellbeing, and ways forward to deliver a housing network that alleviates deep and persistent disadvantage.

That is what social housing contributes to society. The Productivity Commission has talked about recognising where the issues lie. Tony Vinson noted that by postcode we can pick where the problems will be and that they relate to all the other issues around juvenile justice or incarceration rates. Anyone who says we cannot predict the future from the statistics we collect today is fooling themselves or they are not very smart. I would like people to think more on this issue.

I know that the Hon. Bronnie Taylor and the Hon. Sarah Mitchell understand the depth and breadth of these issues from problems in their own communities. I have appreciated working with them on other difficult issues that also involve a broad focus. The inquiry into social, public and affordable housing was broad-ranging. It canvassed the challenges facing the housing system and the various approaches to the solution. The committee held several public meetings in a wide range of places. I recall heated discussion at times about the reason why people end up in a certain situation, why people do not pick themselves up and get out of the situation and why it can be intergenerational. I say to anyone who believes it is possible to get out of these situations to go there and try to do it yourself because it is a very, very difficult thing to do.

I grew up surrounded by Housing Commission houses. I go back there when I visit my mother, who lives in the same area. Two weeks ago the house across the road burnt down. The young boy who lived there, a junkie, was in the house with his dealer mates. Someone left a candle burning and the house burnt down. He is now homeless and will probably end up back in jail, but at least the dealing is not going on across the road. That is the reality for some people; it is the only life they know.

We need much bigger and broader reform. We need to bring hope and change to people's lives. The committee heard from social housing tenants, housing policy experts, government departments, local councils, tenancy and legal services and organisations involved in social welfare, and housing advocacy and support. They all talked about the need for a broader approach, to deliver on multiple levels, to achieve outcomes in time to save people from the risks that they face. The committee worked on that inquiry for more than a year and held hearings around the State. The inquiry clearly identified the alarming shortfall in social and affordable housing.

This bill establishes a fund that aims to deliver 3,000 dwellings in its initial phase. I raise a point that I have raised in the House before: The Government is selling off Crown land and public housing. I apologise to members of the Opposition, but they set a poor record. This Government will deliver only 30 per cent of public housing through the returns gained from selling off public land to commercial operators. It is not good enough. That deal is too low for the public. The Government is selling prime land, once only, and getting a bad deal. I expected better from a Coalition Government—money managers, smart people and economic giants.

**The Hon. Shayne Mallard:** That is us.

**Ms JAN BARHAM:** You are not.

**The Hon. Matthew Mason-Cox:** What do you mean it is a bad deal?

**Ms JAN BARHAM:** It is not a good enough deal, not for a once-only sale of public land. The Government should get a better than a seventy-thirty split. Fifty-fifty would be a better deal. The developers get the big win. The Government should go back and look at that. I appreciate the comments made by the Hon. Paul Green about what happened at The Rocks. People are being moved on. The Government is wrenching them out of their communities. Community is often the only thing they have. They do not have much money. They do not have many assets. They often do not have family, but they feel safe because they have a sense of community.

They know where they belong and they know the people are there for them. If that is taken away from them they will die—perhaps not physically but spiritually. Their soul, their hope, their faith dies because the Government is taking away the one thing that is important to them. Let us have no more of that, please. Aboriginal people were moved out of their community in Dubbo and the department does not know where they went. No-one was tracked. We do not know the impact on their wellbeing when they were moved out so that the land could be sold and the houses demolished. These are poor standards. A report card would say, "Improvement required. Can do better."

**The Hon. Matthew Mason-Cox:** One can always do better.

**Ms JAN BARHAM:** Yes. The Government has had the opportunity to do so. It has seen the recommendations from the community sector. It knows what to do. The latest figures from 30 June 2015 show that 59,000 applications remain on the social housing waiting list. In my area people wait 20 years. People do not even go on the list, so we have no idea of the real number of people waiting for housing. The bill does not deliver enough to meet the ever-increasing need. I mentioned the inquiry into Airbnb in the other place. It is the canary



in the coalmine. In my area 22 per cent of housing that was approved as residential housing through the proper planning process is now being used for tourism purposes. It used to be let as holiday accommodation; now it is listed on Airbnb. Airbnb is a nice idea if you are inviting people into your home. But if visitors are offered the whole house and the owner is not home then that is tourism. It becomes a mini-motel or tourist accommodation, not a home. It is wrong to take away that housing stock, because people have nowhere to go.

Expected waiting times for non-priority applicants are greater than two years for most forms of housing in most areas across the State. In metropolitan Sydney and regional areas such as the Far North Coast, people can wait up to 20 years. The Social and Affordable Housing NSW Fund Bill 2016 will go some way to meeting the identified need. Hopefully, we will see more new housing built, following the sale of the valuable properties at Millers Point and other inner-city areas. The establishment of the fund was first referred to before the 2015 election, when the Government signed a memorandum of understanding with the NSW Council of Social Service and Infrastructure Partnerships Australia.

I note The Greens' proposal at that election was for a \$4.5 billion housing fund to be delivered as part of our proposed \$20 billion infrastructure investment. That was possible. It could have been done. My colleague the Hon. Paul Green has already referred to the recommendations from the inquiry into social housing that mention the use of waratah bonds. It is not rocket science. The ideas and opportunities are there. I appreciate that this legislation is a positive step, but it is a lonely step in a big race that should have multiple people running it. There should be a whole-of-government approach. Numerous initiatives to deliver social housing should be implemented as soon as possible.

The Government announced in February of this year that \$1.1 billion would go into the fund and that the first phase is intended to deliver 3,000 social and affordable housing dwellings. The Government called for expressions of interest from non-government organisations, landholders and the private sector for proposals for social and affordable housing projects. According to the Government, the fund will plug the funding gap between the rental stream that social housing developments receive from tenants, plus government subsidies, and the revenue required to sustain a commercially viable project.

The Government could also address other factors. Some years ago the Mayor of New York launched a competition to design small dwellings in a city with limited space. Strangely enough, that was one idea that Frank Sartor and I agreed on—basics and sustainable development. We disagreed on many other things. A factor that is not taken into account here is the size of a dwelling. If one is talking about sustainability, one needs to consider size. Consider the materials and resources that are used to build McMansions—as the Hon. Paul Green put it—for two people. We have the largest houses in the world for the smallest number of people. That is crazy.

That is where the Government should intervene. It should provide incentives for people to build smaller, more sustainable houses. It makes sense. People are doing it in other parts of the world. Let us use the economic and development levers that are available to government. The Government is capable of taking action, but no-one seems to want to do it. The industry will accept it as long as it knows the rules. That is all it wants to know. The industry attitude is: "We will make a buck on top of whatever rules you make." Social outcomes are possible. Inclusionary zoning has been referred to.

During my time in council I was involved in formulating an affordable housing strategy. We went through years of consultation. We applied to the Government to become part of State environmental planning policy [SEPP] 70 so that we could require developers to deliver affordable housing. The Government said no. How often do councils find themselves in the situation where the Government says no for some reason? Maybe it is being lobbied by developers. For the social good, and to satisfy the community desire to see an outcome, the Government has to start listening more. It has to realise that sometimes local communities know best and should be allowed to trial something and without the threat of developers taking them to court.

These days a lot of things are not so positive and so it is good to have a positive bill come before the House. The fund offers one stream for much-needed housing. I echo the concerns raised by the Hon. Penny Sharpe, who asked, "What happens when there is not enough housing and people, particularly young people, end up homeless?" I have had conversations with a number of members about the very sad emerging trend of homelessness among older women. A recent report referred to the number of women aged over 55 who do not have superannuation or a job and who are maybe down on their luck as a result of divorce and the ensuing settlement. Where do they go? What do they do when they have no-one to help them? They have their pride. We need to focus on those who are the most needy and most vulnerable and who deserve our respect.

I hope the Government will respond with secure, appropriate and affordable housing that is essential to people's wellbeing and should be regarded as a fundamental human right. The bill, and the fund it establishes, must be followed up with serious action that is supported across all portfolios. It is hard to think of one portfolio that does not have a role in housing and ensuring the overall wellbeing of our citizens. Private developers must

be stopped. Their industry is the highest grossing in the State. Our inquiry revealed that developers get a 23 per cent to 28 per cent return on their investment. Who else makes that sort of money? They should be reeled in and made to behave in a socially responsible manner. Profit is good, but not at the expense of the most vulnerable. I hope that other members will pick up on the recommendations in the report and encourage the Government not only to take this first step but also to start fully addressing this problem. It is possible to address and it is urgent.

**The Hon. GREG PEARCE (16:32):** I congratulate the Government on introducing the Social and Affordable Housing NSW Fund Bill 2016 and on taking a positive step to try to address some of the issues in this area. A feature of this Government is that it has been prepared to adopt innovative measures, recycle assets and engage with the private and the community sectors in this space to achieve outcomes. We can wring our hands about all the problems in this space but it is only through positive action such as this that we can sustain long-term improvements in housing for the most vulnerable people in our community.

As Minister for Finance and Services, I tried to understand what was happening with social and public housing in this State. Having spent several years as shadow Minister, I was aware of two apparent difficulties. First, the level of housing stock was not increasing, although the previous Government had put money into it each year, and waiting lists were getting worse; and, secondly, as the Leader of the Opposition mentioned, the maintenance backlog was increasing. We discovered a very bureaucratic and opaque system of management that had been in place for some time.

Although we were criticised for it at the time, we took the step—and I think it was definitely the right one—of dividing the Housing ministry into two. We allocated the management of people to Family and Community Services because, as others have mentioned, most public housing tenants are on welfare, have mental health problems or are disabled, aged, unemployed, ex-prisoners or whatever. We wanted to simplify their engagement with government and provide more easily services that were more relevant to their needs. We also established the Land and Housing Corporation to look after the assets and the management of those assets. That was the part I controlled.

Without spending a great deal of time on it, we found that the key issue was the age of the stock. Many of the houses were 50 years old or older—there was some ex-military accommodation from World War II—and the maintenance backlog did not reflect the actual condition of much of the housing, which was fairly appalling. The second issue was the price of housing and the cost of delivering new housing stock. Previous governments had tried to deal with this problem. I identified straightaway that much of what was happening in New South Wales was driven by a completely unsustainable cycle. In simple terms, the previous department—and I am not saying this to be critical—was selling off assets and then using the funds to build new assets to house the same tenants. The trouble was that it sold an asset for, say, \$300,000 and built a new asset for \$500,000. So it did not increase the capacity to house people and thus was unsuccessful.

This is a very difficult area in which to innovate, provide solutions and make real inroads. The previous Government tried public-private partnerships, which the Coalition supported. Almost immediately I set in train a process to try to get another public-private partnership up at Airds Bradbury. Unfortunately, as a result of the ongoing effects of the global financial crisis, the existing project at Bonnyrigg collapsed—it is only now being rectified by the Government—and Airds Bradbury simply did not fly in the marketplace. There was simply no way of getting another such project going. Those sorts of innovative approaches are absolutely essentially to making progress in this space.

I too was privileged to serve on the committee referred to by the Hon. Paul Green and several other speakers. It was a very good committee. All members worked in a co-operative manner to try to arrive at solutions in this space. The Leader of the Opposition was correct when he said that it has been hard to make progress in relation to the maintenance backlog. One reason was when we came to government we were stuck with the maintenance contracts that had been entered into by the previous Government. We tried to improve the maintenance approach. Without going into a lot of the problems, I will give one example to try to explain what was going wrong with maintenance.

Before the 2011 election I often used to visit public housing tenants in the Port Stephens electorate. I would visit a favourite couple who lived in a World War II ex-military, three-bedroom fibro house. They had four children, one of whom was in a wheelchair, and the house had one bathroom. The house had been improved to allow disabled access to some of the rooms, and there was a step of about three inches into the bathroom. Those are the conditions in which this family lived. On one occasion the gentleman wanted to show me something and took me outside. He asked what I thought of his shed, and pointed up the driveway.

I looked up the driveway and there was nothing there. I knew this gentleman had a mild mental concern, but he was usually quite good. I said to him, "What do you mean your shed?" He pointed again up the driveway and said, "What do you think of my shed?" I still could not see the shed and said again, "What do you mean?" He

burst out laughing and said, "That shed gives me so much trouble that the maintenance people have been here three times in the last six months to repair it. Each time they were here for two days and they blocked my driveway while they were repairing it." In other words, it was a fraud and he was alert to it. As I said, there are many problems with maintenance. That story also proves that I used to visit people.

**The Hon. Lynda Voltz:** We know you travelled, Greg. It's okay.

**The Hon. GREG PEARCE:** Thank you. Again, I applaud the Government. This is a good initiative. It is important that we take these sorts of innovative steps and prepare for the future.

**The Hon. COURTNEY HOUSSOS (16:40):** I indicate at the outset that the Opposition will support the Social and Affordable Housing NSW Fund Bill 2016. The bill introduces a program that aims to deliver 3,000 new social and affordable houses and also aims to reduce the waiting list for social housing properties by providing capital for community housing providers to build, own and maintain properties. It has been an interesting discussion this afternoon that has encapsulated a fundamental issue not just in metropolitan Sydney but also across the State. Social housing was first established for low-income working families after the Second World War. The reality is that today social housing has become a safety net for the most vulnerable individuals. They are the elderly, people with a disability and sometimes those experiencing domestic violence.

As members have reflected in this debate, there are now significant delays in gaining entry to social housing. In my local area people can be on the general housing waiting list for 25 years or even longer. As members have said, that is clearly a disincentive to being placed on the list in the first place. Local housing providers have advised me that it can take up to two years for someone to be provided with emergency accommodation. That means people who are at imminent risk of being homeless can wait up to two years for an emergency placement. There is no doubt that we need to act.

The bill also addresses affordable housing. We need to be innovative in that area. There have been significant changes across the housing market, particularly in Sydney, where the median price for a home is about \$1 million. That is clearly out of reach for young people and families who cannot afford to borrow enough to buy a house in New South Wales. There has been a decline in the number of first home buyers, who, according to the most recent figures, account for 13.2 per cent of the total lending market. The proportion of 25- to 34-year-olds who own their home is also falling dramatically. That is not the kind of system we expect when it is the great Australian dream to own your own home. A home might not be a house; it might be an apartment or townhouse. When the median price of a home is around \$1 million there is clearly a need for us to think of innovative ways to provide affordable housing.

In this discussion about social and affordable housing we also need to think about the continuum of housing in New South Wales. I work with Women's Community Shelters, which is a fantastic organisation. They consistently raise with me their difficulties in transitioning women and children who are experiencing homelessness out of emergency accommodation and into the private rental market. With waiting lists of up to 25 years, it is clear that they will not be able to enter social housing. The flow-on effects of people being unable to leave emergency housing and enter the private rental market creates blockages in the system, which creates serious issues with accessibility to the lower end of the rental or purchasing housing market.

Part of the problem in New South Wales is the fragmentation of responsibility for housing across a range of portfolios. We have a Minister for Social Housing but we do not have a Minister for Housing. We do not have someone to spearhead a solution to this key issue for not only young people but also families and other residents of New South Wales. We need someone to supervise this from a whole-of-government perspective. Some initiatives are brought in by the Treasurer, some by the Minister for Planning and others by the Minister for Social Housing. There is a clear need for an overall plan and an holistic approach. Our shadow Minister for Social Housing in the other place has championed the need for that.

Another key challenge for government—particularly this Government, which is going through an almost unprecedented period of rezoning and redevelopment of public land—is the need to require affordable housing targets on public land. There is no doubt that there is a need for a discussion about that on private land, but if our Government cannot prioritise affordable housing on its own land it really says something about its priorities. For example, through inclusionary zoning the South Australian Government is requiring 15 per cent affordable housing on private land. In contrast, in the Central to Eveleigh redevelopment the New South Wales Government is not requiring any minimum target for affordable housing. Targets are a key way in which this Government could address the question of affordable housing.

