New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Sixth Parliament
First Session

Tuesday, 18 October 2016

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

TABLE OF CONTENTS—*continuing*

LEGISLATIVE COUNCIL

Tuesday, 18 October 2016

The PRESIDENT (The Hon. Donald Thomas Harwin) took the chair at 14:30.

The PRESIDENT read the prayers and acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

Members

PLEDGE OF LOYALTY

The Hon. John Edward Graham took and subscribed the pledge of loyalty and signed the Roll of the House.

Commemorations

CENTENARY OF FIRST WORLD WAR

The PRESIDENT (14:32): A century ago this month Private Richard Martin, a native of Stradbroke Island, Queensland, and Corporal Harry Thorpe, from Lake Tyers in Victoria, were among the hundreds of wounded Australian soldiers recuperating in field hospitals following the great Allied offensives of the northern summer. Martin and Thorpe were two of but a handful of Aboriginal Australians who had managed to enlist in the Australian Imperial Force. Martin was a Gallipoli veteran who was to be wounded three times before dying in action in March 1918. Thorpe also fell in 1918 after winning the Military Cross for his heroism near Ypres.

Martin and Thorpe had had to conceal their Aboriginal heritage in order to enlist as the Defence Act 1903 prohibited Aboriginal Australians joining the military. Enlistment instructions issued in 1916 stated that "Aboriginals, half-castes or men with Asiatic blood are not to be enlisted—this applies to all coloured men". After the failure of the conscription referendum in October 1917, however, this was amended to allow the recruitment of "half-castes … provided the examining Medical Officers are satisfied that one of the parents is of European origin".

At a time when soldiers from India were actively recruited by the British, and French West African zouaves were fighting at Gallipoli and in numerous French units, it must have been extraordinary for those Australian Aboriginal servicemen to ponder on the discrimination they faced when all they wanted to do was fight for their country. As we continue to work towards achieving reconciliation, it is worth recalling that when their country called, so many of our Aboriginal brothers rose above official prejudice to answer that call and, in many cases, give their lives. Lest we forget.

Motions

MUSIC MEHFIL BOLLYWOOD BLAST

The Hon. DAVID CLARKE (14:36:5): I move:

(1) That this House notes that:

(a) on Saturday 20 August 2016, a "Music Mehfil Bollywood Blast" concert and dinner organised by the President, Mrs Shubha Kumar, and the Chairman, Dr Aksheya Kumar, of the India Club Inc. was held at the Beecroft Community Centre, Beecroft, to showcase Indian culture, musical entertainment and cuisine, attended by members and friends of the Indian Australian community;

(b) those who gave their musical talents for the event were:

(i) Dr Reena Rajput;

(ii) Mr Dilip Bhave;

(iii) Mrs Manjari Kulkarni;

(iv) Dr Gamini Gunetilaka; and

(v) Mrs Jaya Singhal.

(c) those who attended as invited guests included:

(i) Mr Damien Tudehope, MP, member for Epping, and Mrs Diane Tudehope;

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

(iii) representatives and leaders of a number of Indian Australian community and professional organisations.

(2) That this House:

(a) congratulates the President Mrs Shubha Kumar and Chairman Dr Aksheya Kumar of the India Club Inc., together with the club's executive committee, and Mr Puneet Grover, for the presentation of the "Music Mehfil Bollywood Blast" concert and dinner held at the Beecroft Community Centre on 20 August 2016 and for their ongoing contribution to the cultural, social and civic life of the State of New South Wales; and

(b) commends the members of the Indian Australian community who gave of their musical talents for the event including:

(i) Dr Reena Rajput;

(ii) Mr Dilip Bhave;

(iii) Mrs Manjari Kulkarni;

(iv) Dr Gamini Gunetilaka; and

(v) Mrs Jaya Singhal.

Motion agreed to.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. GREG PEARCE: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 27/56", dated 18 October 2016. I move:

That the report be printed.

Motion agreed to.

Petitions

RESPONSES TO PETITIONS

The CLERK: I announce the receipt, pursuant to sessional order, of the following response to a petition signed by more than 500 persons:

Response from the Hon. John Barilaro, MP, Minister for Regional Development, Minister for Skills, and Minister for Small Business to a petition presented by the Hon. Sophie Cotsis on 14 September 2016 concerning TAFE funding, received out of session and authorised to be printed on 14 October 2016.

Documents

TABLING OF PAPERS

The Hon. NIALL BLAIR: I table the following paper:

National Environment Protection Council (New South Wales) Act 1995—Report of the National Environment Protection Council for year ended 30 June 2015

I move:

That the report be printed.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That Business of the House Notice of Motion No. 1 be postponed until Wednesday 19 October 2016.

Motion agreed to.

The Hon. DUNCAN GAY: I move:

That Government Business Orders of the Day Nos 1 and 2 be postponed until a later hour.

Motion agreed to.

Bills

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

Second Reading

Debate resumed from 12 October 2016.

The Hon. ADAM SEARLE (14:51): I lead for the Opposition on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2016. The bill follows the usual customs of governments of all persuasions to facilitate ancillary and minor revisions and deletions of legislation and other statutory instruments by way of omnibus bills of this kind. The tradition is that, where members indicate problematic areas or areas that should stand alone and be the principal subject of debate, they are removed from the bill. Having had a look at the bill the Opposition does not see any provisions that fall into that category so I am able to inform the House that the Opposition will not be opposing it.

The Hon. PAUL GREEN (14:52): I speak on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2016. Having read it intently I see that there is no adverse instruction in it. Therefore, the Christian Democratic Party also supports the bill.

The Hon. DAVID CLARKE (14:53): On behalf of the Hon. John Ajaka: In reply: I thank members for their contribution to the debate on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2016. This bill continues the statute law revision program which has been in place for more than 30 years. 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.

Schedule 2 amends a number of Acts as a consequence of the enactment of the Australian Crime Commission Amendment (National Policing Information) Act 2016 of the Commonwealth. This schedule replaces the word "CrimTrac" with "the Australian Crime Commission" and makes related amendments. The bill also deals with matters of pure statute law revision, repeals various Acts and provisions that no longer have any operation, and includes savings and transitional provisions as well as other technical amendments. The amendments contained in this bill are of a minor and non-contentious nature. As part of the ongoing statute law revision program, this bill enables minor policy changes to be made efficiently and redundant legislation to be repealed. Overall, it ensures that New South Wales legislation remains as up to date and effective as possible. I commend the bill to the House.

The Hon. WALT SECORD (14:55): By leave: As the shadow Minister for Health and Deputy Leader of the Opposition in the Legislative Council I make a contribution on the Statute Law (Miscellaneous Provisions) Bill (No 2) 2016. I note the contribution from the Parliamentary Secretary for Justice, the Hon. David Clarke, who introduced the bill on 12 October, and the contribution by the Leader of the Opposition, who has indicated Labor is not opposing the bill. The Hon. David Clarke has observed that this type of bill has been in place for more than three decades.

Bills of this sort have featured in most parliamentary sessions since 1984. They exist for minor policy changes and for maintaining the quality of the New South Wales statute book. It is customary, by agreement, that they are often of a non-controversial nature, such as official name changes or so-called "tinkering" to fix anomalies or small oversights. The Parliamentary Secretary advises that they are often too inconsequential to warrant the introduction of a separate amending bill. I have been advised that this bill contains amendments to 28 Acts and related amendments to six instruments. They relate to a range of subjects such as Western Sydney University, State records administration, Aboriginal land rights, holiday parks and strata schemes.

That said, I will limit my remarks to two bills in the area of health: the Assisted Reproductive Technology Act 2007 and the Public Health (Tobacco) Act 2008.I thank the office of the Minister for Health for answering specific questions on these areas at the request of my office. I note the legislation amends section 4 of the Assisted Reproductive Technology Act to define "approved form" rather than simply "approved". The Assisted Reproductive Technology [ART] Act 2007 refers in a number of sections to "approved forms". Section 4 defines "approved" as "approved by the secretary". This definition is inconsistent with other similar provisions in other legislation which defines the term "approved form" as meaning a form approved by the secretary.

The definition in the Assisted Reproductive Technology Act can create confusion, particularly in relation to whether the secretary can delegate her approval of forms to another person. In order to clarify this and to bring the Assisted Reproductive Technology Act into line with other Acts such as the Public Health Act 2010 it is proposed by the Minister for Health to amend section 4 to refer to an "approved form" meaning a "form approved by the secretary". As I said earlier, these are tiny changes to existing legislation.

While on the subject of assisted reproductive technology, I take this opportunity to remind the Government of commitments it made on 22 March 2016. On that date, through the relevant Parliamentary Secretary for Rural Health, the Government indicated that it would review the legislation in March 2017 and ascertain the legislation's impact on donor-conceived individuals. This was a year after its passage and once the impact of the more wide-ranging laws were understood in Victoria. I also note the assurances obtained by the Hon. Paul Green that there would be a review in March 2017. The Hon. Paul Green said:

> If the Opposition wants to reintroduce such steps in 12 months time we reserve our right to reconsider them in a new light. We are giving the Government the benefit of the doubt that in 12 months it will have a plan for a way forward for the sorts of issues that have been discussed in the debate tonight. I look forward to more discussions with the Christian Democrats on the matter of justice for donor-conceived individuals. I accept that the amendments of the Hon. Paul Green were undertaken constructively and in good faith.

I now turn to the changes to the regulation on electronic cigarettes, which, I have been advised, relates to the display of products and advertising. About two years ago we debated at length the need to properly regulate electronic cigarettes. At the time I proposed wideranging and comprehensive laws that would bring electronic cigarettes under the legislation on tobacco. Sadly, at the time the health Minister disagreed, but I am forever hopeful that she will listen to the community. I know that the Cancer Council NSW called for the current e-cigarette laws to be brought into line with those in the Australian Capital Territory, Victoria and Queensland, which are identical to those applying to tobacco.

The amendments are quite simple. The Public Health (Tobacco) Amendment (E-cigarettes) Act 2015 makes changes to the Public Health (Tobacco) Act to apply the provisions in the Act relating to advertising—which is part 3 of the Act, and the display of products, which is division 2 of part 2 of the Act—to e-cigarettes and e-cigarette accessories in the same way that the provisions apply to tobacco products. At the same time, no consequential amendments have been made to the general regulation-making power in section 58. This means that while the specific provisions in the Act that relate to advertising and the display of products apply to electronic cigarettes, regulations made under the general regulation-making power in section 58 do not apply to e-cigarettes. For example, the regulation-making power in section 58 allowing regulations to be made relating to signage, which is connected to the display of products, applies only to tobacco products and not to e-cigarettes. I support that they should relate to e-cigarettes as well.

Accordingly, the health Minister is now proposing to amend section 58 to extend the regulation-making power to electronic cigarettes and e-cigarette accessories where the regulation-making power relates to matters affecting display of products and advertising. Clearly this was a major stuff-up, but I will not dwell on it because the will of the community is to properly regulate e-cigarettes. The amendments are a step in the right direction, but we still need to take many more steps because New South Wales lags behind other Australian State and Territory jurisdictions. I thank the President for his special consideration and I thank the House for its consideration.

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

Motion agreed to.

Third Reading

The Hon. DAVID CLARKE: On behalf of the Hon. John Ajaka: I move:

That this bill be now read a third time.

Motion agreed to.

HOUSING LEGISLATION AMENDMENT BILL 2016

Second Reading

Debate resumed from 12 October 2016.

The Hon. ADAM SEARLE (15:02): I lead for the Opposition on the Housing Legislation Amendment Bill 2016. I say at the outset that the Opposition does not oppose the legislation, although we have one amendment, which has been placed with the Clerks. The amendment will provide for more rigour and transparency to be applied in the process. In his contribution on the last occasion, the Minister was replete with the usual self-congratulations that have become a hallmark of this Government—most undeservedly. They appropriate credit to themselves for what is really the implementation of a national scheme. The bill seeks to amend the Housing Act 2001 to enable the Land and Housing Corporation, which is the owner of social housing assets in this State, to enter into concurrent leases with registered community housing providers.

The second feature of the bill is to amend the Community Housing Providers (Adoption of National Law) Act 2012 to allow the establishment of local registration schemes for community housing providers that are unable to register under the existing national scheme. I will come back to that second point because it concerns the second aspect to which our amendment is directed. The Housing Act 2001, which was introduced by the Carr Labor Government, provides the legislative framework for social housing in this State. The Land and Housing Corporation was established under the Act as a body to own and manage the New South Wales Government's social housing portfolio, including all land, buildings and other assets. Currently, it comprises approximately 130,000 properties valued conservatively at $35 billion.

The Community Housing Providers (Adoption of National Law) Act 2012 was adopted to create uniform State provisions consistent with Commonwealth legislation regarding the registration, monitoring and regulation of community housing providers. As all members in this Chamber would understand, community housing providers are part of the housing fabric and landscape, not only in New South Wales but across the nation. There are approximately 37,000 community housing tenancies in New South Wales. At present, certain entities such as Aboriginal land councils and local government authorities are unable to register as part of the national scheme because they are unable to insert wind-up clauses into their governing documents. I note that the Minister in his second reading speech particularly referred to the wind-up provisions governed by the Aboriginal Land Rights Act 1983. The ability to register as a housing provider is important because it enables organisations such as local Aboriginal land councils to deliver housing services and to be provided with assistance as housing providers when they meet the criteria for registration.

Schedule 1 of the bill will amend the Housing Act 2001 to enable the Land and Housing Corporation to enter into current leases with registered community housing providers. If the current lease is a transfer of the rights and obligations of the landlord under a lease to a different new party, these amendments will enable the Land and Housing Corporation to transfer its obligations as a landlord to a community housing provider. This would result in the tenant paying rent to the community housing provider rather than to the State. The community housing authority would also be responsible for property maintenance. The Land and Housing Corporation will be enabled by this legislation to transfer a tenant's file and tenancy to a community housing provider without the requirement of the consent of the tenant. A tenant's personal and health information can only be transferred by the Land and Housing Corporation if it is satisfied that the community housing provider has procedures in place to ensure privacy. So there are checks and balances.

Schedule 2 of the bill will allow the Community Housing Provider (Adoption of National Act) 2012 to require the Minister for Family and Community Services or the Minister for Social Housing—I note this Government does not have a portfolio designated to housing—to establish a local registration scheme. The legislative amendment in the bill would enable entities previously unable to register as a community housing provider under the national scheme to do so under the local scheme. The bill is said to be intended for the local scheme to follow the national scheme with consistent measures relating to registration, monitoring and regulation of community housing providers under the national scheme.

We have had feedback from the broader community and we have noticed that the Minister is not required under the legislation or this bill to provide any reasons why an entity would be registered under the local scheme rather than the national scheme, leaving aside the examples where, for legislative reasons, they are simply not able to be registered. An onus should be placed on the Minister to ensure that only organisations unable to be registered under the national scheme due to structural and legislative reasons are registered under the local scheme. I refer again to the example that was given by the Minister about Aboriginal land councils and local government authorities rather than other non-compliant entities.

The amendment we propose simply requires that in establishing a local registration scheme the Minister must, when determining whether or not to register an entity under the scheme, have regard to the reasons the entity was unable to be registered under the national law and that those reasons should be published in the *Government Gazette*. This is important. If there are reasons that an entity should be a community housing provider in this State and it can fulfil a good and useful function in the social housing space but is prevented by provisions and other legislation, then it should be registered under this legislation and be permitted to bring forward those activities.

However, there needs to be a safeguard—a further check and balance and a little bit of transparency—which requires the Minister to have regard to the reason an entity is not able to be registered under the national scheme. That is simply a prompt to the Minister to look at the reasons because the reasons may not relate to structural or legislative impediments.

We would not want an entity registered in this State to interact with families and individuals in the social housing space if, for example, there was a question mark over that entity's track record. I am not saying that The Government would rush into registering such entities, but if there is any such controversy in an organisation's history this amendment will result in a little prompt for the Minister to pause and think about why the entity was

not able to be registered under the national scheme. I note that our amendment would not stop the Minister from ultimately registering an entity.

The Opposition believes this amendment is necessary because the people to whom services are provided are often vulnerable and suffering hardships. This modest proposal is a precautionary additional safeguard for them. As I said, this amendment is not to impugn the motives of the Minister or the Government; it simply says that all caution should be taken. We accept the example given by the Minister, but the legislation would go further and would permit entities to be registered in New South Wales that were not able to be registered under the national law for other reasons. We invite the Government to accept that we also are engaging constructively and in good faith with the legislative proposal but that we are simply providing a small, additional safeguard.

The Hon. PAUL GREEN (15:11): On behalf of the Christian Democratic Party I speak in this second reading debate on the Housing Legislation Amendment Bill 2016. The objects of the bill are:

(a) to amend the Housing Act 2001 to provide for the New South Wales Land and Housing Corporation (the Housing Corporation) to enter into concurrent leases with registered community housing providers in respect of housing owned by the Housing Corporation (the housing subject to the concurrent lease will no longer be public housing and accordingly the tenants will no longer be eligible for a rental rebate under that Act but may instead be eligible for rental assistance from the Commonwealth), and

(b) to amend 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 Community Housing Providers National Law (NSW) and to permit the Housing Corporation and the FACS Secretary to give assistance to locally registered community housing providers.

Everyone should have a place to call home, a place that provides stability, security, safety and connection to family and community. Social housing in New South Wales provides vital services for those who are vulnerable or disadvantaged and those who cannot participate in the private market. As the population throughout New South Wales continues to age, demand for social and affordable housing is expected to increase, particularly in Sydney where it is estimated that the population will rise from 4.7 million currently to between 8 million and 8.9 million by 2061.

The Select Committee on Social, Public and Affordable Housing inquiry—which I chaired together with deputy chair Ms Jan Barham, who also empowered that select inquiry to go forward—identified in 2014 that social housing is meeting 44 per cent of housing needs. Recent figures indicate that approximately 60,000 people in New South Wales are awaiting housing assistance. Over the years, the demographic statistics of clients who utilise social housing have changed. The Minister noted that, historically, social housing supported low-income couples with children; I believe that that cohort amounted to about 75 per cent in 1950. Today, social housing provides a safety net for our most vulnerable, including the elderly, people with a disability or severe or chronic mental health illness, carers with long-term responsibilities, and those experiencing drug and alcohol misuse and domestic and family violence.

It is important to note that the proportion of social housing tenants exiting the system has declined. That is a problem. One of the findings of the Select Committee on Social, Public and Affordable Housing was that we need to help people understand that housing is a continuum. Individuals, and their families, should not go into social housing and stay there for the rest of their days. Individuals who are being assisted with social housing must understand that they are being given a hand up, not a hand out, to enable them to get on their feet so that eventually, all things going well, they are able to purchase and own their own homes. The affordability of private rental housing has also reduced for low-income families, falling from around 50 per cent to less than 30 per cent over the last decade. This is another matter of great concern.

We have to acknowledge the current shortage of housing and ensure that social housing will be able to meet the demand of the future. It is an issue of supply and demand, and we certainly need more supply. The shortage of supply dilutes the opportunity for people to obtain affordable private housing as well as social and public housing. Further, we must ensure that those who live in social housing are provided with the support and tools they need, the wraparound services, to enable them to improve their circumstances and the quality of their lives. The Christian Democratic Party is committed to ensuring that families are given every opportunity to flourish and to have a place to call home.

This bill seeks to transfer 35 per cent of the public housing sector to the community housing sector. That is the goal. Some think the percentage should be higher because of the very good record of many housing providers and the holistic approach they take to providing community housing. I have heard great stories about their provision of housing as well as their housing maintenance and wraparound services. The goal of 35 per cent transpired from an agreement reached at a Council of Australian Governments meeting in 2008. This will result in the transference of between approximately 18,000 and 19,000 houses to community housing providers. The community housing providers will be given a lease term of 20 years on all properties.

I note that the properties are not being given away or privatised; the houses will remain as State-owned assets. This is a real win, and I applaud the Government on this result. At the inquiry many of the community housing providers said that longevity in their leases would trigger the banks' methodology to give them a triple bottom line on their assets and enable them to provide more services. This bill achieves this end. It is a red letter day for social and community housing providers because this legislation will allow providers to leverage their assets to better supply those in need. I know that families currently living in homes that will be transferred to community housing providers may be feeling some anxiety, but nothing will change.

The contract terms and conditions and rental amounts will remain the same but the provider will become the landlord. The landlord is changing, not the conditions. Families will have the choice to transfer to community housing providers in order to benefit from the tailoring of services to their needs, which community housing providers do so well. Community housing providers receiving rental payments on the properties they lease will be eligible to receive rental assistance from the Commonwealth Government per dwelling leased. The extra income that community housing providers receive will enable them to spend more on support services for families in social housing. The services provided by the community housing providers as well as an additional $280 million provided by the New South Wales Government under the Future Directions program seek to support tenants in building independence and enabling them to take more responsibility for their own lives. In some cases, that involves equipping families to transition from social housing to private rental arrangements.

The bill also addresses the current inability of Aboriginal land councils that provide community housing to register as community housing providers. The bill will change a regulation to allow Aboriginal land councils to register as providers and will enable them to access funds from relevant levels of government. Areas in which social housing will be transferred to community housing providers include the Shoalhaven, the mid North Coast, and northern Sydney. Leasing of social housing assets will contribute to a reduction in the maintenance costs borne by the New South Wales Government, thereby freeing up funds for other social housing initiatives. We must not forget that the backlog of assets maintenance was worth approximately $300 million. When a government could otherwise be building more houses and providing accommodation in greater density by the construction of units among an array of housing options, we realise that that $300 million is a lot of money and that it could have been used to reach some of the 60,000 people whose names are on public housing waiting lists.

The Christian Democratic Party congratulates the Government on this very good bill. Last week the Government announced its $1.1 billion fund. This is a government that is on the move. The Christian Democratic Party is pleased to partner with a government that is on the move, particularly one that is providing for some of our most vulnerable citizens—mums, dads and kids—who may not have had the same opportunities we have had. This is a terrific bill for the people of New South Wales, especially families. The Christian Democratic Party commends the bill to the House.

Ms JAN BARHAM (15:20): I speak for The Greens in this place in the second reading debate on the Housing Legislation Amendment Bill 2016. I note that the Housing portfolio for The Greens is now with my colleague the member for Newtown, Jenny Leong, in the lower House. We have just had a changeover of portfolio responsibility in The Greens, but I can indicate that The Greens will support this bill.

The Hon. Dr Peter Phelps: Hear, hear!

Ms JAN BARHAM: I acknowledge the interjection. However, I make the comment that, unfortunately, the bill does not go far enough and does not do enough.

The Hon. Paul Green: Never does.

Ms JAN BARHAM: Never does, yes. As stated by the member who preceded me in this debate, the bill emanates from one of the very important recommendations from the Legislative Council Select Committee on Social, Public and Affordable Housing in 2013-14, which was chaired by my colleague the Hon. Paul Green. The recommendation to which I refer stated that the Government should expedite the transfer of public housing stock to the community housing provider sector, and The Greens agree with that. One thing we learned from the inquiry was how well the community housing sector is able to provide the required services for disadvantaged and vulnerable people. The notion of not only providing a roof over the heads of people but also providing people with services that they need to deal with the circumstances in which they were living was mentioned by a previous speaker. The community housing sector has been able to provide those services in a way that the Department of Housing was not able to.

The committee saw a great example of that in the Shoalhaven. We visited some wonderful properties, some of which were new, others that were older, and some that were provided from within the community housing sector. Something that has been of great interest to me is the empowerment of people who live in those homes. They learned skills that would assist them not only in a practical and everyday way but also in their attempts to

gain employment or in volunteering in their communities. Overall, what it was doing was making them feel better about themselves and giving them confidence.

Known as, I believe, the Jack and Jill program, it delivered instruction in acquiring basic skills to people who occupied social housing. The topics covered skills in fixing a leaking tap and basic skills around home maintenance so that those in social housing not only could do for themselves but also could do for others in the community. We heard how important that was for building community resilience and personal empowerment. There is a lot to be said for the way in which community housing providers operate differently from the way in which a government agency might be able to operate.

We also heard from community housing providers that they were able to give assistance in their own time, which means that the service was able to operate 24/7, if necessary, because people in distress and/or vulnerable people require services at any point in the 24/7 spectrum. Community housing providers have structured themselves so that they are able to provide those services at any time. As other members who preceded me in this debate have mentioned, there is support for community housing providers but there is also concern about what we do not know.

For example, only this morning at a crossbench briefing The Greens found out there is a 20-year assignment of those properties to the community housing providers. Throughout the inquiry committee members heard anything from 25 years to 99 years, or even outright transfer of property. I do not think any member of the committee agreed with the idea of a transfer. We did not want to see publicly owned property being transferred to another sector without being sure of obtaining a return. One of the recommendations of the report very clearly states the importance of moving properties across to allow community housing providers to manage them. The report addresses the reason that that is so important:

> As a first step, however, we support the use of long term leases in effecting transfers, with evidence indicating that this is essential in terms of maximising the finance that community housing providers can raise. Whilst we have not specifically recommended a term for the leases, we suggest that they be longer than the leases currently in place ...

I think that is about three years. The report continues:

> The committee also supports the inclusion of performance measures, with respect to leveraging, in contracts with community housing providers. On these particular aspects, we would encourage the NSW Government to collaborate widely with the community housing sector and to learn from other jurisdictions' experiences.

There are two aspects to the crucial point: leveraging and performance measures. The committee heard that, often, once the community housing providers have tenure through a long-term lease they are able to go to the banks and by leveraging maximise the growth of housing stock. That is what we need. Last week a bill before the House dealt with what the Government is doing with social housing. The point I make is that all sectors of the market need to be grown. We have an urgent problem with the provision of affordable housing and at every level we must do what we can. That is why the opportunity of providing long-term leases to the community housing sector is important. But, as The Greens do in relation to all public ownership issues, we raise the need for performance measures.

As members of Parliament, we must ensure that when access to a public resource is given to private providers there must be a good contract. A lawyer would say that if we get a good contract, the future is right. I know from personal experience in local government that bad contracts will ruin everything whereas a good contract that sets the standards for performance measures—in other words, what is expected in return when the property is handed over—provides security. We must ensure that community housing providers are also providing social benefit services and will deliver on maintenance. We know from experience there has been a huge problem of properties being devalued by a lack of maintenance, and that must be avoided. We also must ensure that leverage is part of the deal. Why would we hand over properties if, in return for the properties, we do not get an outcome of 150 per cent?

Community housing providers came to the committee and presented exactly that argument. They said, "Let us run those properties and we will do more and will do better with them". That being the case, those objectives should be tied into the contract. If in time they are not delivering, then if there is sufficient reason we have the means by which to withdraw the contract. If community housing providers are not delivering, do not let them have public property. It behoves us as members of Parliament to get the best deal we can for the people of New South Wales. That is the role of Parliament. I do not think the bill we have before us quite reaches that level of return. This legislation is a good idea, but it must be taken a step further by getting the contracts right and making sure we get the anticipated returns. Getting it right is only possible once, at this point when the legislation is introduced. I ask the Government to consider this point.

We are getting to the point where we will meet the Council of Australian Governments [COAG] agreement to have 35 per cent of the existing public housing stock managed by the community, and that is a good

thing. I have seen how well things are moving in my area on the North Coast. There is a very concerning housing affordability problem in the area because of a lack of housing stock. We have a 20-year waiting list, and therefore we do not know the real number of people waiting for housing stock. No-one bothers to go on the list because they know it will be 20 years before they get a house. That means the figures are not right and the affordability problem is much worse than we think. This problem is worsening as governments fail to deliver other options to ensure that the situation improves.