I am encouraged that under this bill each successful provider will have to provide 500 dwellings, with 200 of them in rural and regional New South Wales. That is an important acknowledgment. We often talk about median house prices within the Sydney Basin, and there is no doubt that is a clear challenge. In the debate other

members have spoken about the excellent inquiry and report by the committee headed by the Hon. Paul Green, which found for the first time that our poorest and most disadvantaged people are being forced to the outskirts of the city. Those parts of the city are the least well serviced by the government resources and services they need to access. This is an historic change to the way in which the city is organised. It presents a real challenge for governments that must get services to those who need them most.

We often talk about affordable housing in Sydney but it is also needed in our rural and regional areas. I commend the part of the bill that requires a significant proportion of affordable and social housing properties to be built in rural and regional New South Wales. I have visited the community housing redevelopment at Riverwood, which is not far from where I live. From speaking to stakeholders, I know that it is seen as a great case study of how we can redevelop social and affordable housing. There is a need to look for innovative solutions and ways in which we can capitalise better on what we have. I commend the bill to the House. The Opposition will be supporting it but watching its implementation closely.

**The Hon. MATTHEW MASON-COX (16:48):** It is my pleasure to support this very important bill, the Social and Affordable Housing NSW Fund Bill 2016. I congratulate the Parliamentary Secretary, the Hon. Bronnie Taylor, on doing a wonderful job with her inaugural bill, and I note the many contributions that members have made to the debate. From those contributions, I believe that social and affordable housing has bipartisan support in this Chamber. This is certainly an innovative reaction from the Government to a longstanding issue. Today we have heard from members about the history of the challenge faced by this Government and former governments, particularly the failure by the former Labor Government to address the fundamental issues in this debate. Housing stock, maintenance and waiting lists have been ongoing for a long time.

I remember quite poignantly the response from my local community to homelessness. The community said they had had enough and that they were going to take the issue into their own hands because they said they could not get a response from the then Labor Government. We set up a home in Queanbeyan that looked after those people who had been sleeping under the bridge and in other places around Queanbeyan in appalling conditions. Members who have been to Queanbeyan in winter will know how cold it gets.

**The Hon. Sarah Mitchell:** We had a National Party conference there in winter.

**The Hon. MATTHEW MASON-COX:** The Nationals are always welcome in Queanbeyan. As a community we decided that we needed to look at innovative solutions because we could not wait for the then Labor Government to work out how to address these critical problems. With the assistance of the local churches, led by Father Peter Day, we set up an innovative solution called The Project, which brought those people in from the cold and gave them a home. Around those new dwellings, which are centred in the heart of Queanbeyan—in the heart of the community—we put all the services they needed to access.

**The Hon. Dr Peter Phelps:** They can access all services.

**The Hon. MATTHEW MASON-COX:** That is a really critical element in relation to responding to needs, particularly in social housing. I commend the Treasurer for bringing this bill to this place. I commend the Minister for Social Housing for all the good work that he has done in addressing this issue. It is a very complex issue and it requires a multifaceted approach. I also congratulate the former Minister for Finance and Services the Hon. Greg Pearce, who did a lot of early work in relation to this issue and made a very valuable contribution to bringing some of the problems to the fore and then dealing with some of the solutions. Indeed, he was also a member of the inquiry into social and affordable housing, which the Hon. Paul Green chaired and of which I was a member for some time. The committee produced an excellent report and I believe the Government will be considering further some of the ideas and innovations that were outlined in that report.

I note some commentary today about the Government's project in relation to recycling assets, particularly the Millers Point sale of housing stock to recycle that stock into new housing stock and to provide much more stock in locations nearby. That is a very important project. The Hon. Dominic Perrottet has done an excellent job in realising those assets. We must remember that whilst we always want people to age in place, where that is possible, the actual maintenance cost of those buildings is an important consideration. Many of the buildings in the Millers Point area are heritage buildings that require significant refurbishment and maintenance. The Government had to make a difficult decision to recycle those buildings and to let the private sector spend a very significant amount of money refurbishing them so that that money could be reprocessed into social housing stock in the Sydney area.

These are important initiatives and they show the difficult balance point that government must sometimes address. I am very proud to be a part of this Government that is willing to address the problems. The Government is willing to put in place innovative solutions to problems that have existed for a long, long time. At the bedrock of all this, of course, is ensuring that we have the budgetary position to make these sorts of things happen. It is

not by chance that we have \$1.1 billion to put into this fund; it is because of economic and financial management and fiscal discipline over the past five years from a range of Treasurers, and they can all salute themselves—I salute them as well, as I am sure all in this Chamber do when they think carefully about what the Government has done in the past five years to transform the economic finances of this State.

Recently the Treasurer announced that net debt in New South Wales is zero. What a magnificent outcome we have achieved in this State, and it is an absolute credit to the Premier, the Treasurer and the Cabinet over the past five years. We now have budget surpluses into the future and we can start looking at what else we can do in these really challenging social areas. We are determined to address these issues. The Government is doing an excellent job. I commend all the Ministers involved, particularly the Cabinet and the Premier, for starting to move on this issue with some momentum. This \$1.1 billion is the start of a very, very exciting time in New South Wales, when we start putting innovation to the fore and look at addressing these really difficult social issues over time with the funding that has been so badly missing from previous governments.

**The Hon. BRONNIE TAYLOR (16:55):** On behalf of the Hon. Duncan Gay, in reply: I thank all members for their contributions to debate on the Social and Affordable Housing NSW Fund Bill 2016: the Hon. Adam Searle, the Leader of the Opposition, the Hon. Paul Green, the Hon. Penny Sharpe, Ms Jan Barham, the Hon. Greg Pearce, the Hon. Courtney Houssos and the Hon. Matthew Mason-Cox. This bill provides for the establishment of the Social and Affordable Housing Fund to set aside dedicated funding to facilitate the delivery of social and affordable housing in this State. By enshrining the fund in legislation, we are sending a strong signal to the market of permanency of the fund.

The fund will be established as a ring-fenced financial structure showing the long-term commitment of Government to the sector. The Social and Affordable Housing Fund initiative is to provide a source of funding to establish a service agreement for social and affordable housing accommodation. This will comprise the delivery of access to housing, along with tenancy and asset management, as well as access to social support programs and services. The bill provides government with a dedicated fund for the social and affordable housing sector, enabling access to social and affordable housing and, importantly, to support services for the most vulnerable in our community. 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.**

### Third Reading

**The Hon. BRONNIE TAYLOR:** On behalf of the Hon. Duncan Day: I move:

That this bill be now read a third time.

**Motion agreed to.**

## EDUCATION AND TEACHING LEGISLATION AMENDMENT BILL 2016

### Second Reading

**The Hon. SARAH MITCHELL (16:58):** On behalf of the Hon. Niall Blair: 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 bring before the House the Education and Teaching Legislation Amendment Bill. It will amend the Board of Studies, Teaching and Educational Standards Act 2013 (the BOSTES Act), the Education Act 1990 and the Teacher Accreditation Act 2004 to give effect to the recommendations of the recent Review of the Board of Studies, Teaching and Educational Standards.

In March 2016, the Minister commissioned the review to consider the effectiveness of the 2014 amalgamation of the previous Board of Studies and the Institute of Teachers and to ensure that the organisation is best equipped to meet emerging challenges.

The review considered whether the board is based on contemporary governance principles and standards; has the capacity to leverage the best of national reforms; and has an up-to-date, effective approach to regulation.

An expert panel carried out the review, chaired by Professor Bill Louden, AM, who is the Emeritus Professor of Education at the University of Western Australia and formerly Senior Deputy Vice Chancellor at the University of Western Australia. I would like to thank the panel, which included Ms Lisa Paul, AO, PSM, and Dr Phil Lambert, PSM, for their extensive work in conducting the review.

The panel consulted widely and received 43 submissions from organisations, stakeholder groups and individuals as well as over 4,700 responses to an online survey completed by principals, teachers, parents and students.

The review found strong support from the education community for the work of the Board of Studies, Teaching and Educational Standards and confidence in its ability to maintain high standards.

But NSW could not, and should not, rest on our laurels. We need to set the bar high and support our schools, teachers and students to achieve high standards.

The review made 13 recommendations and 41 sub-recommendations which addressed the need for the board to modernise its governance structures; adopt a streamlined and risk-based approach to regulation; have an outcomes focused approach; and better leverage national reforms, data and research.

Underpinning the recommendations was the need for enhanced accountability and decision-making and for the board to ensure its processes and structures can best support quality teaching and learning.

The NSW Government has accepted the review's recommendations and this bill will amend the Board of Studies, Teaching and Educational Standards Act 2013, the Teacher Accreditation Act 2004 and the Education Act 1990 to enable the necessary changes to the organisation's governance and regulatory arrangements.

I turn now to the specific provisions of this bill.

#### [Governance—Establishment of Education Standards Authority]

The bill amends section 4 of the BOSTES Act to rename the organisation as the NSW Education Standards Authority.

The name of the Act reflects this change. It will be renamed the Education Standards Authority Act 2013.

The new Authority will remain a single, independent statutory authority and will retain all of the current functions of the Board of Studies, Teaching and Educational Standards.

#### [Role of the Board]

A governing board will be established to provide leadership in improving standards of school education across the State and overseeing the authority's performance. This includes the authority's strategic directions, financial governance and legislative functions.

The Minister established BOSTES back in 2014 to bring the cornerstones of education standards together in one educational body.

It is expected that the board of the authority will go further, and have a strong focus on integrated policy development and service delivery. In keeping with the board's role in strategic governance, the chairperson of the board and chief executive officer of the authority will be separate positions.

This is consistent with good governance practice—ensuring the strategic leadership and operational functions are at arm's length.

The chair of the board will be an independent, part-time position, while the chief executive officer of the authority will be the head of the agency - with both positions appointed by the Minister.

This marks a change from current arrangements whereby the president of the Board of Studies Teaching and Educational Standards performs both roles.

To ensure board continuity, the legislation will enable the current president to become the board's inaugural chairperson.

#### [Objectives of the Authority]

The bill amends Section 11 of the BOSTES Act to make it clear that the overarching purpose of the authority is to drive improvements in the standard of school education in New South Wales. The authority will take an evidence-based approach to identifying and responding to areas of concern. It will recommend improvements to schools and school systems and changes to government policy where necessary.

The authority will carry out its role with a strong focus on the quality of teaching and learning.

It will shine a spotlight on practice across both government and non-government schools—helping to maintain high levels of educational standards for students in New South Wales.

The research, policy development and evaluation undertaken by the authority are likely to have a positive and lasting influence on the national agenda and strengthen the position of New South Wales as an education leader.

#### [Charter and Ministerial Letter of Expectation]

The governing board will be guided by a charter and an annual Ministerial Statement of Expectation to ensure that the authority is clearly focused and delivers on its objectives.

The charter will be an overarching statement that sets out how the board will meet the objectives and properly fulfil its functions under the education and teaching legislation.

The Ministerial Statement of Expectation will set out the Minister's priorities for the authority each year. For example, the Minister may wish the authority to conduct research into the use of student assessment data to improve teaching practice and student learning.

The statement may also include some standing items such as a requirement for the board to conduct a critical self-evaluation of its performance.

These arrangements will also ensure the authority's work aligns with government policies while providing flexibility to respond to emerging challenges.

The authority will be an important means by which key Government reforms—including Great Teaching Inspired Learning, Literacy and Numeracy Action Plan and Rural and Remote can be integrated into the work of teachers and schools.

#### [Size and Composition of Board]

The board will be leaner to support effective decision making, with its size reduced from the current 23 members down to a maximum of 12 to 14 members.

Although smaller, the board will continue to reflect the breadth of the education sector and appointments will ensure an appropriate mix of skills, knowledge and experience.

This will ensure the board retains its inclusive nature and productive relationships with stakeholders while also giving it the requisite skills and expertise to be a leader in education policy.

Staggered terms and maximum appointment periods will also balance board stability with the need for renewal.

In terms of board membership, the bill provides that the Minister will appoint six members drawn from the three school sectors, two teachers' unions and a member drawn from Aboriginal education.

It is envisaged that the Secretary of the Department of Education, the Executive Director of the Catholic Education Commission of NSW, the Chief Executive of the Association of Independent Schools of NSW, a senior member of the NSW Teachers Federation, a senior member of the Independent Education Union and a leader from Aboriginal education will be appointed to these roles.

In addition, four to six members will be appointed with regard to teachers and school leaders, universities, vocational education and training, parents, early childhood education, special education, business and strategic advisory skills. It is intended that the board will include rural and remote representation.

Given the authority's significant regulatory responsibilities, the bill inserts a requirement that board members must act in the interests of the authority and students. The board will also proactively manage any conflicts in line with the best contemporary governance practice.

#### [Board Committees]

The board will exercise its core functions through five decision-making regulatory committees.

It is important that the board delegate its functions to these committees, ensuring that the board can focus on strategic issues, while operational matters are effectively managed by committees.

The committees will focus on teacher accreditation and registered professional learning functions; syllabus development and curriculum engagement; technical assessment issues; school registration and accreditation functions; and initial teacher education accreditation functions.

One of the five new regulatory committees will replace the current Quality Teaching Council, which will have a reduced membership from the current 23 members to 11 members.

We recognise that teachers must continue to have a voice on standards and professional learning. For this reason, membership of the Quality Teaching Committee will be balanced to ensure there continues to be professional representation while also having flexibility to achieve the right mix of skills and strengths.

The bill proposes an amendment to the Teacher Accreditation Act 2004, to provide for five members of the committee to be elected from teaching professionals and for five additional members to be ministerial appointments.

All committees of the board with a delegated decision-making function must also be chaired by a non-executive member of the board to ensure continued board oversight.

Advisory committees will also be established to provide advice to the board on finance, audit and risk and on research and technical matters.

While the chief executive officer will be responsible for the budget and financial management of the agency, the board will have an oversight role to ensure transparency in relation to budgeting, expenditure including expenditure of any revenue funds. This is particularly important to ensure transparency of the hypothecated funds generated by teachers' accreditation fees.

These governance changes will ensure that membership of the committees and board continues to reflect the breadth of the education sector. They also equip the organisation with a high level strategic focus and greater agility to respond to new challenges.

It is my expectation that the new committees will be operational by 31 March 2017.

#### [School Registration]

The bill provides for a streamlined, risk-based approach to school registration, with strengthened and more nuanced regulatory responses.

It will enable the authority to shift its efforts from a focus on processes to a stronger emphasis on quality teaching and student learning.

The authority will also look to improve its own processes to reduce red tape for schools and sectors.

By amending section 69 of the Education Act 1990 [the Education Act], the authority will be able to require that each principal certify that their school has documentary evidence of compliance.

All schools are already required to have evidence of their compliance with registration.

Most schools will no longer have to provide extensive documentation to the authority to renew their registration.

For the vast majority of schools that are complying with requirements this will help to streamline the registration processes.

#### [Qualitative Registration Processes]

Moving away from a process driven approach to compliance with school registration requirements will also result in less red tape for the authority, giving inspectors more time to consider the quality of teaching and learning.

The new qualitative dimension to registration processes will enable the authority to better support schools to achieve high standards.

Section 47 of the Education Act currently lists the requirements for school registration. The bill amends the section to ensure that those requirements are viewed through a "focus on quality" lens.

That means that while the requirements largely have not changed, the way they are interpreted will change.

So, for example, section 47 currently requires schools to deliver the relevant curriculum. If a school does that, that requirement for registration is met.

The changes mean that in deciding whether the requirement has been met, the authority will now look at the quality of student learning. It can examine the standard of teaching of the courses, the student engagement in learning at the school and other relevant matters.

The question for the authority to consider will no longer be "is the curriculum being delivered?" but "is the curriculum being delivered in a way that meets the needs of quality student learning?"

This approach will apply to all of the registration requirements.

The amendment allows the authority's inspectors to consider more deeply whether an individual school is providing a quality teaching and learning environment.