Last week I mentioned Airbnb. If we continue to allow housing stock that has been approved as residential to be used for commercial purposes then the situation will get worse. It is an absolute no-brainer to note that when housing stock is approved as residential that definition defines the bricks and mortar as being not only a house in the suburb. It is a shame that this place often forgets about the real values of residential properties, which do not necessarily attract a dollar value. These values exist and they are things like community, friendship, safety—all the things that come from living in a neighbourhood. We forget to value the most valuable things, and those are people and the sense of community. I know a few members of this place get the importance of community, including the Hon. Bronnie Taylor, because we have talked about it often.

This morning we were presented with an information sheet that will be circulated to all tenants to explain the changes contained in this legislation. It is a nicely presented document and it will help tenants to understand the process. In the briefing we were informed that under the provisions of this legislation there will be no disadvantage to the tenants—their leases will stay the same and their rent will not increase, which I hope will not change in the future. In effect, this legislation should improve the tenants' experience—

The Hon. Matthew Mason-Cox: Commonwealth Rent Assistance.

Ms JAN BARHAM: Commonwealth Rent Assistance will now be available and it should expand the potential for community housing providers to deliver the services that are needed by that community and to ensure that those services are focused around the needs of the community in each area. A great thing about community housing providers is that they are local and in tune with the local needs. This legislation shows that there is a turnaround in how housing providers will make housing provision work. I have noted that there will be no disadvantage to the tenant, but there will be lots of advantages for the Government as a big headache associated with public housing provision will be relieved.

Governments have never been able to deal with the issue of public and social housing, because managing the bricks and mortar as well as vulnerable and disadvantaged people, who need a lot of support, is a very difficult balancing act. There is a realisation that it is a lot easier for community groups to play this role. I know this from visiting housing projects in areas such as Shoalhaven and other regional communities, where a lot of volunteers are drawn in, including pensioners who want to support other disadvantaged people in their community. They offer support and guidance to other vulnerable people, such as single parents who do not have older people around them. This helps to connect communities, which is really important and a step towards creating resilient communities that do not have to rely so much on government.

I have raised concerns about aspects of this legislation, and ask the Government to clarify some issues, either in this place in the Minister's speech in reply or in the other place. The first concern is about the intended length of leases for community housing providers. How does the Government expect to enable these organisations to leverage the transfer of public housing stock? How will that be achieved if it is not written into a contract containing performance indicators? This was not clarified when this legislation was introduced. If that is not the intention of the Government, why the lost opportunity? Why is the Government transferring public housing stock to community housing providers without ensuring that there will be a return? As I said, this is a once-in-a-lifetime opportunity.

My second concern is about regulation. How will the local registration scheme operate to ensure that registration is available only for not-for-profit organisations? I am concerned that this will become yet another example of government processes that somewhere down the line benefit private corporate operators. I have deep concerns about what is happening to the aged care industry, with the corporatisation of that industry and the loss of real community value. I would hate to have the same happen to social and community housing. I do not wish to sound negative, but having seen other processes start with a good premise, that could be the case with this bill. Under this legislation the Government will be handing over properties to the community housing sector because of its belief that the sector will deliver good outcomes for communities. How do we know that those services will be delivered by those providers and not for-profit providers that do not deliver?

The premise for handing over the housing stock must be tied up in very strong contracts laying down the reason as delivering a better outcome for the tenants and for the people of New South Wales. If this is not the case, how do we know the process will not be perverted somewhere down the track with for-profit operators getting their hands on the housing stock? There is currently nothing to stop community housing providers from

leveraging the ownership of these properties, or a form of tenure of these properties, to benefit private commercial operations.

I do not see a built-in strict requirement to ensure that that will not happen. I am concerned because unfortunately in the past we have wondered whether certain outcomes were anticipated when legislation was drawn up. How can we avoid those sorts of problems happening here? The risk assessment needs to happen now, because we only get this chance to get legislation right once. We must not make the mistake of allowing this very important public resource to be transferred without getting the expected return. That is why I am seeking clarity.

My third concern is about Aboriginal land councils, which I agree have a different set of circumstances. I am interested in why they have been unable to register for social and community housing projects. I note that the Opposition will move an amendment to this bill. The amendment is aimed at getting clarity around the non-accreditation of local registration providers. The Greens will support that amendment because every piece of legislation needs to be scrutinised very carefully from the start. We must safeguard the values of the properties and the possible return when contracts are put in place. I eagerly await the Government putting in place the rest of the fabulous recommendations of the social, public and affordable housing committee inquiry.

The Hon. Paul Green: One at a time.

Ms JAN BARHAM: Yes, we seem to be doing them one at a time. If each week another one is done, that could be a good process. The committee made 41 recommendations, and I think we have knocked over three, so let us keep going. This is such an important area because, as I think we have all said before, housing is not just about that physical process of putting a roof over someone's head. It is about giving people the ability to have the confidence, the security and the stability to improve the quality of their lives and opportunities for the future. I am a firm believer that the community housing sector can do that job well, but it is up to government to make sure that we put in place very clear parameters and constraints on anyone who takes over the management of public property to ensure that we get those positive outcomes for the people of New South Wales.

The Hon. GREG PEARCE (15:40): I also congratulate the Government for dealing with this issue and on the innovative and practical approach to management of public housing in New South Wales contained in the Housing Legislation Amendment Bill 2016.

The Hon. Paul Green: All of your reforms.

The Hon. GREG PEARCE: I acknowledge that interjection. In fact prior to that interjection I was going to say that when I was the Minister for Finance and Services I had joint responsibility with the Minister for Family and Community Services for the housing portfolio and, when speaking a couple of weeks ago on the Social and Affordable Housing NSW Fund Bill 2016, I gave some background into our approach to these matters. More importantly, I found myself with responsibility for dealing with the then program of transferring public housing assets to the community sector.

At that stage, members will probably recall that one of the measures taken by the Rudd Government in response to the global financial crisis, as part of one of its stimulus packages, was to provide billions of dollars for construction of new public housing on the basis that that public housing in general would be transferred from the various State governments to community housing providers. That sounded like a very good idea at the time and indeed one of the New South Wales ministers for housing—I think it was David Borger, when he was Minister—put forward the proposition that by transferring public housing assets to community housing providers it would be possible to greatly increase the amount of public housing available on the basis that those community housing providers would be able to use those assets and the extra revenues they received to build additional public housing stock. One of devils in the debate was around the proposition—never a policy—initially put forward by some that the community housing providers that were given these assets would be able to leverage them by about 30 per cent. In other words, for every 10 properties they were given, they would be able to build another three.

When we came into Government, about half the properties in New South Wales—I think it was a couple of thousand—had been transferred to community housing providers, but we were concerned that there was no evidence of any effective leveraging of those assets at that time. We found that the contracts with the community housing providers were, shall we say, loose and the obligation that I had thought was there for them to leverage by building this new housing was not in fact an obligation but a less than best endeavour, a "Maybe we'll do it if we can, please, sir" type of provision. With the cooperation of the community housing providers, we set about trying to strengthen the contractual arrangement. However, we also had to look at whether or not those leveraging targets were practical and realistic. We went through a process with eight or 10 housing providers of going through their budgets and looking at their capacity, personnel and new business plans to work out a realistic outcome based on their capacity to grow and to provide that housing. The outcome was that in general it looked like most of them were able to leverage 12 to 15 per cent—less than half of the original expectation. That is still a good

outcome. We went ahead with accepting those business plans and with transferring the rest of those properties to the community housing providers.

From a State perspective, we still asked whether that was a good outcome, because we were building new assets and giving away new assets without a huge return in terms of the additional leveraging—and at the same time we were leaving ourselves as a State government with a very large, ageing stock of public housing and an inability to use the available funds to replace the older stock that most needed to be replaced. A lot of what was being done was not necessarily going to reduce the waiting list for social housing, which was one of our great concerns, because community housing providers in large part were looking to provide affordable housing and to house people who were able to avail themselves of Commonwealth rental assistance. Again, we saw a risk in the assumption that the Commonwealth Government would simply go along with what looked like cost-shifting from State back to Federal and continue to provide rental assistance in an unlimited way while we were building all this additional affordable and social housing.

We did more work on other options, and the clearest option was that we could achieve most of the outcomes that were important from a State perspective—better outcomes for tenants of social housing and building additional social housing—by transferring the management of social housing stock to community housing providers rather than transferring the assets. In the work I did at the time, it became apparent in talking to financiers, community housing providers and other relevant people that a 20-year lease term for management rights would be an acceptable and successful way to proceed. I am pleased to see that in this legislation the Government has taken the course of providing capacity for the Land and Housing Corporation to enter into concurrent leases, rather than transfer the assets.

It is funny: I often have conversations with people about what I will do in the future. Some of them ask, "Would you like to go back to law?", and I always say no. But I keep returning to the law because as a practising lawyer I utilised a concurrent lease for a major transaction, and that was one of the only times in recent years that concurrent leases have been used. It is good to see that we have the capacity to use the very old tool of concurrent leases to achieve these outcomes. As I indicated when I was speaking on the Social and Affordable Housing NSW Fund Bill 2016, it is so important that this Government is continuing to engage with innovative methods, with the private sector and with the community sector to find solutions to some of the intractable problems that we have, including our capacity to provide the social housing required in this State. I am pleased to see that it continues to do so.

I also strongly support the community housing sector. Some of the incredibly committed people in the sector have come up with innovative solutions. A couple of examples that I have seen are worth mentioning. In Broken Hill, Compass Housing Services converted an under-utilised social housing property into a popular community hub. It then partnered with other local support providers to offer services for local residents, including educational clubs for kids, cooking classes, and counselling. This initiative won the 2016 Australian Business Award for Community Contribution. This initiative has been credited with strengthening the Broken Hill community, and local police have reported a dramatic drop in the crime rate in the surrounding area.

Similarly, Wentworth Community Housing has engaged in partnerships with local groups to provide timely, holistic, and tailored support to a single mother and her family. I will refer to her as "Ms Y". After escaping domestic violence with her young children, Ms Y came to Wentworth through a partnership with a local support agency. Wentworth worked with the support agency to develop and to deliver a joint plan of action tailored to the family's unique circumstances, which included disabilities. After 12 months of sustained tenancy, Wentworth was able to support Ms Y into long-term housing through its local allocation strategy. The support from Wentworth Community Housing was crucial in allowing Ms Y and her children to establish roots and to connect with the local Aboriginal community. This connection to community and her culture has been an integral part of success for Ms Y.

The Government provides innovative solutions and innovative funding. It also utilises asset recycling and tools such as concurrent leases to achieve outcomes that would not be possible if it were to take the blinkered approach that has been taken in the past. This Government works with the private sector and the community sector, and it is inclusive. I commend the Government for the work that is acknowledged in this bill, and I commend it to the House.

The Hon. MATTHEW MASON-COX (15:51): I associate myself with the Housing Legislation Amendment Bill 2016, which is a great piece of legislation. Dare I say, it has been a little too long in coming. However, it does represent the innovative approach being taken by this Government to deal with the pressing issue of social housing. The Hon. Greg Pearce's comments are particularly relevant and draw upon his experiences as the Minister responsible for our important social housing infrastructure. We all know that the 2009 Council of Australian Governments agreement stated that 35 per cent of public housing assets should be transferred to community housing providers. That process has been ongoing for some time, and this is the final step in that it

provides for the transfer of 18,000 housing units to the community housing sector. That is an excellent achievement, and the machinery provided by this bill will ensure that that occurs. A fund has been established to administer the $1 billion in funding for the transfer of assets to the social housing sector. The Government has taken a multi-pronged approach to this issue.

I also note the good work of the Hon. Paul Green and his committee colleagues who examined this issue. The committee made a number of suggestions, which no doubt the Government is considering. One of the suggestions that was of particular interest to me was the concept of using the interest on funds held by the Rental Bond Board to invest in social and affordable housing. A significant amount of money could be utilised by doing that. As a former Minister responsible for this portfolio area, I found it interesting to see another innovative approach being taken that would see some $50 million to $100 million coming to the sector. I acknowledged the social good that that money could deliver; for example, advice to tenants, and providing micro-loans to some of the most disadvantaged in our community, many of whom are in social housing, for appliances such as dishwashers, or to register a car so that they can get to work or find a job. Governments probably do not celebrate these achievements as much as they should, but they are important to the most vulnerable people in our community.

As I said, this is a great bill, and I am pleased that members have taken a bipartisan approach to it. It is always good to see Ms Jan Barham supporting an important government bill. We will miss her when she leaves this place because she is a wonderful advocate for the most vulnerable in our community. I do not want to pre-empt her valedictory speech, but she will be sorely missed. Like the Hon. Bronnie Taylor, Ms Barham understands the importance of providing social services around infrastructure assets so that the people who live in them can access support locally.

An important aspect of this bill is the potential to access Commonwealth rent assistance through social housing providers. It is estimated that that could be in the order of $1 billion over the coming years. We hope that that funding will be available to provide those community supports. That is where the rubber hits the road; we must ensure that we continue to provide those supports holistically rather than in a dislocated manner, which sadly is the history of this sector. We must embrace new approaches to delivering the best possible services to vulnerable people in New South Wales. It is my great pleasure to endorse an important initiative introduced by this Government, which is one of a range of initiatives it has introduced in this area. I know that all members wholeheartedly support the Government's initiative. I strongly commend the bill to the House.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:57): In reply: I thank the Hon. Adam Searle, the Hon. Paul Green, Ms Jan Barham, the Hon. Greg Pearce, and the Hon. Matthew Mason-Cox for their contributions to debate on the Housing Legislation Amendment Bill 2016. Under the 10 year strategy released last January—Future Directions for Social Housing in NSW—the Government has already begun to reform the social housing system. The goal is, first, to create a dynamic system characterised by greater involvement of non-government partners in the financing and management of a significantly expanded supply of social and affordable housing; secondly, to provide expanded support in the private rental market to stem demand for social housing; thirdly, to ensure more competition and diversity in the provision of social housing services through the improved capacity of community housing providers; and, fourthly, to ensure housing assistance is seen as a pathway to and enabler of independence instead of a final destination. Strengthening our partnership with the non-government sector by building the size and capacity of community housing providers is key to achieving those goals. That is why the Government is transferring social housing management responsibilities in certain areas to community housing providers.