The authority will develop guidelines and other materials, in consultation with the sectors, to fully explain the qualitative aspects of registration—so that schools will know exactly what the Authority will be looking for.

Schools and teachers should welcome this change—it will mean more support through clear advice for those schools identified as needing help as well as providing enhanced quality assurance for schools that are performing well.

[Random, risk-based audits and spot-checks]

To better identify schools that require assistance, the authority will be able to undertake random and risk-based audits and unannounced inspections.

Currently board inspectors may conduct inspections "at all reasonable times"—the bill's amendment to section 14 of the BOSTES Act removes any doubt that the authority has the power to inspect school premises unannounced.

The authority will, of course, have suitable rules in place to guide inspectors on the appropriate use of this power.

Random and risk-based audits and spot checks send a strong signal to schools that they must comply with the requirements for registration at all times and are an important element of the risk-based management approach.

A risk based approach also means the authority can better identify schools that are having difficulty meeting registration requirements and the authority can provide support and guidance to schools in order to restore full compliance.

However, all schools should be aware that even those assessed as low risk can be subject to a random compliance audit.

[Enforceable Conditions]

Currently the only enforcement mechanism available to BOSTES for non-compliance by a school is a reduced period of registration or cancellation of registration.

This a very blunt instrument.

The bill inserts a new power into the Education Act to allow for the Minister to impose enforceable conditions on registration

This enhances the authority's regulatory powers by allowing for specific and targeted action and avoids a heavy handed approach.

The change will allow responses to better fit the nature and extent of the non-compliance and to better assist schools to meet all of the registration requirements and their qualitative dimensions.

For example, a school could be directed to remedy a problem with the school's physical infrastructure that poses a safety risk to students.

The school would be required to demonstrate that the matter has been resolved within a specified time period.

Failure to do so would activate the next level of enforcement action—reduction or cancellation of registration.

Schools will also have to disclose to the school community that conditions have been placed on the school's registration and the nature of the conditions.

This disclosure is important—it will mean parents, students and teachers can help influence the school to resolve the issues.

Disclosure will also act as an incentive for the school to implement the conditions in a timely manner.

[Alignment of government and non-government school regulation]

The changes to strengthen non-government school registration will extend, in a similar way, to the government schooling system.

The government system will now also be subject to random and risk-based audits and spot checks, in the same way that the non-government schools and systems are.

As with spot checks of non-government schools, the amount of notice will be determined by the Authority.



The bill inserts a new section 27A into the Education Act which will give the Authority explicit power to monitor and provide advice to the Minister and the Secretary on the government schooling system.

If the authority identifies any registration issue at a government school it will notify the department with clear advice about the problem and recommendations of how to remedy the issues.

The Minister may also be notified—as occurs with non-government school registration issues.

These changes mean that the authority will be better equipped to provide an independent, external view of the quality of education in the government schooling system.

The changes will provide an important additional dimension of external oversight.

While there will be greater alignment between the government and non-government sector, I expect the authority to undertake a risk-based approach to its regulation.

Parents and students in all New South Wales schools will have greater assurance that their school is meeting high standards. The changes will help to ensure that schools are supporting their teachers to maintain the highest professional standards.

The authority's independent oversight will help to shine a spotlight on problems in any school in New South Wales—be it government, Catholic or independent. The changes to the legislation around registration of schools mean that the authority will have the necessary powers to work with schools and systems to resolve issues and drive improvements in education in New South Wales.

[Thematic Reviews]

The move away from a process driven approach to registration will also free up resources within the authority.

The authority will be empowered to conduct reviews in priority areas of education across schools and systems, enabling consideration of localised and systemic issues that may be affecting performance.

This could include literacy and numeracy or any other emerging priorities, with the outcomes shared amongst schools to support best practice.

The findings from these reviews will support the authority's principal objectives to provide strategic leadership and promote evidence-based approaches to improve education standards.

[Financial Viability Criterion and "Fit and Proper Person" Test]

In order to align with Commonwealth requirements, non-government schools seeking registration from 2017 will need to demonstrate financial viability.

As this provision already exists in Commonwealth legislation for the purposes of funding, it is sensible that financial viability be considered by the authority at the time of a school's initial registration.

The authority will develop rules and guidelines to provide clarity on the requirement and the procedures to be followed.

Similarly, the Education Act currently requires that those in positions of responsibility for a non-government school meet a "good character" test. This will be replaced with a "fit and proper person" test, to better align with Commonwealth requirements.

This test goes to the issue of capability and expertise — and it is appropriate that the requirement be included at registration.

These changes will give parents and students additional assurance that schools are appropriately resourced and managed.

[Teacher Accreditation Authorities]

Teacher Accreditation Authorities retain responsibility for accrediting teachers.

[Risk-based Audits of Teacher Accreditation Authorities]

The authority's new powers to conduct random, risk-based audits and spot-checks will also apply to quality assurance arrangements for Teacher Accreditation Authorities.

This expands on a process already underway to streamline regulation of Teacher Accreditation Authorities and to move away from a focus on document checking to a risk-based approach.

The authority will utilise its new inspection powers to check compliance with and the consistency of Teacher Accreditation Authority processes for teacher accreditation.

This is important in quality assuring teacher accreditation.

[Suspension or Revocation of Teacher Accreditation]

The bill provides, through amendments of the Teacher Accreditation Act 2004 [the Teacher Accreditation Act] that the authority will have the sole responsibility to suspend or revoke the accreditation of a teacher.

Currently, both Teacher Accreditation Authorities and the Board of Studies, Teaching and Educational Standards can make these decisions. This creates unnecessary duplication and confusion, and may lead to inconsistency in decision making.

The amendments empower the authority to be the sole decision maker to suspend or revoke a teacher's licence to teach.

It is appropriate that, as the New South Wales regulator of teacher quality, the authority makes these significant decisions.

To assist in managing such cases, the authority may also establish cross-sectoral panels. Procedures and guidelines will also be developed by the authority to ensure procedural fairness and consistency in decision making.

Given the critical importance of teacher quality, the bill amends the Teacher Accreditation Act to legally require employers to inform the authority of information that may result in a teacher having their accreditation suspended or revoked.

[Initial Teacher Education Approvals]

The authority's powers will also be enhanced to further quality assure initial teacher training.

The authority will have the power to suspend, revoke and impose conditions on approvals to ensure high quality initial teacher education programs.

The bill also provides initial teacher education providers with the right to appeal these decisions.

[Professional Learning]

Approval processes for professional learning providers will also be streamlined, with the authority able to conduct risk-based audits of providers and withdrawal of approval where required.

[Leading and engaging nationally]

The bill's changes to the education and teaching legislation will also help to further position New South Wales as a leader in respect of the National Education Agenda and enable key recommendations of the review to be implemented.

For example, the authority will, as the review recommended, change how it engages with the Australian Curriculum.

The authority will proactively include curriculum issues in any national consultation process in order to facilitate efficiency.

The authority will maintain a consultative approach in relation to syllabus development and will also focus effort on streamlining implementation.

Better processes will mean that teachers and students have access to new content earlier and a drive to reduce syllabus overcrowding will mean more time for classes to dive deeply and creatively into content.

[Conclusion]

This bill provides a series of measured and appropriate elements that will strengthen the New South Wales education system.

The changes complement a suite of evidence-based reforms the New South Wales Government is implementing to enhance teacher quality and to lift student performance.

The New South Wales Government, teachers, school leaders and parents all have a strong investment in New South Wales schools.

This legislation provides greater assurance that our schools can continue to deliver a high quality education for all students.

I commend the bill to the House.

**The Hon. LYNDIA VOLTZ (16:58):** On behalf of the Opposition I speak in debate on the Education and Teaching Legislation Amendment Bill 2016. The Labor Party does not oppose the bill, but we have one concern and we will be moving one amendment in Committee in regard to unannounced orders. The objects of the bill include to rename and reconstitute the Board of Studies, Teaching and Educational Standards [BOSTES] as the NSW Education Standards Authority; to require the authority to have a charter approved by the Minister and an annual statement of expectations from the Minister; to authorise the authority under functions of legislation to conduct reviews into matters that arise as a result of the legislation; to authorise the authority to approve of teacher education programs in connection with the accreditation of teachers and to approve persons or bodies to provide professional development in line with the requirements of the professional teaching standards; to provide that the authority will monitor and provide advice to the Minister for Education and the Secretary of the Department of Education; and to replace the Quality Teaching Council with the Quality Teaching Committee.

The bill will allow leadership changes to be made to the size of the board and allow a part-time chairperson and a full-time chief executive officer [CEO] who will effectively manage the day-to-day operations of the organisation. The bill will make amendments to the education and teaching legislation that are of an administrative, minor or inconsequential nature. Most significantly, it will allow the unannounced inspection of the education premises, schools, early childhood education centres and premises used for the delivery of professional development as defined by the Act. A number of practical elements to this bill are the result of a thorough review that was conducted earlier this year after the Government received submissions from a range of stakeholders, many from within the education community. My colleague in the other place the Labor shadow Minister for Education, Mr Jihad Dib, has consulted with a large number of stakeholder groups.

Of significance, within the bill is the changing make-up of the board as well as the change in the name and the reduction of the Quality Teaching Council. I note that the board will have 13 members, with an independent person appointed by the Minister to act as chair. Six will be appointed by the Minister, including a representative from each of the free education sectors, two from the teachers union and one from Aboriginal education. In his contribution to the second reading debate my colleague in the other place asked for more explicit information regarding the specific groups involved. In other words, will the Aboriginal education representative be nominated from a peak Indigenous body? Are the unions referred to the NSW Teachers Federation and the Independent Education Union? How will the sectorial school representatives be nominated?

In addition, between four and six members of other groups could include teachers, school leaders, academics, professionals from vocational education, early childhood education, special education, parents of schoolchildren, or people with business acumen and strategic advisory skills. Whilst the Minister responded in the other place that in the future even though there are six designated positions—the three sectors, the two unions and an Aboriginal education representative—it makes clear in the legislation that they are not there representing the sectors; they are there as education experts. I would expect that the other six that are appointed by the Minister are there for exactly the same purpose. This in no way answers the questions raised by the shadow Minister and leaves too many ambiguities. This list of other appointees should be more explicit so that we have, as members, experts or recognised leaders in the field because they will be best placed to make a positive and valuable contribution to the board.

It is also important to note that in 2018 all teachers, regardless of when they entered service, will be accredited and expected to undertake a cycle of maintenance in relation to the teaching professional standards. Given the massive spike in teachers required to submit their maintenance portfolios, it is of concern that the Quality Teaching Council [QTC] will be much smaller but will be required to deal with a larger number of teachers needing to meet their maintenance compliance. I ask that the Parliamentary Secretary, in her response, clarify the ways in which the QTC will manage the massive increase in the number of teachers requiring the service with the vastly reduced number of committee members.

A framework that delivers a consistent and strong accreditation process for early childhood educators is also welcomed. However, it is important to note that for most people working in the early education space, access to professional development and improved rates of pay are issues of great concern and importance. I note that the South Australian Government has taken moves to provide pay parity in this sector and it would be worthwhile for the Government to review that policy. At this point I ask the Parliamentary Secretary in her response to assure the House that any additional inspections that are undertaken as part of the changes within this bill are only for the purposes of accrediting teachers, not to add another layer of regulation to early childhood education and care services.

I note that the Minister advised in the other place that although the QTC provides advice to the board, as one of the subcommittees of the board, it is technically the board that makes the decision about how those funds are spent. Therefore, it is still unclear whether the QTC will have any input into the way money generated from accredited professionals paying their annual maintenance fee, currently \$100, will be spent by the authority. For example, will the QTC be able to utilise some of this money for educational research to support best practice? Further to the QTC membership, the Opposition has proposed that, rather than having five elected members and six nominated members, the Minister consider including a government school principal representative in the elected number. In this case there is consideration of the added value a school leader will bring to the group.

The Opposition has a similar request in respect of parental representation on the QTC board. The Board of Studies, Teaching and Educational Standards in its current form and in previous incarnations has always had a strong reputation for its consultation and rigor in syllabus. That is clearly demonstrated by the development of the national curriculum and the New South Wales strength in curriculum. For example, the School Registration and Accreditation Committee has been acknowledged for its work in ensuring quality and public confidence in schools by a range of stakeholders with whom the shadow Minister has consulted. It is pertinent to point out that the objects of the Education Act 1990, particularly part 2, section 4, articulate, among many other things, that the principal responsibility of the State in the education of children is the provision of public education. As such, the charter of the annual statement of expectations and the principal objectives of the authority should reflect that as a guiding element of its charter.

The Opposition suggests that the Minister reconsider schedule 3, entitled Amendment of Teacher Accreditation Act 2004. I refer to section 20, "matters to be dealt with by the professional teaching standards". High professional standards are to be expected of teachers and the capacity to suspend or revoke teaching accreditation being left with the authority has been welcomed. However, concern was expressed that there has been a denial of natural justice principles if a person is found innocent but has lost his or her employment. This legislation does leave room for tweaking. One specific area that should be explored and explained in greater detail is the principal objectives of the authority. These objectives are to provide strategic leadership in improving standards of school education. Other objectives include ensuring that matters of school curriculum, forms of assessment, regulatory standards for schools, and teaching quality and professional standards are developed, applied and monitored in a way that improves student learning, while maintaining flexibility across the entire school education and teaching sector.

Whilst the Opposition does not disagree with the implementation of rigorous high quality and support of audited inspection of schools, the proposal to have the authority's inspectors conduct audits and inspections without any requirement to give notice raises some serious concerns. It is open to interpretation as a precursor to

possibly creating the culture of fear that we saw emerge from the implementation of similar practices in England under the auspices of the Office of Standards in Education. More frankly, it is highly probable that the audits without notice are unworkable. Whilst I note the Minister's comments in the other place that currently schools are given months of notice before audits are undertaken, it is hard to understand the logic behind no notice, other than in cases of emergency, which the Opposition fully supports, such as occurred in the Aspen school.

Schools are currently already subject to inspections without notice. However, producing documents such as workbooks, school reports, programs or current financial statements would be problematic on the spot, as would be required by random inspection. Therefore, the Opposition feels it is not unreasonable to give the school five days notice that an audit will be conducted and that certain items will be required to be presented at that time. Five days notice does not in any way limit the ability of inspectors to enter schools but it does ensure that, if they wish to conduct a random audit, the documents will be available in a timely manner.

Presently schools in all sectors have strong compliance requirements. Government schools are now all undertaking a comprehensive accreditation process through audits conducted by a team of educational professionals. Non-government schools have a thorough registration process to maintain accreditation to provide education in New South Wales. Teacher and principal appraisal programs are conducted on an ongoing basis and are grounded in a clear, systematic and professional framework. Defined articulations about what evidence will be required to support the appraisal are in place and enough time is given to ensure those being appraised have the opportunity to gather and to provide all the materials required of them as part of their evidence and work.

For classroom teachers, that may include lesson observations by one of their line supervisors, work samples that highlight their meeting of syllabus requirements, work and practice that correlates directly with professional teaching standards, a review of the classroom practices in the management of students, records of meetings, including context and outcomes with parents and other stakeholders, membership of professional associations and professional learning, and their own professional goals for the year ahead. The requirement is comprehensive and exists within a plethora of highly developed accountability measures.

Appraisals are also conducted with the school leadership. Depending on an individual's responsibility, proof of fulfilling the specific duties associated with his or her position also fall under this category of scrutiny and accountability. Some may argue that the proposed random visit approach will improve education standards and the teaching of literacy and numeracy in schools as part of the wider curriculum that is offered. This is not the case. A random inspection will not uncover shortfalls in curriculum implementation. Rather, a well-planned, appropriately timed inspection and detailed audit will allow for forensic examination of things such as teaching and learning programs, availability and implementation of school policies, and the way data from the National Assessment Program—Literacy and Numeracy [NAPLAN], the Higher School Certificate and other external examinations is used to tailor teaching programs for specific cohorts and individual students.