Community housing providers are generally well focused on providing local wraparound support for their tenants. The delivery of those supports and services translates to tenants being given better opportunities to realise their full potential. Furthermore, tenant surveys show that tenants are happier with services provided through community housing providers than through social housing. This bill will create a legally secure mechanism to transfer existing social housing tenancies to community housing providers. It will enable the State to transfer a lease to a community housing provider so that tenants can receive individualised and localised housing services.

It is important to note that this is not privatisation of public housing. The social housing asset will at all times remain with the Government, meaning it remains with the taxpayers. That is plain and simple. The community housing provider will take on management responsibility of the lease, provide housing services for tenants and provide ongoing maintenance on the property but it will not own the asset. Tenants' income after rent will not change and no tenant will be required to leave their home. Security of tenure will remain and existing lease conditions will continue. Further, the bill enables the transfer to occur automatically so that tenants will not have the burden of making the change happen. Personal information will be treated in accordance with the existing—

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

Questions Without Notice

COMPULSORY PROPERTY ACQUISITION PROCESS

The Hon. ADAM SEARLE (16:00): My question without notice is directed to the Minister for Roads, Maritime and Freight. In light of his Government's response today to the Russell report, nearly 1,000 days after the Government received it, does he accept full responsibility for the distress, hardship and financial loss to families as a result of his Government's compulsory acquisition process?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:00): I thank the honourable member for his question. The tenure of his question would indicate—

The Hon. Adam Searle: You mean the tenor.

The Hon. DUNCAN GAY: I do. It would mean that they have had no role in property acquisition. That is probably true because they spent half a billion dollars—

The Hon. Adam Searle: Point of order: The Minister is debating the question and he ought not do that. He is not being generally relevant. I ask you to call him to order and to address the question as asked.

The Hon. Dr Peter Phelps: To the point of order: The Minister was clearly making general statements and indeed positing our reaction as a government in relation to previous reactions of previous governments. I think it is entirely within order to compare the efficacy of our administration with that of the previous administration.

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

The Hon. DUNCAN GAY: I was about to indicate that during those 16 years they did very little property acquisition. He talks about 1,000 days.

The Hon.Walt Secord: Nearly 1,000 days.

The Hon. DUNCAN GAY: Nearly 1,000 days. Well, I will talk about something beyond 5,000 days—5,840 days they were in government. That 16 years was 5,840 days.

The Hon. Adam Searle: Point of order—

The PRESIDENT: The Hon. Adam Searle on a point of order.

The Hon.Walt Secord: Come on, Duncan. Admit you are guilty and resign.

The PRESIDENT: I call the Hon. Walt Secord to order for the first time. Members should not interrupt while the Chair is ruling.

The Hon. Adam Searle: The Minister was again debating the question and was not being generally relevant.

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

The Hon. DUNCAN GAY: The Opposition wants to use the term "a thousand days". I use the term "5,840 days". The existing legislation that we use for property acquisition is the same that they had for 5,840 days. So when they bring crocodile tears into this place you have to ask the question: What were they doing for 5,840 days?

The Hon. Penny Sharpe: You have done nothing!

The Hon. DUNCAN GAY: And the answer is nothing—exactly! You did nothing. You spent half a billion dollars and you did not lay a track of railway line.

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

The Hon. DUNCAN GAY: Property acquisitions are an unfortunate but at times necessary part of building critical infrastructure. Since 2011 this Government has embarked on the biggest infrastructure building program in the State's history. New and improved roads, motorways, metro railway lines, trams, hospitals, schools—and the list goes on and on. The Government commissioned Mr David Russell—

The PRESIDENT: Order! There is far too much audible conversation from Government members. I cannot hear the Minister's answer.

The Hon. DUNCAN GAY: The Government commissioned Mr David Russell, SC, to review the Land Acquisition (Just Terms Compensation) Act 1991—

The PRESIDENT: I call the Hon. Penny Sharpe to order for the second time.

The Hon. DUNCAN GAY: —the same legislation, as I indicated earlier, the previous Labor Government operated under for 16 long years or 5,840 days. The Premier also asked the Customer Service Commissioner, Mr Michael Pratt, AM, to conduct a review of how the process could be improved. In response to both the Russell review and the Customer Service Commissioner's recommendations the Government will introduce legislative, operational and administrative measures which will see significant improvements in transparency, fairness, and additional compensation.

We continue to work with affected residents to reach agreeable, negotiated positions as opposed to resorting to compulsory acquisitions. For example, for the M4 East upgrade 183 properties required acquisition of which 163—or 89 per cent—were acquired by agreement. Some of the key legislative improvements include a fixed six-month negotiation period before compulsory acquisition, except by agreement. This will provide land owners with greater certainty and additional time to make decisions. We have increased the amount of solatium from $27,235— [*Time expired.*]

SYDNEY AIRPORT ROADS

The Hon. MATTHEW MASON-COX (16:06): My question is directed to the Minister for Roads, Maritime and Freight. Can the Minister please update the House on how the New South Wales Government is improving road infrastructure in and around Sydney Airport?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:06): Thank you for that question. It is important. If I waited for the Opposition to ask me an important question we would be here all year. Sydney Airport and Port Botany are two of the State's most important international gateways facilitating the movement of millions of people and goods each year. We live in a city that is expanding rapidly. The roads in and around one of the busiest airports in the world were sadly ignored for nearly two decades—5,840 days—by those opposite, which means this Government is playing a very fast game of catch-up. I want to assure frustrated motorists and travellers that the Government is throwing everything it has at improving—

The Hon. Shaoquett Moselmane: Point of order: You ruled earlier on the amount of audible conversation from the Government members on the back bench. Can you ask them to hush down so those of us on this side can hear the Minister's comments?

The PRESIDENT: There is a great deal of validity to the member's point of order. I ask the Government members on the back bench and even on the front bench to make sure their conversations are not audible while other members have the call. The Minister has the call.

The Hon. DUNCAN GAY: I want to assure frustrated motorists and travellers that the New South Wales Government is throwing everything it has at improving traffic congestion around the airport. Every approach to the airport has been put under the microscope with work planned or under way in every corner. Our north, west and east projects all have planning approval and are either under construction or are in planning. In fact motorists will start to see significant improvements from next year when our large-scale projects start to open up to traffic in and around the airport.

While large-scale projects like the widening of Marsh Street progress, I have put in place immediate and commonsense solutions such as the new permanent clearway on Marsh Street and improved traffic light phasing at numerous intersections to reduce motorists' frustration. As a result of traffic light phasing changes there has been a significant reduction in congestion at the domestic terminal exit—it has in fact improved by about 60 per cent. Queue lengths from the domestic terminal at Sydney airport have also improved with changes to the express pick-up area. During especially busy holiday periods, we encourage travellers to catch the train because we know there will be congestion as thousands of people make the journey to visit our fantastic State.

If it was not for Labor's neglect, it would not be so hard; the precinct would have grown at the same rate as the population. Last week the Opposition spokesperson for roads claimed that it was not that hard to fix congestion around the airport. It may be news to those opposite, but, yes, it is extremely difficult when Labor did nothing for nearly two decades and left us with nothing short of a mess. Being a good Government, we are getting on with the job as fast as we can. If people have problems at the airport, I encourage them to contact us. We have all the good ideas and suggestions, but if through some rare occurrence there is a good idea or suggestion from the Opposition—I cannot imagine it will happen—they should give me a call. I would welcome a call.

COMPULSORY PROPERTY ACQUISITION PROCESS

The Hon. WALT SECORD (16:10): My question without notice is directed to the Minister for Roads, Maritime and Freight. Given the response by his Government to the Russell report, what discussions have been had with the Premier in regard to his performance and the performance of his department in the handling of compulsory acquisitions?

The Hon. Rick Colless: What a stupid question.

The Hon. WALT SECORD: It is a very good question. Bye-bye, Duncan.

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

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:11): There might be others leaving ahead of me. We have had positive conversations about the improvements that we have made. When we receive more than 80 per cent by agreement, that is because of the sensible way in which we are doing it. We have put in place a whole-of-government structure for the whole of government. The acquisition of buildings is not just a roads acquisition; it is rail, hospital, schools and many other areas. Government across the State needs to operate in this area. The Hon. Walt Secord is being critical of the rules and conditions that were in place when the Labor Government was in office, so a little bit of hypocrisy sneaks into the argument now and again.

The Hon. WALT SECORD (16:12): I ask a supplementary question. Will the Minister elucidate his answer as to why the background briefing from the Premier's office is against him?

The PRESIDENT: The question is out of order. I did not hear a clear link to any aspect of the Minister's answer. The Minister may answer the supplementary question if he believes there was one.

The Hon. DUNCAN GAY: It is up to Mr President.

The PRESIDENT: I rule the question out of order.

WATER VALUE STUDY

The Hon. ROBERT BORSAK (16:13): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister explain why Department of Primary Industries—Water, when short-staffed, allocated resources in time and money to Dr Christobel Ferguson to do a worthless study on the worth of water when water-sharing plans have not been done and irrigators know what the value of water is?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:13): I thank the member for his question. I think the terms "worthless" and "useless" may be up for debate, depending on who is looking at that report. The understaffed component of the question may also be up for argument. That being said, I am happy to take the question on notice and refer it to the department for further consideration. I will obtain some more information for the member about the decision-making behind the instigation of the report and also some of the thought processes behind the engagement of the consultant to do the report.

MULTICULTURAL NSW GRANTS PROGRAM

The Hon. DAVID CLARKE (16:14): My question is addressed to the Minister for Multiculturalism. Will the Minister inform the House about the latest round of the Multicultural NSW grants program in the celebration category?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (16:15): I thank the member for his question. This House is well aware that as Minister for Multiculturalism in the Baird-Grant Government, preserving and extending harmony in all of our communities is the core business of my agency—Multicultural NSW. This occurs in many different ways, not the least of which is through providing community groups with grants so that the great cultures that make up our State can be celebrated at a grassroots level. Government cannot do this on its own. The New South Wales Government delivers grants via Multicultural NSW, which leads a grants program that seeks to foster community engagement, build community harmony, develop social cohesion and celebrate cultural diversity, which is a significant asset of our State.

The program comprises four categories—support grants, unity grants, partnership grants and celebration grants. Support grants help individuals and communities to participate fully in community life and build community capacity. Unity grants are available to bring culturally diverse communities together to promote social cohesion and harmony. Partnership grants are for projects that address significant issues in New South Wales,

while celebration grants provide funding for festivals and events that bring communities together while showcasing the benefits of cultural diversity and promoting social cohesion. Projects are assessed against multiple criteria, including how many people are likely to attend, whether the project will benefit cultural understanding and the cost effectiveness of the project.

Last financial year more than 100 local community events received funding under the celebration grants program. In the latest round of the announced celebration grants category, the New South Wales Government has committed almost $100,000 for 20 events that bring communities together to celebrate cultural diversity. One example is the Big Hello initiative run by the Salvation Army, which will host a welcome barbecue in the top 20 local government areas in New South Wales to resettled Syrian and Iraqi refugees upon their arrival. We also have the Newcastle Unity in Diversity Festival, which coincides with National Refugee Week 2017 and encourages the local community to come together to celebrate diversity.

As members know, ensuring that our multicultural communities are able to come together to ensure we have continued harmony in our State is an absolute priority for us. It is why we are seen as the number one State when it comes to harmony. We have people living in New South Wales who are from 245 different places of origin. More than 200 languages are spoken in this State and more than 125 religious beliefs are practised. New South Wales is number one because of the work that Multicultural NSW does in giving support to our communities, bringing us together. Irrespective of which grant is applied for or when the criteria is met, the Government is supporting non-government organisations that work to bring us together and promote New South Wales— [*Time expired.*]

DAM INFLOWS AND RELEASES

The Hon. ROBERT BROWN (16:19): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the current flooding inflows be netted off against New South Wales's annual environmental water commitment to the Murray-Darling Basin plan, given that 2016 is the second wettest year in 100 years?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:19): I thank the member for his question. He raises very important issues. I will come back to some of the elements of the question in a moment because there may be two different issues here—the flows into dams and releases. There is a clear distinction that I may be able to clarify. I took the opportunity on Friday to travel to Forbes and to meet with members of the community in the Central West area. Just as importantly, I took the opportunity to meet with a number of staff who have been involved with the flood efforts. It was a privilege to sit down and have lunch with Local Land Services [LLS], Department of Primary Industries [DPI] and NSW Health staff and talk with them about what they have been going through and how they have been able to assist that community over recent weeks.

One thing that struck me over and over during the time that I spent talking with staff about their personal situations, was that almost all of them were personally affected by the floods. However, those staff members had put the impact of the floods on their properties and their families to one side in order to turn up to work every day to help others to address those issues. There is one particular staff member who lives between Forbes and Condobolin. She has been rowing a kayak from her house, across her property, to get to the road so that she can be picked up—

Mr Jeremy Buckingham: You do not row a kayak; you paddle a kayak.

The Hon. NIALL BLAIR: Sorry, she has been paddling. She has been using a row boat and a kayak. When she gets the groceries she has to put them in a row boat to get them home. To clarify, she has been paddling a kayak—but what does it matter whether she was rowing or paddling? She has been doing everything she can to get to work, day in and day out, so that she can help others in her community.

I know that other ministers have been out there. Minister Gay has been there and Minister Ajaka has been out in the Central West recently, meeting with members of the community. We must also remember that the impacts on these communities continue after the cameras leave. That is when those communities feel isolated and lonely, and that is when they need our thoughts and support the most. It was a pleasure to be out there and to look at what has been done. I know that other communities are being impacted by the floods. Down in the Murray and Murrumbidgee regions there are big impacts, and communities west of Forbes, through Condobolin and further south, are being impacted as well.

I will take the question on notice because I might be able to provide the member with some information in relation to inflows and releases—and also with respect to how translucent flows fit in—and how that impacts on our obligations under the Murray-Darling Basin plan. Our thoughts are with all those communities and the Government agencies that have been responding. They are doing a fantastic job.