The alignment of what is produced for inspection and the reality of what occurs can then be verified through analysis of student workbooks, teaching registers, assessment tasks, and feedback along with staff professional learning within the school. If the Minister is genuine in using the inspection process and gathered information to formulate policy that best supports education in this State I suggest that he set benchmarks for the inspection, provide a time frame and employ educational experts to visit schools to conduct the audits. That is happening now. Good practice is about letting people know what is expected to be presented for inspection, giving enough time and keeping a sense of professionalism.

A number of additional questions arise from this proposal. They include questions about who the inspectors are who will be undertaking these audits and the parameters within which they will operate. It is fair to say that too many ambiguities remain about the areas of inspection and what the inspectors will be looking for. The Minister's second reading speech did little to clarify the issue other than stating that all schools should be aware that even those assessed as low risk can be subject to random audit. This further compounds the concerns that the Opposition raised at the outset of the announcement regarding BOSTES changes when the Minister used the phrases, "schools should be nervous". Sweeping statements such as this do little to serve the purpose of quality audit processes that are intended to improve the education system.

Unannounced inspections simply for the sake of inspection are not conducive to an environment of good school management and teaching practices. In any work environment appraisal, inspection or review—whatever we may choose to call it—is common practice. This is certainly the case in education. The Opposition supports the principle of accountability. However, to get the best out of people in any work environment they must be provided with a clear set of expectations and be allowed an opportunity to meet the expectations and display their achievement. If it is about quality assurances and raising standards, inspections such as those that currently take place should continue and become more rigorous.

However, unannounced visits without parameters do little to support schools and could be interpreted as an attempt to catch schools out, make an example and create fear of the authority rather than improve standards. Inspectors have the ability to enter schools without notice. The Opposition has stated clearly that if an emergency arises the department should have the authority to act immediately. The primary focus of education is, and must always be, the achievement of best possible learning outcomes. Every stakeholder group, individual teacher and principal with whom the shadow Minister has spoken is supportive of accountability and high standards. Every one of them has indicated their concern about the approach of unannounced visits. The common response was that presently departmental and non-departmental figures can visit the school at any time.

Adding the element of inspection, as proposed in this legislation, would change the context of those visits. As I have stated, there are current provisions for the inspections, audits, reviews and appraisals. The best ones allow for schools and teachers to prepare all the requested materials and present it as an example of practice. This may include the data required to support or discount any claim made by a school or a teacher. It does involve adequate time for a professional conversation to discuss the materials presented and the practice of individuals and the school. Preplanned visits for holistic school audits allow for the collation of all materials, whether teaching programs, school procedures, financial records, student attendance records, class visits or anything else deemed important for the purpose of an accreditation inspection.

From a purely practical viewpoint, unannounced visits do not allow for this to happen in a calm, measured and supportive way. It could be implied that any opposition to this proposal is because schools have something to hide but this could not be further from the truth. The support for a rigorous and high-quality inspectorial system is clear. It is the means by which it occurs that has raised concern across the spectrum. Historically, there have been inspections of schools in all education sectors. There is a strong element of accountability and a professional and supportive approach to the constant audits that take place in the school. The power to issue warnings, and ultimately to close schools, already exists.

It is not unreasonable for the Opposition to seek clarity around the selection of inspectors, what they might be looking for specifically and why this cannot be achieved without proper notice. That is the level of respect provided to any professional organisation or individual. The Opposition is unequivocal in its support of high standards in schools and education premises. Our community deserves no less. This can be achieved without creating a cultural of fear through random, unannounced inspections designed specifically to, as the Minister stated, make schools "nervous". Education is the key to a better nation. A fair and well-funded education system is at the heart of an egalitarian State.

Reform of education as part of continuous improvement is a good thing. Achievement of high educational standards is important and the ability of students to become great citizens, confident and skilled learners, and proficient in their learning is even more important. Parents send their children to school and must be confident that the delivery of education is undertaken correctly. Audits and reviews are an important part of this. This bill goes some way towards addressing this through the charter and objectives of the authority but it raises some questions. The bulk of the bill is sensible, manageable and put together well, and the Minister for Education should be commended for his work. One key element has been raised continuously by people from a wide variety of backgrounds and groups—that is, the issue of unannounced inspections. As a result, the Opposition will move an amendment during the Committee stage.

**Mr DAVID SHOEBRIDGE (17:17):** On behalf of The Greens, I will speak to the Education and Teaching Legislation Amendment Bill 2016. The bill amends three major pieces of legislation that govern schools and education in New South Wales: the Board of Studies, Teaching and Educational Standards Act 2013, the Education Act 1990 and the Teacher Accreditation Act 2004. When the member for Ballina and I reviewed these bills as The Greens members in this place, we reviewed them against a basic principle. For The Greens, public education is the glue that binds society together. An egalitarian, well-resourced democratic public education system is essential to have a fair, prosperous, united community in New South Wales. The Greens will always stand by its 100 per cent commitment to public education, both in the Parliament and outside it. When we reviewed the bill we consulted with the Teachers Federation, our members and educators around this State.

It is clear that the bill has broad support. By and large, the Minister is to be commended for positively engaging with the unions, with educators and with policymakers around the State. They have come up with a bill that is broadly supported. However, there are genuine concerns with one particular aspect of the bill—the unannounced inspections, which is seen as the gotcha provision in the bill. I will speak about that more during the Committee stage when I move The Greens amendment to deal with that matter.

What does the bill do? It has a series of objects, but I will not read out each and every one of them. Some of the primary objects are: to rename and reconstitute the Board of Studies, Teaching and Educational Standards as the NSW Education Standards Authority; to provide for the authority to have a new governing board comprising an independent chairperson and 12 other members—details of which I will cover later—to require the authority

to have a charter outlining its key responsibilities and objectives to provide that the Minister may in an annual statement of expectations determine priorities in relation to the authority's functions; to allow the functions of the authority to be delegated to committees of the board, so those committees can undertake important work; to authorise the authority in addition to its other functions under the education and teaching legislation to be able to conduct reviews in the matters arising under that legislation—it is envisaged the Minister will on occasion refer matters for review to the authority—and to ensure that the authority is informed of the establishment, change of name or closure of any government schools.

Further objects are to modify the registration requirements for non-government schools, including a new requirement that schools must be financially viable—we have seen examples, including one key, distressing example in New South Wales, of a non-government school not being viable and being a source of gross financial mismanagement—to ensure that matters relating to the quality of student learning are taken into consideration in determining whether the registration requirements will be or are being complied with at or in relation to a school; to enable the Minister to impose conditions of registration in relation to non-government schools and to provide that the registration of a school may be revoked if such conditions are not complied with; to enable the authority's inspectors to conduct audits and carry out inspections on education premises; and to provide that the powers of an inspector may be exercised in relation to education premises without any requirement to give notice. As I said earlier, that is a matter we will discuss in more detail in Committee.

Why do we have this bill and how did it come to be? The background is that in 2014 the New South Wales Government established the Board of Studies, Teaching and Educational Standards—or BOSTES, as it is often known—which consolidated the functions of two existing, important, longstanding and, so far as Australia goes, the leading education structures in the country, being the Board of Studies New South Wales and the New South Wales Institute of Teachers. Having established BOSTES, Minister Piccoli then commissioned a review in March of this year to determine whether that amalgamation had been effective and whether BOSTES' current structure, its functions and the overall regulatory environment was the best approach to meet emerging challenges. That review largely supported the work of BOSTES and The Greens join in supporting the work that BOSTES has done in the two years since it was established.

The review confirmed that the structure of BOSTES was largely sufficient to maintain high educational standards for New South Wales schools. It put in place a series of recommendations, including clarifying roles and responsibilities and moving from a one-size-fits-all, paperwork-driven process to being what is described as a risk-based and outcomes-focused approach to regulation. That is what has led to the bill that is currently before the House. The new Education Standards Authority will replace BOSTES as the single, independent statutory authority with largely the current functions of BOSTES but with a streamlined and slightly different way of exercising those functions. The new governing body is to have the strategic oversight of the authority's functions, and those responsibilities will be set out in a charter and a ministerial statement of expectation.

Clause 6 of the bill proposes that the board of the NSW Education Standards Authority is to consist of an independent person appointed by the Minister as the chairperson of the board, six persons appointed by the Minister, one from the government school sector, one from the Catholic school sector and one from the independent school sector—of course, The Greens would prefer three from the government sector, but we will leave that for the moment—two from teacher unions and one from Aboriginal education. Then there will be not less than four but no more than six other persons appointed by the Minister with regard to teachers, school leaders, universities, vocational education and training, parents of schoolchildren, early childhood education, special education, business acumen and strategic advisory skills, as well as the chief executive officer.

The Greens did consider an amendment to expressly include a parents and citizens representative. Of course, the history of the parents and citizens association in New South Wales has been patchy over the past few years but now that organisation is back on its feet the reforms that were introduced last year have been successful. I hope that we get an acknowledgement from the Parliamentary Secretary in reply that it is the current intention of the Minister to have a parents and citizens representative as one of those four to six members. But in any event I think there will be a watching brief generally about what the balance of the board will be and to ensure that it maintains an overwhelming focus on those directly engaged in the education sector, from parents to teachers and educators.

The provision that has caused the most controversy in the bill is the proposal to allow for audits and inspections to occur without any notice. It is pretty clear that respectful relationships in learning environments in our schools are essential if we are to have positive student outcomes. That is why I think many in the area were surprised to read the comments from the Minister in both the media and his second reading speech about the random compliance orders. Statements from Minister Piccoli such as "if a school is doing the wrong thing be very afraid" were considered to be inappropriate and aggressive, and not consistent with maintaining that positive relationship that is required in our learning environments. I give the Minister credit for the way in which he has

stood up for public education and funding public education in the State. He has not done the job that I am sure my former colleague Dr John Kaye would have done, but when one looks at the challenges that have faced the New South Wales Government from some malign decisions at a Federal level one sees there has been that voice for at least a fairer share of public funding.

I think we could go a lot further. The \$1.1 billion that this State gives to independent and private schools should clearly be redirected to public schools, but that is a matter for debate on another day. It would be good to see some contrition from the Minister on this point where the statements are not consistent with much of the pattern of his conduct over the past years as Minister for Education in this State. I think the teachers and the educators in this State expect more than that kind of aggressive language from the Minister. For the record, The Greens expect more. Of course, having a regulator to ensure compliance and standards is essential. We believe that no school, no education environment should be free from very close and careful regulation, and that includes inspections. That includes inspections of the records and teaching standards. To suggest that there should be an environment of fear in the State as a result of the passage of this bill is completely at odds with what we know produces the best outcomes in a learning environment. Education facilities should be places of trust. There should be adequate resourcing. Above all, there should be support and respect. That is why The Greens will move an amendment to page 7 of the bill that reads:

Any power of an inspector under this section may not be exercised on or in relation to education premises unless the proprietor or person in charge of the premises has been given at least 5 days written notice of the proposed exercise of that power and the reasons for exercising that power. However, any such notice is not required to be given if the power is required to be exercised in circumstances of genuine urgency.

The exception for genuine urgency is to allow for circumstances where, for example, there may be a complaint about a potentially abusive or violent environment in a school. There may be genuine cases of urgency where an immediate inspection is required. If a case for genuine urgency were made out then all those engaged in the education sector would accept that. The Greens believe that, other than in circumstances of genuine urgency, five days notice is appropriate. Five days notice would not unduly impinge upon the regulator and would provide for a respectful environment in teaching facilities around the State. Given my contribution, The Greens otherwise endorse the bill.

[*Business interrupted.*]

*Distinguished Visitors*

#### **DISTINGUISHED VISITORS**

**DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I welcome to the President's gallery Mr Malcolm Brooks, former member for Gosford and former mayor and councillor of Gosford City Council, and Mrs Brookes. Welcome to the upper House.

*Bills*

#### **EDUCATION AND TEACHING LEGISLATION AMENDMENT BILL 2016**

##### **Second Reading**

[*Business resumed.*]

**The Hon. PAUL GREEN (17:31):** I speak in debate on the Education and Teaching Legislation Amendment Bill 2016. The bill will amend the Board of Studies, Teaching and Educational Standards Act 2013, the Education Act 1990 and the Teachers Accreditation Act 2004. The objects of the bill are as follows:

- (a) to rename and reconstitute the Board of Studies, Teaching and Educational Standards as the NSW Education Standards Authority (the Authority),
- (b) to provide for the Authority to have a governing Board comprising an independent Chairperson and up to 12 other members appointed by the Minister, along with a Chief Executive Officer who will be responsible for the day to day management of the activities of the Authority,
- (c) to require the Authority to have a charter (prepared by the Board of the Authority and approved by the Minister) outlining its key responsibilities and objectives and to provide that the Minister may, in an annual Statement of Expectations, determine priorities in relation to the Authority's functions,
- (d) to ensure that the functions of the Authority may be delegated to committees of the Board (which will include the Quality Teaching Committee established under the Teacher Accreditation Act 2004),
- (e) to authorise the Authority, in addition to its other functions under the education and teaching legislation, to conduct reviews into matters arising under that legislation,
- (f) to enable the Authority's inspectors to conduct audits and carry out inspections on education premises (which will include premises that are used to provide professional development in accordance with the professional teaching standards under the Teacher Accreditation Act 2004 and the premises of teacher accreditation authorities under that

Act) and to provide that the powers of an inspector may be exercised in relation to education premises without any requirement to give notice,

- (g) to ensure that the Authority is informed of the establishment, change of name or closure of government schools,
- (h) to provide that the Authority is to monitor, and provide advice to the Minister and the Secretary of the Department of Education on, the compliance by government schools with similar requirements to those applying to non-government schools under section 47 of the Education Act 1990 and to enable the Authority to recommend the taking of action in relation to any non-compliance with those requirements,
- (i) to modify the registration requirements for non-government schools, including a new requirement that the school must be financially viable,
- (j) to ensure that matters relating to the quality of student learning are taken into consideration in determining whether the registration requirements will be or are being complied with at or in relation to a school,
- (k) to enable the Minister to impose conditions of registration in relation to non-government schools and to provide that the registration of a school may be revoked if such conditions are not complied with,
- (l) to abolish the Quality Teaching Council and to re-establish it as a committee of the Board of the Authority to be known as the Quality Teaching Committee,
- (m) to authorise the Authority (rather than the Minister) to approve of teacher education courses and programs in connection with the accreditation of teachers and to approve persons or bodies to provide professional development in accordance with the requirements of the professional teaching standards,
- (n) to provide that the Authority (but not any other teacher accreditation authority) may suspend or revoke a person's accreditation as a teacher,
- (o) to require employers of teachers and teacher accreditation authorities to notify the Authority of information that may be relevant to the grounds on which a teacher's accreditation may be suspended or revoked,
- (p) to establish a new Public Service staff agency comprising those persons who are employed under the Government Sector Employment Act 2013 to enable the Authority to exercise its functions and to provide for the Chief Executive Officer of the Authority to be the head of that staff agency,
- (q) to make a number of other amendments to the education and teaching legislation that are of an administrative, minor or consequential nature.

The changes proposed in the bill are as a result of a review commissioned in March 2016 to determine the effectiveness of the amalgamation of the previous Board of Studies with the Institute of Teachers. The review considered the board's ability to meet emerging challenges. It reviewed the basis of contemporary governance principles and standards. It also considered the previous board's ability to utilise national reforms and the effectiveness of the board's approach to new regulation. A key focus of the independent review was on removing the current administrative burden for schools, the tick-a-box process. Currently, when schools are notified of an inspection they spend days accumulating masses of paperwork so that inspectors can verify that it exists. What is the value in that? Schools should not have to do paperwork for the sake of it. Their focus should be on teaching and student learning. With the changes implemented by this bill, schools will be required only to certify that the documents exist. Unannounced visits will be a check and balance to provide confidence that when a principal certifies that policy documents exist, they do exist.

**The Hon. Lynda Voltz:** It sounds as though you have the Minister's speech there.

**The Hon. PAUL GREEN:** It is a bit of both; it is great teamwork. An unannounced inspection is particularly important when there is concern about the safety of a child or there is reasonable suspicion of illegal activity. There is no intention to have dawn raids of schools, as much as I like that terminology. Inspections will be undertaken in accordance with policy. The Parliamentary Secretary may elaborate on that point. This provision was not modelled on the inspections undertaken by the Office for Standards in Education, Children's Services and Skills [Ofsted] in the United Kingdom. Rather, it was recommended by a panel of highly respected Australian education experts. That was outlined in the reply I received from the Minister's office. The Christian Democratic Party supports the transition of the Board of Studies, Teaching and Educational Standards [BOSTES] to the NSW Education Standards Authority, understanding that this transition has the support of government schools, Catholic schools and independent schools.

The new authority will comprise 12 to 14 representatives, a reduction from its current size of 23 members. The make-up of the new authority will include two representatives of government schools, two from Catholic schools, two from independent schools, two from teacher unions and one from Aboriginal education. The remaining positions will be appointed from the following stakeholder groups: teachers, school leaders, universities, vocational education and training, parents, early childhood education, special needs education, business, and strategic advisory skills. The board will also include regional and rural representation. I strongly urge the Minister to consider appointing an appropriate representative from within the special education sector, given recent media coverage around the treatment of special needs children within a few schools in New South Wales.



We need to do all we can to provide a safe learning environment that caters to all students with particular needs and to ensure that adequate funding is available to provide additional support required by special needs students. I note my colleague Mr David Shoebridge referred to funding. I reiterate that the Christian Democratic Party supports full Gonski funding. We say that New South Wales needs its fair share and we appreciate the recent supportive comments of the Minister at a forum with other education Ministers. We appreciate that he is trying to make sure that we get our fair share and to maintain it to give our students, whether they be in private, public or independent education or home schooling, the very best opportunity to thrive.

One key group that appears to have been overlooked is home schooling. The Education Standards Authority should include a representative with expertise in that area. Some time ago a committee inquired into home schooling and committee members who had held a particular view walked away with a totally different mindset. Many good and highly qualified people are educating their children outside school. Members of the committee had a new understanding of the responsibilities that these parents take on to educate their children. The parents do a good job and they have the best of both worlds: they educate their children and they spend time with their children all day. A lot of families love that opportunity, while other parents with six children are very happy for their children to be educated in the system.

Home schooling is a valid expression of education and learning for children. Due to the challenges of special needs education, many of those children are withheld from the public system because they require an intense approach to learning. One benefit of home schooling is that the speed of learning can be adjusted to the individual's needs. Home schooling plays a very important part in education in New South Wales. Mr David Shoebridge asked for representatives of other groups to be appointed as board members, but we do not want an unwieldy board that is tangled up in its own agenda and nothing is achieved. I do not support that suggestion by Mr David Shoebridge but I have advised the Government to ensure that the highest priority of the new board is special needs education.

The Government should continue to converse with home schooling parents, who have a great respect for education. They deserve to be a part of the conversation and to be at the table at a higher level. I ask the Government to give them due respect and embrace them in order to deliver a holistic model of education throughout New South Wales in every shape and form. I note that proposed new section 12 does not list registration of students for home schooling as a function of the authority. Given that there are three equally valid forms of schooling in New South Wales—government schooling, non-government schooling and home schooling—stated in the Education Act and that the functions of the Education Act include "registration and accreditation of schools", it appears that this Act needs to be amended to include home schooling registration.

Following the establishment of the new authority and its board, a further five decision-making regulatory committees will oversee the functions of the authority: school curriculums, assessment, teaching quality, initial teacher education and regulatory standards. Changes will also be made to school registration in order to streamline the process, with the adoption of a risk-based approach. Principals will be responsible for the certification of documentary evidence of registration and the authority's role will be redirected to support quality teaching and student learning. The authority will be given the ability to conduct random spot checks and risk-based audits and impose conditions where schools are found to be in breach of standards. The authority will also have the ability to impose conditions to ensure that schools resolve any concerns identified in these audits. The authority will also have the ability to withdraw course approval if risk-based audits of learning courses are found to traverse standards.

The bill also seeks to align the registration process and requirements across all schools in all sectors, again streamlining the processes. Schools will also be required to demonstrate their financial viability and meet the "fit and proper person" test. Other changes include changes to the teacher accreditation, professional learning and initial teacher education. The role of the authority will be limited to quality assurance processes in regard to teacher accreditation and the authority will have the sole responsibility to suspend or revoke accreditation. Schools and sectors will be required to alert the authority when information that may lead to a teacher's suspension or revocation of their accreditation is discovered. In regard to the initial accreditation of new teachers, higher education facilities will be required to show that the initial teacher education program meets graduate standards. Initial teacher education programs can be approved with conditions and the authority has the power to suspend or revoke a program.

With our understanding that the three education sectors were consulted on the transitioning from the Board of Studies, Teaching and Educational Standards to the NSW Education Standards Authority, the Christian Democratic Party supports this bill and I commend it to the House. The Christian Democratic Party is aware of amendments foreshadowed by the Opposition and The Greens. The Government has expressed its view in relation to a surprise inspection. One would think an inspector—rather than a delegated authority—is limited by what he or she can ask of a principal, being the fit and proper person to undertake dialogue with an inspector. I believe the

Parliamentary Secretary has said clearly that such an inspection would not necessarily mean that all sorts of documents would be required to be put on the table, but rather the inspector would be required to observe.

**The Hon. Lynda Voltz:** But they still have to find the documents.

**The Hon. PAUL GREEN:** I understand. The Hon. Lynda Voltz approached me about the Opposition's amendment. There is merit in providing some leeway in relation to time and various documents. Overall, the Christian Democratic Party will not support the amendments but I understand that the Parliamentary Secretary will address some of those concerns in her reply. The Minister for Education was in the gallery earlier but has left. I inform him that I just gave him a great plug after our five-year tussle. The Christian Democratic Party commends the bill to the House.

**The Hon. ERNEST WONG (17:49):** I join my colleagues in debate on the Education and Teaching Legislation Amendment Bill 2016. Other members have already canvassed the bill in some detail. I thank our colleague in the other place Mr Jihad Dib for his excellent leadership on this bill and the Hon. Lynda Voltz in this place. I will confine my remarks to focusing on Labor's proposed amendments in regard to school inspection provisions to ensure that these are subject to a notice period and to a clear scope.

Teaching is an incredibly important job and it is a challenging job. I think we all know that being a good and dedicated teacher is a hard slog. Yes it is rewarding, but it involves many hours beyond the ringing of the school bell. One of the key issues in community and professional debates about teaching in Australia is that the best predictor of better education outcomes is the ability of teachers to establish and maintain a positive and focused learning environment for them and their students. Putting it bluntly, good teachers want to teach. While the performance measurement and improvement structures we seek for our schools are important, we should ensure that these support and enhance the focus of our learning environments, not detract from them. With this in mind, I strongly support Labor's proposed amendments regarding school inspections.

While the idea of random snap inspections makes for a great ministerial sound bite, anyone aware of the substantial performance management systems already in place in our schools will understand that it is an idea from a bygone age. Like any industry or profession, teaching is now subject to a detailed performance management framework that includes: lesson observations by a line supervisor; work samples that highlight teachers meeting syllabus requirements; work and practice that correlates directly with the professional teaching standards; reviews of classroom practices in the management of students; records of meetings, including context and outcomes, with parents and other stakeholders; and membership of professional associations and professional learning. These frameworks are comprehensive and well documented. Working with these frameworks provides the best starting point for teacher and class improvement.

Random drop-ins by unexpected inspectors will provide a great disruption to classes but will hardly achieve much advantage in going to the evidence base of teacher performance. Rather, a well-planned, appropriately timed inspection and detailed audit will allow for forensic examination of teaching and learning programs; the testing of availability and implementation of school policies; and the assurance that data from National Assessment Program—Literacy and Numeracy, the Higher School Certificate and other external examinations is used to tailor teaching programs for specific cohorts and individual students.

Further, in teaching, as in any profession, good practice is about letting people know what is expected to be presented for inspection, giving reasonable time to prepare and keeping a sense of professionalism. After all, in what other profession does it remain best practice to randomly engage in serious performance reviews with no warning or preparation? If we look to the performance culture of any top-performing business or industry we will see performance review systems in which known and agreed goals and known and agreed points of review are the norm. These provide clear expectations and measures to all parties involved, and they mean that all parties come to the conversations well prepared and with clarity about expectations. The idea that underperforming employees—whether teachers or otherwise—can somehow benefit from the fact that review points are known is ridiculous.

The evidence burden placed on our teachers by the existing review mechanisms is substantial. It includes evidence that must be gathered continuously across the teaching year and must reconcile with student work and outcomes. A teacher with a few days notice can no more cram or fake compliance with their performance requirements than I could gain a pilot's licence tomorrow. The evidence base simply would not be there and the records would show this. However, what a few days notice means for the vast majority of teachers who want to do their best is that they have time to be ready, with evidence, to discuss their teaching practices and to engage with feedback constructively. That, surely, is the best use of an inspector's time and it will minimise disruption to the class environment. That should be the aim of a quality audit process, with the intended outcome of creating a better education system. Random threats that "schools should be nervous", as the Minister remarked in the other place, do not speak of a New South Wales education system that is professional and respected.

Labor fully supports the principle of teacher accountability. But, as with any work environment, if we are to get the best out of people they must be provided with a clear set of expectations and be allowed an opportunity to meet those expectations and demonstrate their achievement. Finally, from a purely practical viewpoint, unannounced visits do not allow for review to happen in a calm and measured way. It suggests that the Minister has not looked at how much evidence teachers maintain to uphold their professional practice and the multi-source, multi-discipline nature of that evidence.

Teacher accreditation and performance measurement now involve a matrix of measures that are tied to multiple internal and external reference points and checks, and it is all stored online. If I may use an analogy, it is akin to modern border security checks, where identity is now established through online systems that include instant, multi-source data inputs. In that context, the Minister's idea is like bringing back random officers who stop people and announce, "Papers, please." It is really that arcane and it is really that offensive to the vast majority of New South Wales teachers who do a great job each day. I therefore support the amendments that Labor will propose to make our inspections of schools a genuinely constructive and professional inspection system. I thank members for their attention.

**The Hon. SARAH MITCHELL (17:56):** On behalf of the Hon. Niall Blair: In reply: I thank all members for their contributions to debate on the Education and Teaching Legislation Amendment Bill 2016. This bill will amend the Board of Studies, Teaching and Educational Standards Act 2013—known as the BOSTES Act—the Education Act 1990 and the Teacher Accreditation Act 2004 to give effect to the recommendations of the recent review of the Board of Studies, Teaching and Educational Standards. The bill introduces for the first time the requirement that the authority has a charter and an annual statement of expectation from the Minister for Education. The inaugural statement of expectation will specifically address the issues raised in the independent review of the Board of Studies, Teaching and Educational Standards.

In particular, recommendation 13 will be explicitly included and will require the authority to consider issues raised by stakeholders during the review, including special needs and homeschooling registration, which the Hon. Paul Green raised in his contribution. In relation to the matter of inspections, which the Hon. Paul Green also raised, I will leave my remarks on that to the Committee stage. I am excited about the future for education in New South Wales and the role that the NSW Education Standards Authority will play. 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.**

### In Committee

**The CHAIR:** There being no objection, the Committee will deal with the bill as a whole. I note that I have two amendments, the first being The Greens amendment appearing on sheet C2016-094 and the second being an Opposition amendment appearing on sheet C2016-091A. Both amendments deal with precisely the same part of the bill, being page 7, schedule 1, lines 40 to 42. The Greens amendment was received first, at 7.25 p.m. on 11 October, and the Opposition amendment was received at 10.31 a.m. today. I will call upon Mr David Shoebridge first and then I will call upon the Hon. Lynda Voltz. In due course we will put The Greens amendment first.

**Mr DAVID SHOEBRIDGE (18:00):** I move The Greens amendment No. 1 on sheet C2016-094:

No. 1      **Inspection of education premises**

Page 7, Schedule 1 [8], lines 40–42. Omit all words on those lines. Insert instead:

(2A)      Any power of an inspector under this section may not be exercised on or in relation to education premises unless the proprietor or person in charge of the premises has been given at least 5 days written notice of the proposed exercise of that power and the reasons for exercising that power. However, any such notice is not required to be given if the power is required to be exercised in circumstances of genuine urgency.

The Greens amendment proposes to add a new subsection (2A) to section 14 of what will, as a result of this bill, become the Education Standards Authority Act. Section 14 is the current provision that relates to the inspection of education premises. It does not allow for a broad inspection without any notice but does allow for inspection at an education facility at any reasonable time. The proposed amendment the Government is putting forward in this bill is to add a new subsection (2A) that expressly states:

Any power conferred on an inspector by this section may be exercised on or in relation to education premises without the inspector being required to give notice to any person or body before exercising that power.

The Greens amendment proposes to delete the Government's new subsection (2A) and to provide instead:

Any power of an inspector under this section may not be exercised on or in relation to education premises unless the proprietor or person in charge of the premises has been given at least 5 days written notice of the proposed exercise of that power and the reasons for exercising that power. However, any such notice is not required to be given if the power is required to be exercised in circumstances of genuine urgency.

I note that Labor's amendment is, for all intents and purposes, identical to The Greens amendment. I think Labor may have omitted the word "written" and somehow restructured the first sentence, but the amendment is effectively the same. The Greens amendment is intended to address the concerns of educators, unions, teachers, parents and those who are concerned about a cooperative learning environment in our State schools. The attitude of the Minister in both his media comments and the second reading speech in relation to the purpose of the random compliance orders and the language he has used—such as, "If a school is doing the wrong thing be very afraid"—have led to real concerns amongst educators and parents and citizens associations in the State that this notice-free inspection power may be abused and has the potential to create an environment of fear in our education facilities.

If that is not the intention, we would like to hear it put clearly on the record by the Parliamentary Secretary. If there is intended to be a policy developed that will govern the exercise of these inspection powers I hope we hear that clearly and directly from the Parliamentary Secretary in responding to this amendment. But The Greens firmly believe the standard provision should be that notice is given and that respectful relationships are maintained. But, of course, where there are examples of genuine urgency and where there is a need to conduct the inspection without notice—such as if there is concern that there might be fraud and that the books might be bodgied up if notice is given—the inspector would be permitted to go into the premises without notice. If there was concern about physical abuse or sexual abuse in a school that would satisfy the terms of genuine urgency and allow an inspection without notice.

So in circumstances where genuine urgency requires an inspection without notice, The Greens firmly believe it should be permitted, and that is why our amendment includes that provision. Otherwise we say, consistent with the views of the Teachers Federation, it is appropriate that notice be given. We believe the appropriate period of notice is five days and we think the notice should be in writing so that it is very clear. That is why we have moved this amendment.

**The CHAIR:** It seems to me that it is difficult for the two amendments to rest comfortably together. My view is that if The Greens amendment gets up then the Labor amendment will lapse. I will now call the Hon. Lynda Voltz to move her amendment.

**The Hon. LYNDIA VOLTZ (18:05):** I move Opposition amendment No. 1 on sheet C2016-091A:

No. 1      **Inspection of education premises**

Page 7, Schedule 1 [8], lines 40–42. Omit all words on those lines. Insert instead:

(2A)      An inspector is not authorised to conduct an audit or carry out an inspection under this section on education premises unless the proprietor or person in charge of the premises has been given 5 days' notice of the proposed audit or inspection and of the reasons for the audit or inspection. However, any such notice is not required to be given if the audit or inspection is required to be conducted or carried out in circumstances of genuine urgency.