COMPULSORY PROPERTY ACQUISITION PROCESS

The Hon. PETER PRIMROSE (16:23): My question without notice is directed to the Minister for Roads, Maritime and Freight. Does the Minister stand by his comments on 24 August, when he stated in this Chamber that with respect to compulsory acquisitions, "We are doing something right"?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:24): I not only stand by them; I reinforce them. Yes, we are doing something right. That does not mean that we cannot do some more right. The fact that we had over 80 per cent voluntary agreements was pretty good. That is testament that there are good staff from Roads and Maritime Services [RMS] who do the work out there. That does not mean that every one of these acquisitions has been perfect, because it is a very sensitive time for people whose houses are involved in acquisitions for a road. I have often said we would not have had to acquire 90 per cent of the houses we have had to acquire if the Labor Party had not sold the routes that were put aside for these roads.

The Hon.Walt Secord: You are making it up.

The Hon. DUNCAN GAY: There is Walt Secord—the great misleader. When we talk about back-briefing, the back bench of the Labor Party—

The PRESIDENT: Order! The Minister is well advised not to listen to interjections. The Hon. Walt Secord is reminded that he has been called to order twice. He is warned.

The Hon. Shaoquett Moselmane: Point of order: I believe the Minister is reflecting on the member. He ought to withdraw the comment.

The PRESIDENT: My previous comments remain my response to the point of order just taken.

The Hon. DUNCAN GAY: I was talking about the situation. I was asked whether I stand by my comments. Of course I stand by my comments. I think that, by and large, the Government has done a pretty good job. There are days when, for one reason or another, things are not quite as good as we would like them to be. That is why we put changes in place. In fact, we had already put some changes in place through RMS. Following up on the Russell and Pratt reports, we have gone the extra yard. That is back dated to when the Russell report was first received by Government.

Anyone we have had an interface with about houses since then will qualify for the changes we have put in place. I think that they are pretty damn good changes. As part of the Government, I have certainly been part of developing these changes. Some of the changes that we had already put in place were having an effect. I stand by what we have done; it has been pretty damn good—but it is always important not just to be pretty damn good but to be better wherever we can. That is what we aspire to.

DEPARTMENT OF PRIMARY INDUSTRIES

The Hon. SARAH MITCHELL (16:27): My question is directed to Minister for Primary Industries, and Minister for Lands and Water. Can the Minister please update the House on the New South Wales Government's commitment to keep the Department of Primary Industries headquarters in Orange until 2040?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:27): I thank the Parliamentary Secretary for her question. Twenty-four years ago the former Nationals Deputy Premier, the Hon. Ian Armstrong, moved the headquarters of the then Department of Agriculture from Sydney to Orange. At the time it was the single largest decentralisation of a Government department in history.

I am pleased to inform the House that The Nationals are passionate about decentralisation and we remain as committed today to a decentralised Department of Primary Industries [DPI] as we were in 1992. So I was pleased last week to visit Orange and to be joined by the great Nationals candidate for the up-coming by-election, Scott Barrett, to announce that the New South Wales Liberal-Nationals Government is committing to the headquarters of the DPI remaining in Orange until 2040. The principles that underpin that original ground-breaking decision remain as relevant today as they did when Mr Armstrong first argued the case for the move in 1991. On 2 December 1991 he told the New South Wales Parliament: The relocation has been the biggest and most successful of any government department in Australian history.

Our decision to reaffirm that decision and keep the headquarters of the Department of Primary Industries [DPI] decentralised in Orange until 2040 provides a renewed long-term certainty to staff, the Orange community and the State's Primary Industries sector. I do not ask the House to just take my word for it. NSW Farmers welcomed our decision and stated that Orange is the right place for DPI. As the president, Mr Derek Schoen, stated:

> Decentralisation of government agencies provides the stable employment needed to allow a regional community to flourish.

> This is clearly demonstrated in Orange, where DPI staff are in an integral part of what is a vibrant and growing regional centre.
>
> It took vision to move the DPI, and it has reaped enormous reward.

The PRESIDENT: Order! I remind the Hon. Penny Sharpe that she is on two calls to order.

The Hon. NIALL BLAIR: The decision further cements the reputation of the Orange region as a hub for the New South Wales agriculture sector with Paraway Pastoral Company and *The Land* newspaper also headquartered in the city. As The Nationals candidate, Scott Barrett, told the media last Friday:

> We've got DPI here, we've got *The Land* here, we've got Paraway here—that adds to the economy of the Central West, that adds to the liveability of our small towns, and it also makes it just damn good place to live.

The broader Department of Industry—Lands Orange Accommodation Strategy covers 701 current full-time Department of Industry—Lands positions in Orange, including 300 Department of Primary Industries staff with projected growth to 739 full-time positions by 2020. The New South Wales Department of Primary Industries has forged a close and productive relationship with Orange and the wider Central West region since it first moved to the area in 1992. An announcement such as this, which involves more than 700 local jobs, also underpins and secures the futures of a range of other local sectors, which will continue to ensure that the DPI will be one of the largest employers in the Orange region through until 2040. The Nationals are committed to the people of regional New South Wales, to a decentralised DPI, and to the people of Orange. The Nationals have a great candidate running to represent The Nationals on 12 November.

The Hon.Walt Secord: He is from Queensland.

The Hon. NIALL BLAIR: When Opposition members were in government, they took great pleasure in trying to shut down everything to do with the DPI. The New South Wales Coalition Government even had to reinstate the name "Department of Primary Industries". This Government took DPI out there and we are keeping it there. [*Time expired.*]

MEDICINAL CANNABIS

Mr JEREMY BUCKINGHAM (16:31): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on what his department has done to ensure the supply of medical cannabis since the New South Wales Government secured a licence from the Federal Government to grow cannabis for medical use in July?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:32): I thank Mr Jeremy Buckingham for his question. The Commonwealth Parliament amended the Narcotic Drugs Act 1967 to allow the controlled cultivation of cannabis for medical or other related scientific purposes in Australia. This will provide access to a safe, legal and sustainable supply of locally produced raw material for deriving medicinal cannabis products. The bill establishes the Commonwealth Department of Health as the single national licensing body for medicinal cannabis cultivation and will ensure that Australia meets its international obligations under the United Nations Single Convention on Narcotic Drugs 1961.

The New South Wales Government continues to work closely in collaboration with other jurisdictions to move forward on medicinal cannabis as quickly as possible. In July 2016 the New South Wales Government, through the Department of Primary Industries, became the first agency in Australia to receive authorisation from the Commonwealth under its amended legislation to cultivate medicinal cannabis for research purposes. The department will undertake a series of controlled research trials to fill knowledge gaps about growing medicinal cannabis in New South Wales. The research will develop practices to ensure year-round production of crops with consistent levels of the right therapeutic compounds. Research also will ensure that pests and diseases are carefully managed so that there is no risk to patient safety from chemicals that are used in production.

The research program will comply with stringent Commonwealth requirements on security. A new fit-for-purpose facility will be built. The program is intended to act as an important catalyst for industry development and deliver sound agronomic recommendations to guide private investment in the sector. This research program is another example of how the New South Wales Government is leading the way on medicinal cannabis in Australia. The New South Wales Government has committed $9 million for three clinical trials to explore the use of cannabis and/or cannabis products and to provide relief for patients suffering from a range of serious or terminal illnesses, and established the $12 million New South Wales Centre for Medicinal Cannabis Research and Innovation.

New South Wales DPI is working closely with the centre in scoping its cultivation research. The centre is headed by the New South Wales Chief Scientist and Engineer, Professor Mary O'Kane, who reports to the Minister for Medical Research, the Hon. Pru Goward, MP. The centre's objectives for 2016 can be summarised as evidence and education. Key priorities for 2016 are supporting the transition to new regulatory arrangements,

formalising the evidence base and working with peak medical practitioner groups to support doctors through education, training and information.

I also inform the House that today the Department of Primary Industries is hosting and participating in a symposium on medicinal cannabis in New South Wales. The symposium is being attended by experts from Israel and it is being led by Professor Mary O'Kane. Earlier I mentioned the building of a purpose-built facility in which to conduct the trials. The latest verbal briefing I had with the director general indicates to me that things are well and truly underway for the procurement of those facilities. That is the latest information I have, but as more information comes to hand I am sure there will be other opportunities to update the House on this important issue. This is not about politics. The provision of medicinal cannabis has general support across the community. I am proud that it is the New South Wales Government that is leading the charge in this space on behalf of all our communities here in Australia.

COFFS HARBOUR SLIPWAY

The Hon. COURTNEY HOUSSOS (16:36): My question without notice is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Given that in 2014 the Coffs Harbour slipway stopped operating, is the member for Coffs Harbour correct in stating that more than two years later the delay in returning the slipway to operation is the fault of the Minister's department?

The Hon. Matthew Mason-Cox: You are making that up.

The Hon.Walt Secord: Want some proof?

The Hon. Duncan Gay: I couldn't imagine that Fraser would say something like that!

The Hon. John Ajaka: Never—not Fraser!

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:36): I thank the Hon. Courtney Houssos for her question.

The Hon. Duncan Gay: Has Walt been writing your questions?

The Hon.Walt Secord: It is a lot different than buying a handbag.

The PRESIDENT: Order! Members will remain silent.

The Hon. NIALL BLAIR: I thank the Hon. Courtney Houssos for highlighting something that all members know—particularly Government members. The member for Coffs Harbour is an absolute champion for his local community. He takes no prisoners when he is standing up for his community. He knows what is important for the people and businesses of the Coffs Harbour community. That is why he has a very close working relationship with members of my office—some closer than others. I have been able to ensure that the department has staff members in the Coffs Harbour office who have the personal attributes and dedication to be able to address the issues raised by the member for Coffs Harbour, who is relentless. He does not care who is getting in the way. He wants to make sure that his community is well served and that the issues that are important to the people of his electorate are addressed.

One of the issues he raised with me personally when I met him in Coffs Harbour was the slipway. Contamination that had accumulated at the Coffs Harbour slipway site over a period of 40 years has been remediated by the Department of Industry—Lands in accordance with a remediation action plan that has been endorsed by the New South Wales Environment Protection Authority.

The Department of Industry—Lands has sought proposals to develop the slipway site as a modern boat retrieval and maintenance facility. Negotiations with a preferred proponent have commenced. Arrangements are being made to allow vessels up to 35 tonnes to be removed from the water for boat repairs and maintenance while a permanent vessel retrieval facility is being established. The interim arrangement will continue until the successful proponent takes up occupation of the site and establishes a permanent facility under a new commercial lease.

This is an important issue that has been raised with me by not just the local member but also some of the businesses that rely upon that slipway, one of which is the fish co-op. Last time I met with members of the co-op in Coffs Harbour we discussed the slipway, because this issue needs to be addressed since the contamination that occurred. The Government committed to cleaning up that contamination and the Government commits to making sure that as soon as the clean-up has been completed we will determine the nature of the next slipway or ramp as quickly as possible.

RAIL LEVEL CROSSING SAFETY

The Hon. SCOTT FARLOW (16:40): My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on how the New South Wales Government is working to improve safety at rail level crossings across the State?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:40): I thank the member for his question. Safety of rail level crossings is an important message for drivers right across country New South Wales. That is why visitors to this year's Australian National Field Days in Orange will see firsthand the potentially deadly consequences of disobeying level crossing controls. A car that was involved in a collision with a train will be on display as part of a level crossing safety exhibition jointly hosted by Transport for NSW, John Holland Rail and NSW TrainLink. I certainly intend to make it my business to get to the field days to have a look at the display, and I encourage everyone else to do so as well.

Between July 2001 and June 2016 there have been an overwhelming 128 collisions involving trains and road vehicles at level crossings throughout New South Wales, resulting in serious injuries or, in more severe cases, death. This is part of the New South Wales Government's campaign to drive the road toll towards zero and highlights there is no acceptable number when it comes to deaths on the road. Despite the obvious danger, too many motorists are still taking risks around level crossings, which is why we are reaching out to the 20,000 people attending the Australian National Field Days.

The New South Wales Government hopes this exhibition encourages drivers to think about the potential consequences of trying to dash across the tracks and instead take a bit of extra care in their commute. The exhibition will feature warning signs and lights found at level crossings so visitors can familiarise themselves with the equipment. There will also be a large light-emitting diode [LED] screen displaying the interviews, quizzes and non-compliance footage to remind motorists not to rush to the other side.

Level crossings are more common in regional areas, and we are determined to ensure safety is front of mind for all road users, particularly at this time of year when freight movements increase due to spring harvest—and I have to say it looks like the harvest is going to be a cracker. Driver inattention and poor decision-making are the main contributors to level crossing incidents. In many cases where trains and cars have collided the motorist has ignored level crossing warnings because they were impatient or miscalculated how much time they needed to get through safely before the train arrived. The Government is determined to spread the word of the dangers of rail level crossings and do everything it can to reduce the road toll in these and other areas.

It is interesting to note that quite often rail crossing fatalities in regional areas happen in the local area of the person who is killed. They are familiar with their surroundings and they think because they have been through the crossing many times when there was not a train they will get through, but then the accident happens. Those communities are devastated as a result of such fatalities, because everyone knows everyone else, and the whole community hurts. We are going to keep putting out the message. We continue to look at new and innovative ways to cut through about the dangers at rail level crossings. Having a car that was crushed by a train at a level crossing at the National Field Days exhibition is a great reminder. As I said, I encourage everyone to visit this exhibition, as I know I will. [*Time expired*.]

F6 EXTENSION

Dr MEHREEN FARUQI (16:45): My question without notice is directed to Minister for Roads, Maritime and Freight. How many wetlands, parks, playgrounds and homes will be destroyed by the proposed F6 extension?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:45): We are doing the investigation and will be doing the geotechnical investigation. As it happens, luckily the Labor Party did not sell the first part of the southern extension—it was one of the only places left in the State that Nifty and his gang of rogues did not get their hands on and flog off to their developer mates. Luckily there is a park there, but The Greens have a jaundiced view. Before there is a business plan or a route has been decided, The Greens are saying we are going to destroy houses, destroy habitat, destroy communities. I am reminded when speaking about The Greens and their fellow travellers of the Lord Mayor of Sydney and that there is a new Deputy Lord Mayor of Sydney, Professor Kerryn Phelps. I do not think she is any relation of the Hon. Dr Peter Phelps.