As I outlined during the second reading debate, this issue was raised as an area of serious concern across the board—within the Catholic education sector, within private schools and within the public education sector. The concern is not necessarily about the carrying out of inspections without notice or the carrying out of an audit or inspection under circumstances of genuine urgency—the Labor Party accepts in those instances it is proper that the Minister has looked to put that provision in the Act. The problem is that the carrying out of an audit—currently, as the Minister said in his second reading speech, schools get months of notice that an audit is coming so they can prepare their documentation, which is a time-consuming job, and there can be a thorough assessment—is also now being captured by the changes within the Act.

We accept that an inspector can walk into a school and ask for any documentation or paperwork—we certainly appreciate that that ability should be there. But when it is not urgent the school should be given the right not to take teachers out the classroom and not to divert resources to immediately searching for documents that an inspector may suddenly decide they want to check to see whether the school is doing the right thing. If we are to take the Minister at his word when he said that these changes are about making schools nervous, it is highly inappropriate that schools are not given at least some—short—notice so they are able to present documents that an inspector may walk in and ask for and without which the school would fail the inspection.

It is not unreasonable to ask for five days notice. Teachers attend school camps or go away and staff may not be at the premises when an inspector visits, so it is not unreasonable to expect a school to have a few days—not months but days—to put together attendance records, financial statements, records of stakeholder meetings and meetings with parents and schoolchildren, and programs that it has put together to satisfy the Department of Education that it is on track and doing what it is supposed to do. The department wants to assure itself that a

school is on top of things and it is not unreasonable that schools are given a few days to make sure they can give that assurance to the department.

If the Parliamentary Secretary states, on behalf of the Minister, that inspectors will not conduct audits in areas where there is no urgency and documents such as attendance sheets, financial statements, records of stakeholder meetings, records of interviews with parents or reports will not be requested, we will take her at her word—if she puts that on the record. But as it stands at the moment that is not what the Act reads. It is a great concern because of the language that has been used about the purpose of the amendments—an inspector can walk into a school without any notice at all and start asking for documents. That would place schools in a very difficult position, particularly if teachers are in the classroom and staff are dealing with day-to-day issues. Certainly if there is an urgent reason to do it, everybody accepts that should be the case and the Opposition has no problem with that.

**The Hon. PAUL GREEN (18:09):** I take on board some of the points that the Hon. Linda Voltz has put on the record. My understanding is that the fit and proper person for the inspection would handle the situation with the inspector. Teachers will not be ripped out of classrooms to provide information and there will be an appropriate response that befits a protocol of investigation.

**The Hon. SARAH MITCHELL (18:10):** The Government will not be supporting either of the amendments before the Committee. For the benefit of the House and members, I make the point that this is not about the Department of Education. The Board of Studies, which will soon become the NSW Education Standards Authority, is a separate statutory body. I point out that under section 14 (1) (a) of the Board of Studies, Teaching and Educational Standards—BOSTES—Act, inspectors who are generally experienced teachers or educators are currently able "at all reasonable times to have full and free access to any education premises and any documents that are on the premises". In matters such as student safety or illegal behaviour, it is important that inspectors are able to act quickly. Further, section 14 (2) (a) of the Act states:

Any such power may be exercised by an inspector only:

- (a) for the purposes of determining whether there has been compliance with or a contravention of the education and teaching legislation.

There is no proposal that either of these requirements change. This bill's insertion of new subsection (2A) in the BOSTES Act clarifies beyond any doubt that the power to inspect education premises unannounced already exists in the legislation. As the Minister for Education explained in his second reading speech on 21 September 2016, the authority will, of course, have suitable rules in place to guide inspectors on the appropriate use of this power. Random and risk-based audits and spot checks send a strong signal to schools that they must comply with the requirements for registration at all times. They are an important element of the risk-based management approach. A risk-based approach also means the authority can better identify schools that are having difficulty meeting registration requirements and the authority can provide support and guidance to schools in order to restore full compliance.

It is important to note that the overarching processes and rules guiding the activities of inspectors will be determined by the board of the authority, which includes all three school education sectors and both unions. There is no need for the unnecessary and hyped-up alarm that is being spread by the Opposition and The Greens. Therefore, the Government will oppose both amendments.

**The CHAIR:** I will put the amendments separately. To be clear, if The Greens amendment falls, I will put the Labor amendment. If The Greens amendment is passed, the Labor amendment will lapse. Mr David Shoebridge has moved The Greens amendment No. 1 on sheet C2016-094. The question is that the amendment be agreed to.

**Amendment negatived.**

**The CHAIR:** The Hon. Lynda Voltz has moved the Opposition amendment on sheet C2016-091A. The question is that the amendment be agreed to.

**The Committee divided**

Ayes .....14  
Noes .....20  
Majority.....6

AYES

Barham, Ms J  
Faruqi, Dr M

Buckingham, Mr J  
Field, Mr J

Donnelly, Mr G (teller)  
Mookhey, Mr D

## AYES

Moselmane, Mr S  
(teller)  
Secord, Mr W  
Voltz, Ms L

Primrose, Mr P  
Shoebridge, Mr D  
Wong, Mr E

Searle, Mr A  
Veitch, Mr M

## NOES

Ajaka, Mr J  
Brown, Mr R  
Cusack, Ms C  
Green, Mr P  
Maclaren-Jones, Ms N  
(teller)  
Mitchell, Ms S  
Phelps, Dr P

Amato, Mr L  
Clarke, Mr D  
Farlow, Mr S (teller)  
Harwin, Mr D  
Mallard, Mr S  
Pearce, Mr G  
Taylor, Ms B

Blair, Mr N  
Colless, Mr R  
Gay, Mr D  
MacDonald, Mr S  
Mason-Cox, Mr M  
Pearson, Mr M

## PAIRS

Houssos, Ms C  
Sharpe, Ms P

Franklin, Mr B  
Gallacher, Mr M

**Amendment negatived.**

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

**Motion agreed to.**

**The Hon. SARAH MITCHELL:** On behalf of the Hon. Niall Blair: 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:** On behalf of the Hon. Niall Blair: I move:

That the report be adopted.

**Motion agreed to.**

## Third Reading

**The Hon. SARAH MITCHELL:** On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

**Motion agreed to.**

## BUILDING PROFESSIONALS AMENDMENT (INFORMATION) BILL 2016

## Second Reading

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

That this bill be now read a second time.

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

**Leave granted.**

I am pleased to introduce the Building Professionals Amendment (Information) Bill 2016.

The Building Professionals Act governs the accreditation and regulation of certifiers. It establishes rights and obligations of both private and council certifiers and provides a framework for the management of complaints against certifiers and certifying authorities.

This bill arises from the statutory review of the Building Professionals Act that was undertaken by former Treasury Secretary Mr Michael Lambert. The review commenced in September 2014 and was completed in October 2015.

Earlier today I tabled the response of the New South Wales Government to the review. This bill represents the first of a number of priority reforms that the Government will be progressing.

The New South Wales Government wants to ensure that New South Wales has a world-leading system of building regulation and certification.

A building regulatory system that fosters economic growth, improves the design and performance of buildings while at the same time providing protection for consumers by appropriately managing risks to safety, health, amenity and sustainability.

Certification is a crucial part of the building and construction process.

This bill implements specific recommendations around using certification data as a regulatory tool to improve not only the way the industry performs, but also to improve the manner in which it is regulated.

This bill represents just one component of the broader agenda of the New South Wales Government to improve home building, planning and assessment, and dispute resolution.

In 2015 we introduced improvements to home building laws and followed this up with the completion of a major review of the State's strata legislation. The new strata laws commence on 30 November this year, bringing a raft of benefits to over a quarter of the State's population.

We are also examining reforms to the systems that help protect consumers and subcontractors from risks of builder insolvencies—the Home Building Compensation Fund and the security of payment laws.

Improvements to the planning system are underway to help build a simpler, modern planning system.

This bill represents further progress by this Government to ensure that the building and construction sector in New South Wales is able to continue to grow, while ensuring there are appropriate regulatory controls so that it produces quality outcomes.

The amendment.

The bill inserts a new regulation making power to allow the department to obtain data from persons who carry out certification work, accreditation holders and certifying authorities to centrally collect building and certification information showing the state of the built environment in New South Wales.

The bill also introduces the ability for the department to enter into an information exchanging arrangement with councils and other agencies that exercise functions relating to certification, building regulation or the provision of statutory building insurance to deliver better and more efficient services to the people of New South Wales.

Similarly the bill also allows for the department to obtain information from other agencies to ensure the certifier accreditation scheme in New South Wales is more robust, responsive and effective at ensuring only appropriate individuals are able to operate in the industry.

Data to be collected.

NSW Fair Trading will work with industry associations and key stakeholders, including local government, on the types of data to be collected.

It is proposed to collect information that accreditation holders and certifying authorities already record or report but which is currently fragmented from a data collection point of view.

The department will be able to request information about certification work, building work and related matters.

Subject to consultation, it is expected that a certifying authority or accreditation holder would be required to provide notification to the department of specific information at their time of appointment on a building project, at one or more key points during the development—possibly following some or all critical stage inspections—and at the end of the development process.

The type of information that could be collected during construction includes the name of the person who appointed the Principal Certifying Authority, the location of the development, the building type and the details of the principal contractor.

Existing reporting processes and requirements will inform what information is to be provided and how.

Data Collection.

Consultation will be undertaken with industry associations, local government and providers of business software to develop an efficient "gateway" for the collection of the information.

The Government intends to specify the form, timing and content of the data and provide a point of collection available to all players, but leave it open to industry, practitioners and councils to determine the most efficient way for them to collect and record the data they need to provide.

The data capture process will seek to be as simple and efficient as possible and, for example, achievable through a website that can be accessed on a phone or tablet.

The OneGov team in the Department of Finance, Services and Innovation will be responsible for designing the certifier data collection gateway and database.

OneGov have a proven track record in this area, having already developed and delivered new smart digital tools for "Fuel Check" and "Smart Meters"

Benefits of data.

The benefits of this bill are clear and simple. The Baird Government is the "smart Government". We know that knowledge and information are exceptionally powerful and we want to harness this power to keep New South Wales ahead of the curve.

We want our Government to be agile, fast and smart in the way we operate. This means that we need to harness our data assets to deliver better services.

There is a lot of data currently being collected by certifiers and certifying authorities as part of their routine operations. Sadly, this data is being wasted. It is held in different systems, different formats and used for a variety of different purposes.

This bill seeks to provide a mechanism for bridging the gaps, and bringing this rich information set together in the one place so that we can gain a better understanding of the built environment in New South Wales.

Certifiers make a significant contribution to the New South Wales economy, with \$34.1 billion of new development approved in New South Wales in 2014-15. In the same period, more than 140,000 certificates were issued by private and council certifiers.

Having faster access to this information will, at a macro level, improve our overall understanding of activity in the building sector and enable issues to be identified quicker.

It will also allow us to better understand, predict and respond to what is happening in the industry through the ability to drill down to individual developments, contractors and/or certifiers,

Better quality and more reliable data will improve targeting of industry and consumer education and information.

It will inform evidence-based policy that will allow for better regulation of the industry—regulation that is measured, appropriate and well-targeted.

It will contribute to better identification of, and response to, problems in the building sector—providing for a more efficient allocation of government resources.

We will be able to analyse the information to help direct government services to where they are needed most, improving overall efficiency and delivering better service and value to the people of New South Wales.

This includes better targeting of compliance and regulatory activity, particularly through improved integration and coordination of government agencies that regulate the building industry.

By bringing data together into a single location we can seek to reduce unnecessary duplication and minimise the regulatory burden on the industry.

It can also be an enabler for advice and guidance to be developed for consumers and builders, providing them with the ability to make better informed decisions.

Next steps.

This amendment is the first stage in what will be an ongoing, open dialogue with those in the certification and building industry, local councils and other government agencies to deliver a better system of building and certification regulation in New South Wales.

The New South Wales Government will work closely with stakeholders to develop the new data reporting requirements.

I commend the bill to the House.

**The Hon. PETER PRIMROSE (18:23):** The Building Professionals Amendment (Information) Bill 2016 is a partial response by the Government to the recommendations contained in the report of a review into the industry conducted by former Treasury secretary Michael Lambert. The Opposition does not oppose the bill. The Lambert review contains 150 recommendations on strategies to improve the compliance and safety of our homes and other buildings. It was submitted last October and identifies 10 priority areas for reform. Those are: a new principles-based Act combining relevant provisions of the Environmental Planning and Assessment Act and the Home Building Act for better and clearer regulation; strengthening the administration of building regulation and certification; the implementation of an information system strategy to enhance accountability and clarify the role of certifiers; to establish partnership models between State and local government; to achieve and maintain a best-practice regulation and certification system; to enhance the professionalism of certifiers through accreditation, education, training and support; to improve timeliness and effectiveness of complaints handling; to enhance the sustainability of professional indemnity insurance; and to provide appropriate resources and funding.

This bill addresses the third of those priority areas. That is only one point out of 10. While the Minister alludes to further reforms based on a number of recommendations, the reality is that around half of the review will not be looked at. This includes some of the fundamental issues that were identified as detracting from the effectiveness of the current Act. For instance, there will be no more resources from the Government and no consideration of how to structure the legislative and organisational response to building certification. The Baird Government has effectively rejected half of the recommendations in the review.

I draw to the attention of the House the cost-benefit ratio provided by the review. It estimated that, based on a 4 per cent discount rate and a 20-year evaluation period, the implementation of the reforms as a package would generate a net economic benefit in present value terms of \$13.5 billion. That is a 4.61 per cent benefit to cost ratio. Those involved in the WestConnex project could only dream of that. The Lambert review is presented as a package and should be considered as such. The Government's approach of cherry-picking short-term wins and ignoring long-term implications will ultimately result in higher costs and adverse impacts. The Premier should revisit the review and return to Parliament with a bill that fully delivers the Lambert review recommendations.



Members will recall the tragic death of student Connie Zhang in a fire in her Bankstown apartment. The apartment in question was wracked with certification issues. After critical findings by the Coroner there were numerous calls for review of the certification of buildings in order to prevent further deaths. The Lambert review addressed the issue and found that general building certifiers were given too much responsibility for checking safety compliance in new buildings and they needed to draw on specialist advice. The Lambert review reiterated concerns expressed in a report undertaken by the Fire Protection Association. The Fire Protection Association found that up to 40 per cent of buildings in New South Wales were in breach of fire rules. Yet here we are four years after this tragedy and the Government has just introduced a bill to allow agencies and governments to share information.

Why is the Government moving at a snail's pace? Why is this happening when there is formal and anecdotal evidence that critical points of building safety are being deliberately missed? Why is this happening after a damning Coroner's report concerning Connie Zhang's death? Why, after a string of industry reports and the extensive Lambert review, is the Parliament merely discussing data sharing? The Baird Government must return to Parliament in the first weeks of the 2017 parliamentary session with a bill that will fully address all the recommendations in the Lambert report. This issue is critical and must not be delayed any longer. Members are witnessing an increasingly fragmented and uncoordinated Government. During budget estimates the Opposition grilled three Ministers on what was being done to address unsafe building products such as Alucobest. The response was shoulder shrugs, except for the Minister for Local Government, who asked, "Aluco what?"

I suggest that the Government looks at the coronial inquiry into deaths in a strata unit in Victoria. In that building Alucobest was described as the key problem. The builders had used external cladding that was supposedly fire resistant but was, in fact, inflammable. The Coroner said that this was a key problem and it had to be addressed. The Chief Fire Officer in Victoria reiterated that this was a problem. It is a key problem here in Sydney. It is a problem now. The City of Sydney has identified it. In my conversations with the Minister only last year, I raised the matter because I am very aware that it is a problem. I have asked questions on notice about this matter but still in New South Wales today there are buildings—particularly high-rise buildings—where Alucobest makes up the fabric of those buildings. We know what happens, as the Coroner and the Chief Fire Officer in Victoria have indicated, and there have already been deaths in that State.