I was amazed to read in the *Daily Telegraph* about a week ago that Professor Phelps, the deputy mayor on Clover Moore's ticket, said she was going to give WestConnex the benefit of the doubt and look at it in a proper way to see if it does the right thing. Then I was interested that just the next day she had a letter published in the *Daily Telegraph* on the same subject. Having such a letter published the very next day could mean that the writer had not given a lot of time to consideration of the issue being clarified.

The Hon.Walt Secord: Point of order: My point of order goes to relevance. I remind the honourable member that building a road is much different to buying a handbag.

The Hon. Niall Blair: To the point of order: Mr President, the Hon. Walt Secord is on two calls to order but he jumped to his feet to make a debating point in a point of order. Debating points during points of order are absolutely out of order.

The Hon.Walt Secord: To the point of order: My point of order was to relevance. The question from The Greens was about the F6, not WestConnex.

The PRESIDENT: Order! That may well have been the first sentence of the member's point of order, but then he clearly strayed, as the Minister said. While there may have been some substance to the point of order, I am disinclined to allow it. The Minister has the call.

The Hon. DUNCAN GAY: The Hon. Walt Secord cannot help himself. He has not only insulted members on this side of the Chamber, but he has also insulted Dr Mehreen Faruqi.

The PRESIDENT: Order! The Minister is skating on very thin ice. The question was about the F6.

The Hon. DUNCAN GAY: It was a question about the F6, but in fact the honourable member to my mind had not given the F6 a chance.

The Hon. Shaoquett Moselmane: That is not the question. Answer the question.

The Hon. DUNCAN GAY: When the Hon. Shaoquett Moselmane gets big enough and good enough, he will get a chance.

The Hon. Lynda Voltz: Point of order: My point of order is in two parts. Firstly, the Minister is debating the question. If the Government wanted to take a point of order on the question, it should have done so in the beginning. Secondly, my point of order is to relevance. The question was specifically about land associated with the F6.

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

The Hon. DUNCAN GAY: I am sure The Greens really appreciate the Labor Party taking up all the time allotted for the answer to their question. I was talking about a jaundiced view of a particular project and the fact that we are doing early work on a southern route, yet The Greens have decided that it is Armageddon and nobody wants it. I was using the fact that The Greens have already made up their minds to highlight the fact that, despite the Deputy Lord Mayor saying she would give WestConnex a go, the very next day she said she would not. She sent a letter to the editor of the *Daily Telegraph* saying, "Well, no. Too late. I don't like it. We've never liked it. It's not going to happen." So much for The Greens and so much for their fellow travellers saying they are going to give it a go!

Whether it is roads to the south or roads to the north, we will go through a proper environmental process as we should and as we have on NorthConnex and WestConnex. We go to the independent arbiter and make sure we adhere to whatever conditions it puts in place because, at the end of the day, with the limited number of roads we have built, we have helped the city and improved the air quality already.

COMMERCIAL FISHING INDUSTRY ADJUSTMENT PROGRAM

The Hon. MICK VEITCH (16:51): My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that the online portal for commercial fishers crashed between the hours of 9.00 a.m. and 1.00 p.m. yesterday, which prevented fishers who had taken time off work from participating, what steps will the Government take to address the continuing errors in the implementation of the commercial fishing restructure?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:51): I thank the member for his question. He is right in saying that yesterday was the first day we opened up the portal for our practice and preview rounds. This is exactly what it is, because we are listening to industry. Those opposite do not even know what we are doing. We said we would listen to the industry and the Hon. Lynda Voltz is criticising a practice round. This is exactly why we are having a preview round: to make sure—

The Hon. Mick Veitch: Point of order: The Minister should not respond to interjections across the Chamber.

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

The Hon. NIALL BLAIR: I thank the member for confirming that his colleague actually said that. Yesterday was the opening of the preview period. There will be numerous opportunities for fishers to participate

in that. I am told that there were staff available for any fisher who had issues yesterday and that the majority of those issues were addressed over the phone. With roughly 90 fishers engaged in the program yesterday, over 450 are registered to go through the preview round. That is why we have opened it up for a longer window, to allow fishers to do this in their own time. I acknowledge that if they are taking time out of their day to participate in this, they should be supported, and that is why we were able to address the majority of those concerns and questions over the phone.

It would be my expectation that the department continues to make sure that the system has the capability to address the needs of those fishers. This is a good example of why we did not rush and say, "This is the trading round." This practice round is why we have listened to and worked with the fishers: so that we can make sure that when we go to the share trading next year, issues like this will have been addressed through the practice and preview round we have at the moment.

As we continue to go through this reform, we believe there will be close to two-thirds of fishers who will not need to participate in the practice round or the share trading round, either because they have already adjusted or did not need to adjust. On every occasion I have had the opportunity to speak on this issue in this House, we have said, "It is complicated." With so many decisions made over the decades in relation to this industry, we could not have designed something more complicated than the history that has led to the point of the reform and the process we are at today.

We have said we will continue to work with the fishers as we go through this reform. That was our commitment. We announced that we were moving to the reform and the share trading program to link the shares back in May, but because we are continuing to listen to the industry, here we are in October and no shares have changed hands through our share trading platform. We are continuing to work with industry to address those concerns to make sure we have a stronger industry and that the next generation of fishers have a future in the industry as a result of this. We will continue working with it right through this process.

CARERS

The Hon. BRONNIE TAYLOR (16:56): My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Could the Minister update the House on how the New South Wales Government is better recognising carers?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (16:56): I thank the member for her question. When someone needs greater support in life because of their disability, their age or even an illness, it is often a loved one, friend, neighbour or colleague who rises to the occasion, providing the support and care the person needs. In New South Wales there are more than 850,000 unpaid carers, including more than 100,000 young carers. The incredible care and compassion of carers allow others to live better, more independent and more fulfilling lives. However, sadly, all too often these incredible everyday heroes do not get the appreciation and recognition they so rightly deserve. The New South Wales Government is determined to change that. We want to ensure all carers are better supported and recognised in this State.

National Carers Week, celebrated each year in the third week of October, is an opportunity for us as a community to show we care for those who care. It is an opportunity for us all to recognise and celebrate carers across our State. To mark National Carers Week, I hosted a reception at Parliament House for the prestigious NSW Carers Awards. The master of ceremonies for the event was the much-loved Tim Ferguson, whose warmth, humour and appearance in a wheelchair—due to multiple sclerosis, he immediately explained—instantly put everyone at ease.

Nominations for this year's awards closed in July and covered the categories of young carer, senior carer, family carer and carer support group or employer. I am pleased to inform the House that the 2016 NSW Carer of the Year is Ms Sadie Arida. Sadie, a 21-year-old from Constitution Hill, cares for her younger sister, Marie. Sadie recalls that her caring commenced when Sadie was only 11 years of age. She has cared for her sister for the last 10 years. Marie has a rare syndrome which affects the brain and causes intellectual and physical disability. Caring for Marie has inspired Sadie to become a community services worker, applying her personal experience to the people she works with. Indeed, I understand she is currently completing a university degree in community and human services.

Other recipients who were honoured include Ms Maria Lucia Doherty from Lidcombe. Lucy, as she likes to be known, cares for her son, Alex, who has autism, obsessive-compulsive disorder, attention deficit disorder and mental health issues. Another recipient was Ms Kay Clarke from West Kempsey, who cares for her son, James, who has severe mental health issues, as well as her husband, Tony, who has depression. Each carer recognised yesterday was indicative of the hundreds of thousands of carers across New South Wales. I am sure

I speak on behalf of all members in saying that we are in awe of these amazing people and everything they do to improve someone else's life.

Yesterday, I also launched the NSW Carers Strategy progress report. I am pleased to inform the House that the Government has made significant progress in the two years since I launched the strategy. The report highlights seven projects that are being delivered in partnership with carers, non-government organisations, government departments, and private businesses. I look forward to continuing to deliver the strategy, which I know will improve the position of carers in New South Wales. I encourage all members and everyone in the community to take an opportunity to thank a carer during Carers Week. If we know someone who cares, we should take a moment to thank them and tell them how much we appreciate all that they do.

The Hon. DUNCAN GAY: The time for questions has concluded. If members have any important questions, they can put them on notice.

Deferred Answers

CITY OF SYDNEY COUNCIL ELECTION

In reply to **the Hon. ADAM SEARLE** (13 September 2016)

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

The non-residential elector rolls are prepared and held by City of Sydney Council.

It is a matter for each elector to determine how to exercise their vote.

SEX EDUCATION

In reply to **Reverend the Hon. FRED NILE** (13 September 2016)

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

Crossroads is a mandatory course for Year 11 and 12 students in NSW government schools. Through Crossroads, senior students have the opportunity to learn about key issues affecting young people. It is designed to help senior students address issues of health, safety and wellbeing.

The Department of Education will conduct a review of the Crossroads resources related to sexuality and gender diversity.

The scope of the review is currently being finalised.

VOLUNTARY WATER LICENCE ACQUISITION

In reply to **the Hon. ROBERT BROWN** (20 September 2016)

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised as follows:

This is a matter for the Minister for Lands and Water.

MURRUMBIDGEE VALLEY WATER

In reply to **the Hon. ROBERT BROWN** (21 September 2016)

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised as follows:

EWA accounts are established by the Murrumbidgee Regulated River Water Sharing Plan made by the Minister for Lands and Water with the concurrence of the Minister for the Environment. While OEH manages the water that accrues to the accounts, questions relating to their establishment and any relevant charges should be directed to the Minister for Lands and Water, administering the Water Management Act 2000 under which the relevant Water Sharing Plans were made.

Bills

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2016

INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2016

BUILDING PROFESSIONALS AMENDMENT (INFORMATION) BILL 2016

EDUCATION AND TEACHING LEGISLATION AMENDMENT BILL 2016

SOCIAL AND AFFORDABLE HOUSING NSW FUND BILL 2016

FAIR TRADING AMENDMENT (COMMERCIAL AGENTS) BILL 2016

Assent

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

Committees

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Report: Reparations for the Stolen Generations in New South Wales: Unfinished Business

Debate resumed from 13 September 2016.

Ms JAN BARHAM (17:02): In reply: I acknowledge that we are meeting on the land of the Gadigal people of the Eora Nation, and offer my respect to all Indigenous elders past and present across the State. I also pay respect and offer my sincerest apology to all those who were forcibly removed from their families—the Stolen Generations. We are sorry for the wrongdoing of the past. I particularly thank and offer my respect to those members of the Stolen Generation who engaged with the inquiry and who gave evidence. I thank the many people who met with members of the committee and who trusted us with their history and experiences.

The committee's report is entitled "Reparations for the Stolen Generations in New South Wales: Unfinished Business". The title mentions "unfinished business" because of the shocking fact that after the release of the Bringing Them Home report in May 1997 and the New South Wales Government's response released later that year the recommendations still have not been implemented. Why the lack of action? We do not know, but we do know the consequences. The circumstances of Aboriginal lives are shocking. I moved for the establishment of this inquiry because of my astonishment about the lack of action in response to previous reports. Since entering Parliament in 2011, I have had the honour of being responsible for the portfolios areas of Aboriginal affairs, housing, child protection, and disability. I realise that much of the disadvantage, vulnerability, and racism experienced by Aboriginal people is due to the lack of action on the recommendations of nearly two decades ago.

I thank the Parliament and the Government for supporting the inquiry. The committee visited the places where the children were incarcerated—the State institutions where the children stolen from their families and communities were taken. Our first visit was to Cootamundra Aboriginal Girls' Training Home. Aunty Isabel, Aunty Doreen, Aunty Shirley, and Aunty Lorraine showed us the dark place where they were deprived of their right to be who they were—Aboriginal. We were told the story behind the sign on the wall that read, "Think white, look white, act white." They saw it every day of their lives. They also showed us the room—which was more like a cupboard—where they were locked if they misbehaved, and "misbehaved" was loosely interpreted. They were given numbers in place of their names. I do not believe we can imagine what it would be like to be referred to by a number and to lose our identity in that fundamental way.

The committee next visited Kinchela Boys' Home, where Uncle Richard, Uncle Lester, Uncle Michael, Uncle Manuel, and Uncle Harry told us about their past. A number of members of the committee have referred to this experience, including Reverend the Hon. Fred Nile and the Hon. Ben Franklin. We were taken to see a big, beautiful tree in a paddock. Shockingly, it had a hook embedded in it to which children were chained. We heard of the cold, stormy nights they spent there naked and exposed to the elements, and of the unspeakable acts committed against them. How could children be treated like that? What a shocking experience.

Aunty Christine, Uncle Willy and Uncle Sonny told their stories of being at Bomaderry Aboriginal Children's Home. The facility is now managed by the land council, and they hope to make it a place of learning, healing, and education rather than sorrowful memories. All of these visits were deeply moving and many tears were shed. There is something important about being with colleagues and crying together, and feeling the same emotions. We were with people who have suffered badly but who are willing to share their experiences with us, as they have shared them with many other people without seeing any real outcomes. Despite that, they were willing to share their experiences with committee members. There was something special about having that

experience. I thank the members of the committee who have spoken in this debate for their honesty and acknowledgement of the importance of unanimously implementing those 35 recommendations.

I thank the Hon. Natasha Maclaren-Jones, the deputy chair; Reverend the Hon. Nile; the Hon. Ben Franklin; the Hon. Sarah Mitchell; the Hon. Courtney Houssos; and the Hon. Shaoquett Moselmane for their contributions to this inquiry. What a fine group of people. I truly felt honoured to be with people who share a commitment to doing the right thing, to addressing the wrongs of the past, and to ensuring that we change. We worked as a team, which is rarely seen by people outside politics. There was teamwork on this inquiry, and I know that is true of other committees. On this occasion, we all felt compelled to work together because it was the right thing to do, and because people who were scarred were willing to trust us. I think we have bonded over that experience.