It is an absolute travesty that we are still waiting for action from this Government—first, to identify where Alucobest exists; and, secondly, to come up with a clear strategy to overcome that problem. This gives us an insight into some of the systemic issues facing the New South Wales Government—why things will go wrong and will continue to do so. The Baird Government's response reflects the buck-passing and poor regulatory framework to which New South Wales is currently subject, exacerbated by a terrible arrangement of public service reporting lines, where legislation rests with one Minister, yet staff report to another. This is why the Lambert review called for a reappraisal of the bureaucratic and regulatory framework for building certification.

We see mixed lines of reporting across the New South Wales public service—which adds to red tape, public confusion and poor public policy outcomes. It is hardly better regulation! Added to job cuts and lack of resourcing—another critical part of the Lambert review—we are getting into dysfunctional territory when it comes to the ability of the New South Wales Government to react, respond and address issues in the delivery of public goods and services. Rather than slashing compulsory third party benefits, or trying to deregulate debt collection, the Minister for Innovation and Better Regulation should get serious about the critical issues identified in the Lambert review. People's lives, living standards and peace of mind are being put at risk each day this Government dithers and delays on a process that has already taken more than two years.

With respect to the substance of the bill, it is minimal and presents no grounds for opposition. The bill amends the Building Professionals Act 2005 to allow two relatively straightforward things: the Building Professionals Board to enter into information-sharing arrangements with councils, State and Commonwealth agencies and other persons or bodies prescribed by the regulations to share information relating to the certification or regulation of, or statutory insurance requirement relating to, building work; and the making of regulations regarding the provision of information about certification work, building work and related matters by persons who carry out, or are accredited to carry out, building certification work and other related work.

The bill provides for a new section, section 82A, to be inserted into the Act so as to assist the board and any other party to such an information-exchange arrangement to exercise functions related to the certification or regulation or statutory insurance requirements related to building work. Secondly, paragraph (j) will be added to new section 94 (2) to provide for the making of regulation regarding provision of information about aspects of building works, in accordance with the objectives of the bill. Data sharing is a smart and strategic way of addressing aspects of the broader problem. Innovative governments should always look to harness the power of information to improve the performance and outcomes of its regulatory framework. I also note that in his second

reading speech the Minister emphasised the importance of protecting the privacy of individuals, which is important if we are to bring the community along with us in using data more effectively and holistically.

Yet one year after the Lambert review was presented to the Government, and two years after it was first commissioned, we have before us today a meagre bill that acts on just one part of the 350-page Lambert report. Of the 150 recommendations, 78 did not get a look in—including, as I said previously, the restructure of the administrative and regulatory oversight of building certification and, importantly, the appropriate and effective funding of the Building Professionals Board and the staff who service the board. What concerns the Opposition in particular is that the people who will be impacted disproportionately by this lack of action on the part of the Baird Government are those who live in strata complexes. This is where most of the problems arise.

Approximately one in four people now lives in strata buildings, and that will increase to around half the State's residents by the middle of this century. The Government again is treating those who live in apartments as second-class citizens. On 30 November this year their property rights will be severely eroded, with new scheme termination laws making it easier for developers to buy and knock down apartments without the owner's agreement on terms and price. In the area of building certification, strata owners are being punished and in some cases are paying for repair work out of their administration funds when the developer should be fixing it out of his wallet.

A 2012 survey conducted by the University of New South Wales found that 85 per cent of strata owners and strata committee members in post-2000 buildings identified two or more defects. Seventy-five per cent of them said the defects were yet to be fixed. The lack of action in regard to the Lambert review disproportionately affects those who live in strata title properties. This Government is dominated by those who see strata schemes merely as an investment, not as someone's home. The lack of action in relation to this bill is just another example of the Government's attitude. In conclusion, I think it is best to quote the concluding remarks of the executive summary of the Lambert review:

There is broad industry support for the reforms set out in this report and a certain level of fatigue and frustration at the number of reviews undertaken and the lack of progress in addressing the well-documented problems.

The consequences of inaction will not necessarily be apparent for some time but there is a significant level of risk in the system that will, at some time, manifest itself in a major negative event. In such circumstances the worst of all worlds is to have a regulatory system that is ineffective and has been acknowledged as such.

I shudder to consider the real sentiment behind the expression "major negative event". It should not take another major tragedy to get action on such critical issues. As I stated, the Opposition does not oppose the bill but implores the Government to introduce a bill in 2017 to give full effect to the Lambert review. I conclude by again referring to Alucobest. I am looking particularly at the Government and the Minister's staff. I have been raising the Alucobest issue for two years. The report has been produced. I have constantly raised the issue in estimates, questions on notice and in this House. If we have a tragedy similar to the tragedy that occurred in Victoria because of a lack of action by this Government, I will not be simply be talking about the legislation; rather, I will be seeking the dismissal of members of this Government.

**Mr JUSTIN FIELD (18:38):** On behalf of The Greens I participate in debate on the Building Professionals (Information) Bill 2016. Like the Opposition, The Greens do not oppose the bill. However, I share the Opposition's concerns, particularly in relation to strata owners. I have engaged with the Minister's office in relation to this bill. I acknowledge that I am a new member of the House with a lot to learn and I understand this bill is part of a series of amendments that will be introduced to complete reforms that were highlighted by the Lambert review. At this point, I am prepared to accept that that is the intent of the Government. I look forward to engaging more actively in relation to the details of the reform, but I appreciate that at this point this bill, as it relates to data sharing, can only improve the current situation.

Members of The Greens and people at local council level have raised with me their concerns about the way that some certifiers, particularly private certifiers, operate. Concern has been expressed about the ability of authorities that provide consent to truly ensure that buildings adhere to the conditions of consent. Concerns were also outlined in the Lambert review. This bill addresses one small element of those concerns. I look forward to seeing the other concerns addressed in good time. I appreciate the comments made by members of the Opposition that the process should be expedited and that we should see details early in 2017. The Greens do not oppose this bill.

**The Hon. PAUL GREEN (18:39):** I speak on behalf of the Christian Democratic Party in debate on the Building Professionals Amendment (Information) Bill 2016. This bill contains two provisions. The first is the power to allow the department to obtain information about certification work, building work and related matters from persons who carry out certification work, accreditation holders and certifying authorities. Secondly, the bill authorises the Building Professionals Board to enter into information-sharing arrangements with councils and other agencies that exercise functions relating to certification, building regulation or the provision of statutory

building insurance. The bill authorises the Building Professionals Board to obtain information and share arrangements with councils, State and Commonwealth agencies and other persons or bodies that are affiliated with regulations relating to certification or statutory insurance requirements in correlation to building work.

This will provide legitimacy and proof in work, which will force all persons who carry out this work to abide by the rules and regulations of each project they work on. Certifiers are also responsible for issuing some planning approvals, which in turn will require building work to meet both consent conditions and certain essential standards. The bill allows for government bodies to easily access, analyse and assess a project in real time, giving them up-to-date and valuable knowledge about the project and its progress. The data reporting requirements that this bill introduces will fill the gaps in current data collection schemes to generate a more informed picture of the built environment in New South Wales. For the benefit of consumers, the bill provides an appropriately managed scheme to reduce risks before, during and after projects, and to manage risks to safety, health, amenity and sustainability. A constituent of mine stated:

New South Wales is close to having a world-leading system of building regulation.

This bill provides an appropriately managed scheme that ensures that all buildings are certified and safe to enter. The bill will improve the way that the industry performs and the manner in which it is regulated by implementing specific recommendations on the use of certification data as a regulatory tool. The Minister for Innovation and Better Regulation acknowledged that the bill allows New South Wales to continue to build and expand while ensuring that there are appropriate regulatory controls in place. This will allow consumers to trust that their project is lawful, legitimate and safe. The bill will create a central repository of building data, which will make it easier to find data on a specific site. Overall, the bill will provide workers with stronger guidelines to abide by, giving proof and legitimacy through the recording and centralisation of data for certified authorities, accreditation holders and the Building Professionals Board.

There is no doubt that building in New South Wales is enjoying a quickened pace. Certifiers, and private certifiers in particular, can slow the pace of building. Not all of them are helpful in promoting confidence in their services. When private certifiers take shortcuts it puts at risk safety and security on building sites. This is a good bill. It is part of a process. On behalf of the Christian Democratic Party, I commend this bill to the House.

**The Hon. RICK COLLESS (18:44):** On behalf of the Hon. John Ajaka: In reply: First, I thank all members for their support of the Building Professionals Amendment (Information) Bill 2016. I thank the Hon. Peter Primrose, Mr Justin Field and the Hon. Paul Green for their contributions to the second reading debate. I will try to address some of the issues raised by the Hon. Peter Primrose in his contribution. As members have heard, the purpose of the Building Professionals Amendment (Information) Bill 2016 is to establish a power to require persons who carry out certification work, accreditation holders and certifying authorities, who are principally councils and private certifiers, to report key information about the certification work they do to the Building Professionals Board, which is part of the Department of Finance, Services and Innovation. These amendments further provide for the sharing and exchange of information between the board and other relevant government agencies.

The bill represents just one component of the New South Wales Government's broader agenda to improve home building, planning and assessment and dispute resolution. As the Minister with carriage, the Minister for Innovation and Better Regulation, Victor Dominello, said in the Legislative Assembly during his second reading speech on 21 September, with any request for data relating to people's homes the protection of privacy is of the utmost importance and is sacrosanct. This is the first phase of the reform of building regulation and certification and represents just one component of the Government's broader agenda to improve home building, planning and assessment and dispute resolution. In implementing this agenda and the introduction of further legislation, the Government will explore all sensible options to ensure that there will be a level playing field for all certifying entities that may be exchanging personal data in the industry consistent with privacy obligations.

The Government will, on the one hand, assess how there will be an efficient operational environment and, on the other hand, ensure there is no lessening of consumer protections when it comes to privacy. The community expects the framework not only to manage issues such as safety, health, amenity and sustainability but also to use the valuable resource that is data without the loss of their right to personal privacy or to make a complaint if their personal information is not used appropriately. I turn to some of the comments made in the contributions to the second reading debate in this place, principally by the Hon. Peter Primrose. Of the 150 recommendations in the report, we support 72 in full or in part and a further 70 recommendations are going to the building regulator for further consideration.

There are only eight recommendations from that report that we do not support at this time. As I alluded to in my comments, this bill is the first piece of a bigger reform package that will be consulted on during this year and delivered during the coming year. In terms of the Alucobest product, letters have been sent to local councils

advising them of the product and its possible existence in some local government authorities. Workshops will be provided by Fire and Rescue NSW to local government authorities to make them aware of the product. I attended a meeting in Melbourne where I saw the impact of the Alucobest product and I am aware of the issues involved. The Government is concerned about the use of this product. With those comments, 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.**

### **Third Reading**

**The Hon. RICK COLLESS:** On behalf of the Hon. John Ajaka: I move:

That this bill be now read a third time.

**Motion agreed to.**

### *Adjournment Debate*

### **ADJOURNMENT**

**The Hon. JOHN AJAKA:** I move:

That this House do now adjourn.

### **HOSPITAL PUBLIC-PRIVATE PARTNERSHIPS**

**The Hon. COURTNEY HOUSSOS (18:48):** Tonight I speak about the recent announcement by this Government to privatise the operations of five regional hospitals—in Maitland, Wyong, Goulburn, Bowral and Shellharbour. Without notice, without warning, this announcement was dropped during question time in the other place on 15 September. These are communities that were promised upgrades or new local hospitals prior to the last election, without any word that they would be privatised. Instead, the Government was traipsing around country New South Wales making promises that were supposed to be paid for by the one-off windfalls from selling off our electricity network. This decision is a deeply ideological one by a government that is hell-bent on privatising government services without first seeking to see whether there is a public benefit to the privatisation itself.

The Productivity Commission actually investigated this very question. It found that public hospitals in New South Wales are more cost efficient than their private hospital counterparts by 3 per cent—a not insignificant amount when health is an ever-increasing proportion of the New South Wales budget. This greater efficiency is in spite of public hospitals offering a broader range of services right across the State—not just limited largely to metropolitan areas—and to lower socio-economic demographics, which it found had more complex medical conditions and interacted with patients on a more frequent basis than the private sector. So public hospitals offer a greater range of services to a greater range of people at a more efficient rate—yet this Government wants to auction them off anyway.

This is not just a theoretical study. In New South Wales we have our very own example of Port Macquarie Hospital, a service that the previous Liberal-Nationals Government sought to give the construction and management of to the private sector in the early 1990s. This Parliament's own Public Accounts Committee found that no significant improvement in the operational costs of providing patient care were to be achieved. When the Auditor-General examined the contracts in 1996, he found that, in effect, the State Government had paid the capital costs for the hospital twice and then gave the project away, as the contract had bizarrely agreed to give the land, the hospital and the hospital licence to the private company at the end of the 20-year contract. It is little wonder then that there are serious concerns about the lack of transparency of this recent announcement.

I pay tribute to the shadow Minister, the Hon. Walt Secord, MLC, for leading the charge against this latest disaster in the hospital system. Led by him, we attempted to recall the Minister to supplementary budget estimates hearings to explain the details—announced just 16 days after our initial hearings, which are designed to scrutinise the expenditure of this Government. But another cloak of secrecy was thrown over the important details, as Government members blocked the move. It is my strong view that an upper House inquiry should be held into the announcement to privatise these five regional hospitals, and I foreshadow that I will move a motion to this effect. This Government will privatise any government asset or service, no matter the benefit or otherwise to the community. This decision must be closely scrutinised as it seeks to outsource a fundamental part of the community's understanding of what the Government provides: universal access to health care, free of charge, to all people of New South Wales.

Let us judge this Government on its track record. After controversially selling off New South Wales ports in 2014, it was revealed in July this year that there was a confidential agreement with this Government placing a cap on movements at the Port of Newcastle, which gave the sole other port operator in New South Wales a significant windfall of \$1 million per ship once this cap is reached. As members of the House of review, we must exercise our power to ensure that there are no nasty surprises within these secret contracts to sell off our regional hospitals. NSW Labor has opposed this surprise announcement from the outset. This stand has been backed by local communities, with hundreds already attending local rallies and tens of thousands signing petitions in opposition. Communities instinctively understand what the McKell Institute paper on hospital privatisations tells us: They result in a loss of morale and expertise of staff, a decline in patient care quality and worse outcomes for the community. [*Time expired.*]

### FARM ANIMAL WELFARE

**The Hon. MARK PEARSON (18:54):** Tonight I speak about the coming disruption in animal agriculture industries. Much has been made of the theory of disruptive innovation over the past few years. The rise of Uber challenging taxi services and Airbnb competing against the hotel industry are examples of the theory of this action. Drones and driverless vehicles will replace the delivery van and the truckie. The theory holds that the initial innovation creates a new market and, as consumers and businesses seek benefits, existing markets are disrupted if they fail to adapt. The innovation displaces established products. Because disruption can take time, incumbents frequently overlook disruptors, often because the disruptors will build business models that are very different from those of the incumbents. Disruption by its nature comes from unexpected sources. It solves problems that existing industries ignore or consider to be of minor significance to their business model.

I say to the Minister for Primary Industries, the NSW Farmers and the members of Parliament representing rural areas reliant upon animal industries: Disruption to the model of animal farming will soon be arriving on our supermarket shelves. The intensive farming systems promoted by Australian Pork Limited and the Australian Chicken Meat Federation are reaching their use-by dates. Working backwards, what are the problems with animal farming? There are quite a few. The first and most obvious is the disruption caused by animal activists in their endless quest to expose the cruelties inherent in the intensive farming of animals. Despite the support of legislators to sharply increase trespass penalties and for ever greater restriction on civil liberties, there is no sign that animal activists will cease their media campaigns and exposes. Animals Australia recently achieved one million likes on Facebook. How many consumers have clicked on Facebook and seen the heart-rending images of featherless chickens and macerated chicks and heard the screams of dying pigs gasping for air in gas chambers?