The other important thing about this inquiry was that we focused on delivering unanimous recommendations. We ended up with 35 recommendations. We could have had 59 or 73 but we honed them down to 35 recommendations that addressed the whole range of reparation issues. There is a need for housing and social services to support Aboriginal people who have been damaged by the harm caused by the wrongdoings; there are intergenerational issues that need to be addressed. Throughout the State we heard about the healing that needs to be done within the Aboriginal network. Aboriginal people want to do it themselves; they want to be able to sit together and share the experience, because none of us can ever understand the pain of what happened to them. They need to share that.

I commend the Government on being the first government in the country to acknowledge the importance of healing. Through the Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE] program initiated by the previous Minister for Aboriginal Affairs, Minister Dominello, New South Wales and this Government advanced the importance of healing. I genuinely appreciate that and I know Aboriginal people do too. The current Minister, the Hon. Leslie Williams, is continuing that tradition by trying to ensure that New South Wales engages with Aboriginal people in a respectful way and allows self-determination and the opportunity to define their own future after so much was taken away from them.

So much has been said about the inquiry. All members gave beautiful, moving speeches. It was a delight to re-read them, to hear how important the experience was for them and how important the future is. I note the Hon. Paul Green's speech to the House about the report. As I was at home on leave I was also very proud that the newest Greens colleague in the House, Mr Justin Field, was able to give his first speech acknowledging this report. I know that that was important to him as he has a deep commitment to ensuring that the future is better for Aboriginal people. Next year will be the twentieth anniversary of the Bringing Them Home report. The committee that reviews the implementation of the Bringing Them Home report every year, the National Sorry Day Committee, said:

> This work is urgent as the Stolen Generations themselves are ageing and the intergenerational effects … continue largely unchecked.

In New South Wales we have the opportunity to be the standout State by saying we recognise that the past was wrong and we have done our best to make the future right. We cannot change the past but we can change the future. I encourage the Government to fully support our 35 unanimous recommendations as quickly as possible and to recognise that they need to be implemented as a whole because of the intertwined nature of the broad range of issues. I thank everyone involved and I implore all members to support this report.

The DEPUTY PRESIDENT (The Hon. Ernest Wong): The question is that the House take note of the report.

Motion agreed to.

STANDING COMMITTEE ON STATE DEVELOPMENT

Report: Economic Development in Aboriginal Communities

Debate resumed from 11 October 2016.

The Hon. GREG PEARCE (17:13): I am proud to have served as the chair of the Standing Committee on State Development inquiry into economic development in Aboriginal communities. The committee was also unanimous in its report and I am very proud of that. We did find, though, that there is a desperate and moral need for leadership and action on the deplorable outcomes for our Aboriginal communities. However, encouragingly, we also found that there is a broad acceptance that now is the time to act. The inquiry was established to consider strategies to support economic development in Aboriginal communities in New South Wales as a means of addressing disadvantage and creating sustainable communities.

Sadly and unjustly, despite decades of investment and goodwill by successive governments, there continues to be an unacceptable level of disadvantage in Aboriginal communities. There has been a depressing lack of progress in closing the gap. Aboriginal children are twice as likely to be at risk of sexual abuse. Aboriginal women are six times more likely to experience domestic violence than non-Indigenous women. Incarceration rates demonstrate the urgent need for action, with 50 per cent of the New South Wales juvenile jail population made up of Aboriginal children. There are horrific figures for youth suicide, homelessness and reduced life expectancy. Scandals such as the Northern Territory juvenile detention system expose all Australians to shame and international criticism.

There is widespread commitment to engage to address problems, particularly from Aboriginal communities, and there are many examples of successful Aboriginal activities. However, the reality is that there continues to be a clear divide and resultant disadvantage between Indigenous and non-Indigenous Australians. Economic development is the key to unlock this spiral of shame. The New South Wales Government has taken some positive steps, notably through the Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE] strategy and education, health and Aboriginal housing.

Direct policies include public sector employment, the construction industry and procurement. OCHRE envisages development of an Aboriginal economic development framework, which is the key vehicle for driving economic opportunity for Aboriginal people in New South Wales. However, the lack of outcomes cannot be ignored and there continue to be widely held concerns about government acting in silos, duplication and waste, a lack of a sense of urgency and accountability, and reliance on top-down government rather than community partnerships and enabling support.

New South Wales has unique advantages to tackle the underlying causes of economic disadvantage. Relative to other States and Territories, New South Wales has a high urban and regional Aboriginal population and a relatively small remote population. Since 1983 New South Wales has had a lands claim process which allows Aboriginal communities to claim ownership of vacant Crown land with which the communities have a connection, thus underpinning cultural and development opportunities, subject to—and this is an important exception—clearing the enormous backlog of claims. New South Wales has a strong land council network and a system of land ownership which provide considerable opportunities to enhance Aboriginal prosperity. However, there are serious issues relating to governance and accountability.

New South Wales is embarking on a $73 billion infrastructure spend, providing many opportunities for Aboriginal employment and business participation. Addressing Aboriginal disadvantage and encouraging enterprise will deliver savings to the New South Wales budget and contributions to the economy. New South Wales has empowered the Ombudsman to be an accountability and governance institution for Aboriginal affairs and also an advocate and adviser.

The committee concluded that a major push from the Government is needed to generate and sustain momentum in the area of economic development in Aboriginal communities. This includes a strong coordinating agency to drive economic reform in a way that harmonises Aboriginal economic development with the State's economic policy, developing and harnessing capacity-building opportunities, and ensuring that the economic prosperity and development opportunities envisaged by returning land to Aboriginal communities under the Aboriginal Land Rights Act 1983 are able to be realised. It must be recognised that lasting improvements can only be achieved through consultation and cooperation between government, the communities and their leaders and other sectors. Objectives for Aboriginal economic improvement must be front and centre and include respect for Aboriginal culture and history. Desired outcomes and accountabilities must be clear and assessable.

The committee has recommended that responsibility for Aboriginal policy and programs should be moved to the Premier cluster. An advisory board with the Premier as chair should be formed, including appropriate Aboriginal, government and private sector representation as a coordinating body to test and identify objectives, programs and spending, and to monitor outcomes. Running parallel to this should be a top-level bureaucratic structure—possibly a secretaries and chief executive officers committee. This structure would safeguard consistency and coordination of outcomes across all departments and alleviate the issues surrounding duplication and confusion of services available. Relevant key performance indicators [KPIs] for the participants would be essential to ensure accountability and avoid the continued waste of resources.

The Crown lands claims process must be further reformed. I am pleased to note that the Minister is about to introduce legislation that deals with many of the shortcomings that have occurred throughout the long history of Crown lands in this State, the changes that have occurred in the way that land is used and how the Government operates in this State. I look forward to hearing the detail and to see how far it has gone in dealing with some of the issues that this Committee dealt with.

The recent land agreement negotiation framework that was also introduced by the Hon. Niall Blair is to be applauded. However, consideration must be given to further prioritising of claims, private sector processing of claims, reforms for the type of title, and funding for processing of the claims to allow Aboriginal communities to leverage their assets. To accompany this, there must be a process of reviewing zoning of land acquired by Aboriginal communities and the environmental set-offs. The Committee further recommended that the Land Council system must be strengthened and reformed. It needs additional funding for capacity building of its participants and performance of its objectives and activities. There is a need to have more flexible governance arrangements in some areas and a strengthening of governance in others, including conflict of interest. We further recommended that the Government must support an entity, perhaps UrbanGrowth, to assist land councils with development opportunities and there must be special financing for Aboriginal enterprises, which can be repaid out of profits.

The Government will now consider those recommendations and the report and formulate its responses. We advocate a whole-of-government and community approach to overcome more than two centuries of dislocation and disadvantage. The Aboriginal communities must be self-determining and positive contributors to our State with their own sustainable economical basis. We must be proud and respectful of Aboriginal culture and history. We owe it to Aboriginal communities to share the good governance and prosperity our State is currently experiencing and to address those problems. Now is the time for New South Wales to take the lead to support Aboriginal people to enable current and future generations to be capable of supporting themselves so they can contribute.

I thank the participants of the inquiry—the Hon. Ernest Wong; the Hon. Mick Veitch, deputy chair; the Hon. Paul Green; and other members—for their cooperative, dignified and determined approach to come up with some good solutions to the longstanding and difficult issues. I particularly compliment and pay our gratitude to the committee staff and secretariat: Rebecca Main, Kate Mihaljek, and Lynn Race. I thank Hansard, who accompanied us on our numerous regional hearings, and who have done a great deal of good work. This report addresses some of those issues head-on. It was a tremendous outcome to have bipartisan cross-party unanimous support for the recommendations. It shows that as a community we are maturing when trying to deal with difficult issues and we must take advantage of the opportunity to deal with those issues. I recommend the report to the House.

The Hon. MICK VEITCH (17:22): I support the motion to take note of the report prepared by the State Development Committee on Economic Development in Aboriginal Communities. As was mentioned by the chair, the Hon. Greg Pearce, this inquiry confronted a number of issues head-on. There were some challenging moments during our deliberations. The terms of reference for the inquiry were referred to the committee by the Minister for Aboriginal Affairs, Leslie Williams, MP, on 25 August 2015. The committee received 37 submissions and three supplementary submissions. We also received 13 discussion paper responses, which was an interesting change to the way that committees conduct their work. We prepared a discussion paper and sought further responses to the discussion paper. We held four public hearings, one at Parliament House in Sydney and three in regional locations—Dubbo, Tamworth and Narooma.

One of the important aspects of upper House committees, particularly the State development committee, is that they travel to rural New South Wales so that the residents can participate in the inquiry process. The committee held a roundtable at Parliament House following the release of the discussion paper. It also conducted six site visits to the Central Coast, Dubbo, Brewarrina, Tamworth, Guyra and the far South Coast. I wish to talk about the site visit to Brewarrina, where we visited the Merriman Shearing School, which I was keen to look at. The Hon. Rick Colless was egging me on a bit, so as I packed my bag for the trip to Brewarrina I made sure I did not pack the dungarees or the moccasins. I also left the bogghi and combs and cutters at home.

However, once we got to the shearing shed and saw the participants, I was feeling pretty keen. The adrenaline was flowing and I felt like I should have a go to show them that I could do it. I resisted the urge and the urges of my colleagues to pick up the handpiece and have a crack at it. What was impressive about the Merriman Shearing School is that the young people of Indigenous background from all over eastern Australia were there to learn the craft of shearing. It is hard work, but it will provide them with a skill for life that will enable them to earn money. Some of those young people come from backgrounds with terrible social issues. One fellow had been using ice. He had a tattoo of a date on the inside of his arm and the Hon. Rick Colless and I asked him what the tattoo meant. He said it was the date that he had last used ice and the tattoo was a continual reminder to keep clean. He was at the Merriman Shearing School because he wanted to change his life.

Government funding for such programs will achieve great results. While I was keen to go there, I also learned some lessons about the issues that those young people are encountering. Another interesting site visit was to the Clontarf Foundation at Dubbo. It does wonderful work and is achieving outstanding results. More than one inquiry that I have been on in recent years has received a presentation by the Clontarf Foundation. It is good to

have bipartisan support for its work, not only in New South Wales but also across Australia because it does some wonderful things nationally. The committee looked at the importance of having role models and leaders in the Aboriginal community. We also looked at entrepreneurship and how that interplays with role models and leaders and where young people in New South Wales go to look for their role models and mentors.

Whether they are interested in setting up their own businesses, employment opportunities or entering education, there is a real need in New South Wales to identify and assist young Indigenous residents to work through a range of issues concerning education, such as finishing school and entering vocational education or university. We heard evidence in Albury that Aboriginal people are progressing through university into unfamiliar fields such as town planning and engineering. We heard some good testimony about those issues. There were also some moments that I found embarrassing and confronting. One of those embarrassing issues relates to the backlog of Aboriginal land claims in New South Wales. Members on both sides of the Chamber agree that we have to do a darn sight more to progress the backlog of claims. Currently we have 29,000, which is an embarrassment.

The Hon. Shaoquett Moselmane: Shameful.

The Hon. MICK VEITCH: I agree, it is shameful. This issue has been raised in more than one inquiry in recent months. I sat and listened to what could happen to Aboriginal communities if those land claims are considered and progressed, and the fact that they are not being considered or progressed makes me feel sick in the stomach. It is an embarrassment and we are letting down those communities. Much more must be done by both sides of Parliament to ensure that we, in an expeditious and strategic manner, reduce the backlog of land claims in New South Wales. The 1983 Aboriginal Land Rights Act is a significant piece of legislation that unlocks opportunity. We are thwarting that opportunity and we must to do a lot more.

In its travels, this committee was able to look at some opportunities. We went to the Bundian Way on the far South Coast. Recently I have discovered the joys of taking a long walk. If people ever want to go for a walk they should inquire about the Bundian Way, which will be a significant tourism track in New South Wales. We should all support the local communities down there. They are trying to tap into the cruise-liner economy, and we should be supporting them in that. The Bundian Way will have significant potential in the future, and we need to help the Aboriginal community complete the work. The community has wonderful visions about the synergies that could operate off the Bundian Way, and we should support the significant potential in that part of New South Wales, particularly with the cruise-liner economy now opening up in Eden.

This inquiry took a number of submissions, heard from a number of witnesses, and had a number of site visits, where participants gave up their time to assist us. I place on the record my appreciation for the people who took the time to make submissions, to give verbal testimony or to provide information for committee members at our site visits. Without their valuable contributions this report would not be what it is. Those contributions informed significantly the views of the committee members.

I congratulate my fellow committee members. This committee was confronted and challenged but I do not think that the members took the easy way out. We have taken some pretty hard-line positions and we are all waiting to see the Government response in 26 weeks, or thereabouts, to these recommendations. I am hoping that the Government will take the same hard approach to meeting these challenges that we took in our recommendations. The last recommendation in this report was:

> That the NSW Government proclaim section 21AA of the *Fisheries Management Act 1994*.