Australia is now the third fastest growing vegan market in the world, after the United Arab Emirates and China. The Government of China, one of our import-export markets, has outlined a plan to reduce citizens' meat consumption by 50 per cent. The measures are designed to improve public health but could also provide a significant cut to greenhouse gas emissions as the methane produced by farm animals is a leading cause of climate warming. Between 2012 and 2016, the number of Australian adults whose diet is almost all vegetarian has risen by 1.7 million people, or 9.7 per cent of the population, to almost 2.1 million. While it is a nationwide trend, the shift towards vegetarianism has been most striking in New South Wales, where there has been a 30 per cent growth in a low- to no-meat diet. In Sydney, 14.4 per cent of people eat little or no meat, citing health concerns and animal welfare as primary concerns.

The change in public attitudes and the adoption of meat-free diets have been disregarded by the animal agriculture industries. When disruptors such as the United States vegan food company Hampton Creek developed an egg-free mayonnaise, Just Mayo, in 2011, existing mayonnaise suppliers assumed it would remain as just a niche market, but the founder, Tetrick, explained that it wanted to compete in the world market. One of the world's largest processors of foods, Compass Group, entered into a supply contract with this company and saw it as an opportunity to avoid supply problems with the egg industry that were caused by disease outbreaks. It was also keen to address mounting public concerns about the welfare of layer hens, health scares such as salmonella and the routine use of antibiotics.

The goal for the development of pioneered synthetic meat, developing lab-grown meat patties, has come from stem cell production—the template from which all growth cells can be used. It is anticipated that competitively priced burgers made from those sorts of products will be on supermarket shelves within five years. [*Time expired.*]

### ORANGE ELECTORATE EVENTS

**The Hon. SARAH MITCHELL (18:59):** In late September I had the pleasure of joining Mayor of Orange John Davis as the long-awaited upgrade to Suma Park Dam was officially opened. The \$18 million project has been welcomed as a major boost to long-term water security and dam safety in Orange. The project was jointly

funded by Orange City Council, which contributed \$14.7 million, and the New South Wales Government, which contributed \$3.3 million through its NSW Country Towns Water Supply and Sewerage Program.

The project between council and the Government increased the dam wall by one metre and advanced the dam capacity by another 2,000 megalitres. Only recently, the level of Suma Park Dam dropped to 23 per cent. Since then, Orange City Council has adopted a strategy of building the Macquarie Pipeline, creating a stormwater harvesting system and then boosting storage capacity by raising the height of the dam wall. The raising of the dam wall is a crucial element in safeguarding the water supply of Orange and I am delighted that this much-needed infrastructure upgrade is now officially open. As in all regional cities, water security is a major factor for economic growth in Orange. It was a pleasure to see how the community will benefit from this important upgrade.

I also joined The Nationals candidate for Orange, Scott Barrett, and the Minister responsible for volunteering, John Ajaka, to announce \$15,000 in funding to expand timebanking in Orange. Timebanking allows people to receive a credit for each hour of volunteering they gift to someone else. They can then exchange that credit for support from someone else. Timebanking is the crux of the volunteer sharing economy. Essentially, the more one gives, the more one gets. New South Wales has the largest timebanking system in the world, with more than 6,300 members, 500 organisations and more than 25,500 hours of support exchanged. Most volunteers were either seniors or aged between 15 and 17.

Though difficult to put a dollar figure on volunteering, it is estimated that it equates to around \$5 billion a year. That is not accounting for the volunteering we do not know about. Expanding timebanking is a major initiative of the NSW Volunteering Strategy 2016-2020, which aims to support increased recruitment and recognition of volunteers in local communities. The 2016 timebanking evaluation shows that one-third of participants are new to volunteering. The evaluation also shows that more than 80 per cent of people who give and receive support from others are highly satisfied with their lives, compared with only 30 per cent of those who do not participate in this way. The timebanking initiative is an extremely innovative strategy that will encourage the sharing of time and expertise amongst our communities. I look forward to following with great interest how the initiative is adopted in Orange.

The Orange Accessible Tourism Workshop was convened during the Minister's visit to discuss increasing access to holiday destinations for people with a disability and creating more job opportunities in tourism. It was the third in a series of statewide consultations held by the Government. The forum consisted of representatives from Central West councils, disability support centres and local tourism industries. There are 1.3 million people with a disability in New South Wales and the sector is worth \$8 billion to tourism. Those with a disability should have the opportunity to visit and enjoy all that New South Wales has to offer, such as Orange and the surrounding region. It is incumbent upon government and business to do all we can to ensure New South Wales is as accessible as possible to all its citizens. Forums such as the one held in Orange allow businesses as well as disability groups to come together and discuss how a community on a local level can better improve tourism facilities for those with a disability and in turn open up a potential new sector in the market for the area.

I take this opportunity to acknowledge and express my heartfelt sympathies to those who have been affected by the recent flood events across the Central West. These floods have been unprecedented, affecting a wider area and lasting longer than any other flood in recent memory. Though easing now, around one million hectares of the Central West is still under water. Following the natural disaster declaration, Deputy Premier Troy Grant and roads Minister Duncan Gay went to Molong to announce that the Government had allocated \$13 million to provide immediate relief for councils to fix local roads that were ravaged by floodwater. That will allow councils to start rebuilding their communities immediately. The people and communities of the Central West are tough, proud and strong. I know they will recover from these events and I am certain that the Government will do all it can to ensure that residents get back on their feet.

Finally, and briefly, I am looking forward to next week attending the oldest agricultural exhibition in the country, the Australian National Field Days, which will be held west of Orange. The Nats will be on show once again. I hope that many of my colleagues from all sides will join us for what will be a fantastic few days.

#### STATE GOVERNMENT POLICIES

**The Hon. SHAOQUETT MOSELMANE (19:04):** Yesterday the people of New South Wales were treated to a special spectacle. Mike Baird, the Premier of New South Wales, says he is a man of conviction; he says that, however difficult it may be, he makes decisions only if it is "the right thing to do". However, yesterday he was left to concede that, in his own words, he "got it wrong". Some would say that the sign of a great leader is one who will listen to the will of the people. For this Premier, it is a reflection of a desperate politician saving his own skin—nothing else. He did not care about the jobs of the hundreds, if not thousands, of law-abiding greyhound industry workers doing their best to look after their families by putting food on the table.

I place on record once again that the Labor Party condemns all forms of animal abuse. As the Leader of the Opposition said, anyone found in breach of the law should feel its full force. The Premier could no longer defend the decision that he had spent three months defending. He had to swallow whatever pride he had and throw his convictions and principles aside. He has suddenly found an alternative when only a few months ago he said, "There is no alternative". Mike Baird has demonstrated that he is a Premier who stands for nothing; he has no principles and no convictions. He has offered no leadership; he has offered nothing but a backflip. Many people now believe he is not a man of conviction after all, but, sadly, a mere mortal who is afraid of losing his job.

It is a shame that he has had to make such a humiliating concession while dragging everyone down with him. Not only did he get it wrong; his Cabinet also got it wrong, as did his Government. It took the people of New South Wales and Alan Jones parading him before the rest of the country to make him eat humble pie. Even as we speak, the Premier is arranging the paperwork for yet another flip. A tweet from Andrew Clennell of the *Daily Telegraph* states, "Shark nets for NSW North Coast: Baird announces further backflip".

Members might ask what motivates these backflips. The Premier claims that these changes are motivated by feedback from the community. However, community feedback has never been his priority in the past. If it is now, will he listen to community anger about local government amalgamations and reverse his decisions? Perhaps he should listen to the community group that has launched legal action against forced amalgamations. Will he reflect on his response to communities in Blacktown, Campbelltown, Camden, Penrith, the Blue Mountains and Sutherland, where local government elections have demonstrated community dissatisfaction with his mergers? Will he now concede that he was wrong about forced amalgamations, and that it was wrong of him to refuse to release the secret \$400,000 KPMG report and open it up for public scrutiny?

Perhaps the Premier will now listen to the community feedback about cuts to TAFE and the ongoing privatisation of the vocational training sector. He might listen to the community feedback from the thousands of families who access the TAFE sector, which now has fewer campuses and higher fees. Will he reconsider his decision to privatise the operation of five hospitals across our State? Will he reverse his decision to snub former Deputy Police Commissioner Kaldas when considering succession in the NSW Police Force? We are also awaiting the backflip on the lockout laws. Perhaps The Nationals' grumbling and the threats of revolt against his Deputy Premier are the real justification for such an embarrassing retreat. Perhaps his fear of further humiliation in the looming Orange by-election on Saturday 12 November is the real reason for his decision. The Premier should concede that his personal popularity is more important to him than his so-called courage of conviction. The people of New South Wales deserve nothing less than frank and fearless leaders.

### CLIMATE CHANGE

**Mr DAVID SHOEBRIDGE (19:08):** It is one year since the Paris climate agreement. One year ago we saw 195 countries, including Australia, make an historical commitment to keep global temperatures from rising more than two degrees by the end of this century. There is enough carbon and methane in the coalmines and oil and gas fields that have already been approved to take us past the tipping point of two degrees of warming. In other words, if we are to avoid climate catastrophe we cannot approve a single new fossil fuel project.

The Paris commitment will require action at all levels of government in Australia. But what has the Baird Government done? It has already expanded existing coalmines and has proposed new open-cut mines on top of the already disastrous rates of fossil fuel extraction in this State. Those expansions since the Paris agreement account for an additional 17 million tonnes of coal each year for the next 24 years over and above the 196 million tonnes that were already pulled out in 2014-15. If we accept that climate change is real and if we want a planet with a liveable climate we must stop approving new coal projects. It is well past the time our planning laws did their bit to save the planet.

How is the community to reconcile Australia's international commitments with New South Wales' persistent approvals of new mining projects? It turns out that both the New South Wales and Australian governments have a tricky way of avoiding their responsibility by saying that someone else is responsible for "owning" the greenhouse gas emissions of the coal we dig up, sell and export. It works like this. The United Nations Framework Convention on Climate Change requires nations to count emissions produced within their borders in order to stop double counting of emissions. Under those rules, the country in which a coalmine is located counts the greenhouse gas emissions involved in mining the coal, but if the coal is exported and burnt in another country that second country is held responsible for counting the emissions of burning the coal.

Under those rules, Australia is held responsible for less than 5 per cent of the greenhouse gas emissions from the coal it exports. Australia profits from the sales and forces our customers to pay for the inevitable damage.

That is the basis of Australia claiming that its export of coal is "good for developing countries". It is a convenient way to make a lot of money exporting coal, but then to wash our hands of the global atmospheric impact. But there is a very important distinction between the conventions in place to ensure an accurate inventory of greenhouse gases and the responsibilities of a decision-maker in the planning process when considering the environmental impact of approving a new coalmine.

In fact, a review of New South Wales Government decisions for mining approvals since the Paris agreement shows almost no assessment of the environmental impact of greenhouse gases from new mining proposals. In the case of the Ashton mine extension, which was approved in August 2016, the New South Wales planning department noted that the additional greenhouse gas emissions from mining and burning the coal would be more than five million tonnes per year. Yet it put this issue to one side because, in the words of the New South Wales planning department, "If Ashton did not produce the coal someone else would". But at least climate change got a nod from the planning system when it approved Ashton. When the NSW Planning Assessment Commission approved the extension of the Moolarben and Mandalong coalmines, climate change did not even rate a mention.

New South Wales is clearly not committed to honouring its responsibilities under the Paris climate agreement. As a country, Australia's domestic greenhouse gas emissions are the twelfth highest in the world. Our per capita emissions are amongst the highest in the world. That sounds pretty bad already, but if one adds the actual climate impact of our national coal exports, our overall contribution of CO<sub>2</sub> to the world's greenhouse gas budget is more than one billion tonnes per year. It is simply unacceptable for the Baird Government to ignore the impact of the greenhouse gas emissions from new coalmines. We accept that climate change is real. We want a planet with a liveable climate. So we must, together, stop approving new coal projects. The words in Paris demand action in Sydney and in Canberra. For New South Wales, that starts with a planning system that at least tries to account honestly for the climate change inherent in every single new fossil fuel project.

#### **TARKEETH STATE FOREST TIMBER HARVESTING**

**The Hon. RICK COLLESS (19:13):** Last week I was on the North Coast dealing with a number of forestry issues. I had the pleasure of visiting the Tarkeeth State Forest near Bellinger and, in the company of a number of Forestry Corporation officers, inspecting the harvesting operations currently underway in the flooded gum plantation. Forestry operations are nothing new in the Bellinger Valley, with logging of Australian red cedar commencing in 1840. By the turn of the century virtually all the red cedar had been logged, with the exception of small areas higher in the valley. The cleared areas were recognised for their agricultural value, and the district became established as a major dairy farming area—an industry that thrived until the 1960s, when the European Common Market was created and export milk prices collapsed as Great Britain increased its trade with Europe.

Indeed, the Bellinger Valley is still used for dairying and remains a well-known dairy industry location. The land on which this forest is located was purchased by Australian Paper Mills in the 1960s and, as former dairying country, it was cleared of virtually all native vegetation during the initial logging operations from the 1850s until 1975, when the rainforest logging operations ceased. APM at that stage was intending to establish a paper mill on the North Coast, and the majority of the old dairy land was planted to flooded gum during the 1960s and the early 1970s. The plantations were onsold to the then Forestry Commission of NSW in the 1980s. They were commercially thinned in the early 2000s. They have now reached commercial maturity and will be harvested over the next four to five years. It is important to note that the native forest areas within the Tarkeeth plantation will not be harvested during this operation. Only mature plantation timber is being harvested.

Harvesting in any one year will be limited to approximately 150 hectares, with the harvest areas broken into smaller patches spread across the broader plantation area over time. Harvested areas are to be replanted with blackbutt as soon as the correct seasonal conditions apply. Harvested areas have been oversown with Japanese millet, a fast-growing summer annual that will grow to more than 50 centimetres and contains a lot of biomass. This annual plant will provide groundcover during the summer months and will break down in the autumn providing a thick mulch cover to offer protection to the newly planted blackbutt seedlings in the autumn. As part of the plantation and harvest plan, a corridor of native forest and plantation area will be retained to allow connectivity between neighbouring forested areas. In addition to the corridor, all drainage lines must retain a buffer of five metres on either side, while first- and second-order streams will have a 10-metre buffer on each side and third-order streams will have a 20-metre buffer on each side of the stream.

Timber harvesting operations are inherently dangerous for workers. As such, all recreational and public access to compartments 256, 257, 258 and 259 in Tarkeeth State Forest have been closed for the duration of harvest and associated operations. Closure notices have been erected on all entry points to these compartments. There is a very good reason for this closure as public safety is a major priority for all individuals and agency personnel working in the forest. The local community respects and endorses the harvesting operations currently underway, despite the small band of objectors. There is a danger of falling trees, falling tree limbs, sharp sticks and splinters, and heavy harvesting equipment, snigging tractors and heavy haulage log trucks all operate within



the enclosed areas. It is absolutely vital that any person wishing to enter these areas does so with the permission of the appropriate authorities to ensure their own safety. Last week when I and others inspected the Tarkeeth State Forest we were in the company of authorised officers from the Forestry Corporation of NSW and were required to don steel-capped boots, hard hats and high visibility vests. We were also required to stay adjacent to the authorised officers and their vehicles whilst within the enclosed lands.

These simple rules ensured our safety, the safety of the authorised offices and the safety of the harvesting contractors' personnel. Any deviation from these rules can potentially place people at risk of serious injury. The current harvesting operations are, in the words of experienced foresters in our group, one of the most efficient and cleanest harvesting operations they have observed in their experience. This comment exemplifies the commitment of the harvesting contractors and their staff, the Forestry Corporation of NSW and the local community to an efficient and sound forest harvest program, to be followed up by replanting with a high-value timber species in blackbutt, which will ultimately be harvested again in 40 years time. This is what sustainable forestry is all about. It is a crop to be planted and harvested, essentially no different from a crop of wheat or maize on any other farm.

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

**Motion agreed to.**

**The House adjourned at 19:18 until Thursday 13 October 2016 at 10:00.**