I place on record that I have been a strong supporter of section 21AA of the Fisheries Management Act since it went through the Parliament in 2009. The fact that it is still not proclaimed is terrible. We should make sure that it is proclaimed, and we should make sure that it is done sooner rather than later. There are communities on the South Coast that want that piece of legislation proclaimed. Let us make that happen. That could be a very good start for the Government in addressing all of our 39 recommendations.

I express my appreciation to the committee secretariat. I am not one to sledge, bag and be a bit cheeky but we have had a bit of banter on our trips around New South Wales. One of the flights may not have been so comfortable for some of the committee secretariat staff who were with us. It did get a bit bumpy but it was not the worst flight I have been on—although it was probably in the grand final; it was pretty close. I thank the committee secretariat for putting up with me and for putting up with my fellow committee members. I send my appreciation to Hansard, who take down our drivel and make it look wonderful. Certainly, the transcripts support the positions we took in our recommendations. I commend this report to the House. It is a very good report for all of us to take note of.

Debate adjourned.

GENERAL PURPOSE STANDING COMMITTEE NO. 6

Report: Crown Land in New South Wales

Debate resumed from 13 October 2016.

The Hon. PAUL GREEN (17:33): A couple of members will respond to the report on Crown lands. It was my understanding that this report would not be able to be debated next time because the Government's Crown lands legislation would be on the table. A point of order could be taken that the debate would anticipate the coming legislation. However, if there is no issue in terms of the comments on the report, members can make their speeches today and conclude the debate in the coming weeks when the bill is on the table. I commend the report to the House.

The Hon. MICK VEITCH (17:34): The report by General Purpose Standing Committee No. 6, "Crown land in New South Wales" is a very good one. The committee spent significant time travelling across New South Wales looking at the administration of Crown lands in this State. I note that the Minister today gave notice of legislation that will come before this Chamber, presumably tomorrow, for a second reading. This committee heard significant evidence about the administration of Crown lands in this State. At the time that the committee was developing this written report the Auditor General's report into the leases and direct negotiation processes for Crown lands was also debated in this Chamber under Standing Order 57.

It would be fair to say that the Department of Industry—Lands and the administration of Crown lands have been put under the spotlight by this Chamber, and rightly so. There are a number of things that must change with respect to the administration of Crown lands in the State. This report makes a number of recommendations about how we can correct what is seen by many as maladministration of Crown lands.

The amount of Crown land is significant—more than 42 per cent of the State. The administration of Crown lands on behalf of the people of New South Wales is an important part of government. Governments of all persuasions for a number of years have been criticised for the way in which they have managed Crown lands. This committee travelled regional New South Wales. We went to the Shoalhaven—probably because the chair comes from there—Dubbo, Ballina, Newcastle and Gosford and took testimony from a number of witnesses. We have made 20 recommendations that we think will go a long way to improving the administration of Crown lands in New South Wales.

It should be noted that the Minister appeared twice before the committee. Usually a Minister comes with public servants at the commencement of an upper House inquiry to talk and answer questions about the whole-of-government submission to that inquiry. For this inquiry, the Minister for Lands and Water also made himself available at the end of the inquiry to address any matters that had been raised during the inquiry that the committee wanted rounding out or any loose ends that it wanted tied off. That is important. The Minister also provided a table mapping out what the new legislation would look like against the old legislation. That assisted the committee in some way to develop the recommendations.

The committee spent some time talking about the backlog of land claims under the Aboriginal Land Rights Act in New South Wales. As I said earlier, it is embarrassing for all of us in Parliament to have a backlog of 29,000 land claims that are not being dealt with expeditiously. I am not saying that they are not being dealt with; they are not being dealt with expeditiously. It is an imperative obligation upon this Chamber, and the other place, to make sure that we do something about that. It cannot continue to linger in the way that it has.

The committee also looked at travelling stock reserves [TSRs] and commented on the reserves and also made some recommendations. It is important to note that when people talk about TSRs, as members often do in this place, they are referring to travelling stock routes and travelling stock reserves. There are two elements. The reserves are where stock is fed, watered and held overnight. The routes are the paths or corridors along which stock walk. In Dubbo we heard some very interesting testimony from the group known as Combined Action to Retain Routes for Travelling Stock [CARRTS], which is a peak body that is interested in travelling stock reserve administration. The testimony was quite compelling; hence the committee's recommendations. The committee also heard testimony regarding staffing levels in the Crown roads unit and their impact on administration, particularly when Crown lands are being recommended for sale to a landholder and consultation with neighbours needs to take place. Crown roads often are referred to as paper roads in New South Wales.

The committee also heard evidence from recreational fishers who said they should be consulted because they often use Crown laneways to access waterways. While neighbours of Crown lands may not have a problem with a Crown laneway being sold, the Crown laneway may be utilised by a section of the community other than the immediate geographic farming community. Consideration must be given to ensuring that when the Government is considering disposal of Crown roads or paper roads in New South Wales, it ensures that the entire community is consulted in a manner that will guard against an unintended consequence of disposing of access to

waterways or other land areas. The Hon. Robert Brown spoke to me about fossickers using Crown laneways to access some fossicking areas in New South Wales.

The main issue raised in the inquiry concerned consultation and implementation plans of management. The phrase "meaningful consultation" was used hundreds of times during testimony and in submissions. The report includes case studies and one concerns the Bondi Pavilion, its plan of management, and the consultation taking place around the plan of management. I know the Hon. Walt Secord has a real interest in the Bondi Pavilion and in what is happening out there at the moment, but the main issue is equally relevant to other areas, such as King Edward Park. That plan of management ended up before the Land and Environment Court and was successfully challenged. Other plans of management concern land in the City of Sydney and places such as Dubbo. The way that plans of management are developed in consultation with the community, implemented by the bureaucracy and local councils as well as the best method for the development of plans of management were considered by the committee. The general view was that the local government processes around consultation for development for land controlled by local authorities was far superior to the processes enunciated in the Crown Lands Act.

I know that I cannot talk about the bill that may be before the House tomorrow; I cannot because I have not seen it. However, the Minister gave an indication that plans of management will be dealt with in that legislation. I am very keen to see how it is dealt with. Planning instruments around Crown lands are very important, and the community wants to have more consultation in the development of plans of management. They also want to have more consultation in how Crown land is leased or, if it is to be a sale of Crown land, they want a much greater say in how Crown land is treated. I think this report is a good prelude to consideration of Crown lands legislation tomorrow. It certainly provided committee members with opportunities to discuss with a range of participants their views about whether there is a need for a new Crown Lands Act. The committee heard a great deal of testimony suggesting that the Minister should make his second reading speech and let the legislation lie on the table of the House for a couple of weeks, or the Minister should at least circulate an exposure draft. It appears that neither will happen, which is a shame because just about every witness and every submission asked for that to happen. That is a matter for tomorrow's debate but I foreshadow that I probably will mention that in tomorrow's debate.

The report is a good one. It is the end product of a lot of work. The committee was well chaired by the Hon. Paul Green. I must say that the committee's deliberative process was probably one of the better ones I have participated in. We all sat around and, in a constructive manner, considered the recommendations that now appear in the report. I extend my appreciation to the committee's secretariat and to the Hansard staff for taking down my questions and comments, polishing them and making them look fantastic, which they do very well. I also thank all the participants—those who made written submissions, those who attended the hearings and those who assisted us with site visits. Their assistance informed our position considerably and always ensures that the reports of this House are both qualitative and quantitative for consideration by the Government. Everybody knows my views on the Legislative Council's committee system: I think it is outstanding. I look forward to the Government's response to the committee's recommendations. I do not think we will have to wait 26 weeks. I dare say that some of the responses will be delivered tomorrow. I commend the take-note debate and the report to the House.

The Hon. WALT SECORD (17:44): As the Deputy Leader of the Opposition in the Legislative Council and shadow Minister for the Arts, I am pleased to contribute to debate on report No. 4 of General Purpose Standing Committee No 6 entitled "Crown land in New South Wales", which was released earlier this month. At the outset I congratulate the committee on its deliberations, particularly my colleagues the Hon. Mick Veitch and the Hon. Peter Primrose for their forensic work in this area and for their longstanding commitment to protecting Crown land and ensuring that it remains for use by the community. My comments during this debate will focus on the Bondi Park Reserve, which includes the Bondi Pavilion community cultural centre—arguably one of the most well-known Crown land reserves in Sydney. The Bondi Park Reserve is under serious threat. It is the subject of a $38 million privatisation plan by Waverley Council, but thankfully it is also the subject of a community-based campaign to protect it from developers and the ideologically driven privatisers at Waverley Council. The community is united in its desire to protect and preserve this national icon.

I believe that the community will is so strong that one day we will see large-scale protests demanding that the Liberal-Nationals Government protect this national icon from the Government's local counterparts. Those marchers could be on the scale of the famous poo marches against the Greiner Government in the 1980s that demanded a clean-up of Bondi Beach. Members would be aware that I asked two questions without notice in the Legislative Council to the Government and to the Minister for Primary Industries, and Minister for Lands and Water about the Bondi Pavilion on 12 and 13 October. I now draw members' attention to the part of the committee's report that deals specifically with the Bondi Pavilion. The report highlights Bondi Pavilion as a unique case study that forms part of the committee's deliberations. The report notes that "the pavilion is home to countless activities, including dance, karate, pottery, soccer and yoga classes and houses a unique 220 seat theatre". The report spells

out its importance as a public asset that is used by all members of the community from all walks of life and of all ages.

Importantly, the report also notes that the Minister for Primary Industries, and Minister for Lands and Water is responsible as the trust manager of the Bondi Park Reserve, which includes the Bondi Pavilion's community cultural centre. The Waverley Council manages the affairs of the trust and is responsible for the care, control and management of the park on behalf of the Minister for Primary Industries, and Minister for Lands and Water. By way of background I inform the House that on 12 October I met a delegation from the Save Bondi Pavilion group to discuss their concerns about Waverley Council's privatisation plan for the pavilion. The delegation comprised Ms Nicolette Boaz, Ms Gemma Deacon, and Mr Paul Paech. The community's views on the need to protect this important icon are strong and heartfelt. The community is united against Waverley Council's privatisation plans. The message is clear: The Bondi Pavilion must remain in public hands, and out of the control of developers. Currently the Bondi Pavilion is the subject of a much-justified green ban, which should remain in place as long as the Liberals have their nasty privatisation plan afoot. We do not want to see the crass commercialisation by the local Waverley Council.

An Australian acting icon, Jack Thompson, AM, is on the record, and he said it all: "The Bondi Pavilion is not a retail centre. It's Bondi's community centre." Built in 1929, the Bondi Pavilion is a national icon that is listed on the New South Wales State Heritage Register. However, the Bondi Pavilion does not just belong to the Waverley Liberals: It belongs to the entire country. The community is fed up with the Liberals wanting to privatise our State's assets. Whether it is at the Federal, State or local level, the Liberals want to privatise our State's assets—from electricity assets to hospitals and now the Bondi Pavilion. The Save Bondi Pavilion group's aims are simple. They want the Baird Government to say no to Waverley Council's plan to commercialise the entire top floor of the pavilion, including the public balcony. They want the Liberals to say no to Waverley Council's plan to demolish the working theatre, plus art and pottery studios, and they want the Baird Government to say no to Waverley Council's plan to destroy the legendary Bondi Pavilion music studios. It is simple: Premier Mike Baird must stop the privatisation of Bondi Pavilion by the Waverley Liberals.

I also draw to the attention of members an advertisement published in today's *Sydney Morning Herald* buried on page 26. The advertisement says that Waverley Council is calling for the business community to come forward and put its business case for its plans to upgrade and privatise the facility. The quotation period ends on 2 November, so time is running out. There are many, many more privatisations I could refer to, but finally I would like to declare an interest. I love Bondi, I love Bondi Beach, I love its community and I love the community spirit there. I worked at Waverley Council as an executive assistant to then mayor, Barbara Armitage, in the 1990s. She was a stalwart against the nasty Liberals on Waverley Council. I also lived in Bondi for 15 years and smelt and felt the odious decisions of the Liberals on the council. They tried to privatise Bondi Pavilion in the 1980s. They wanted to make Campbell Parade the Miami Beach of Australia, but they were stopped. I make a final observation. I was on Bondi Promenade walking my partner's dog Honey, when a local came up to me and said, "Walt, do you know what this Liberal Party plan to put a glass box on top of Bondi Pavilion is like? It is like a two-star Las Vegas hotel-hostel on steroids."

The Hon. LYNDA VOLTZ (17:50): I speak in the take-note debate on the General Purpose Standing Committee No. 6 report into Crown land in New South Wales and start with recommendation 14:

> That the Minister for Lands and Water increase staffing levels for the Crown roads disposal program, increase the minimum time for publication of the proposal to dispose of Crown roads and consider methods to widen the scope of public notification so that a broader group of interested stakeholders are made aware of proposed land sales.

I am one of a number of members who have had communications from distressed landholders across the State who have not been able to access their properties because the Government has sold off Crown roads. It is fine for the Government to say that these landholders should have access to their properties, but the reality for some people is that they do not have access to their properties.

A good example of such a landholder is Brigid Guinan, who has been trying to resolve an access problem since 2014, I believe. In 2012 the Department of Primary Industries sold the Crown land over which she had access to her property from Jenolan Caves Road at Good Forest. This has meant that the only way she can gain access to her property is if she pays for the construction of a carriageway pursuant to schedule 4A of the Conveyancing Act 1919. At the time the department wrote to the purchaser of the Crown land to say that there was an agreement to purchase the Crown road at Good Forest, noting that the Guinans did not object to that agreement. Nothing could have been further from the truth, but by the time they became aware of the impact of that agreement, it was far too late to do anything about it. Essentially, this agreement has denied the Guinans access to their property.

This is an example of the huge problem caused by the cavalier fashion in which Crown lands are handled by this Government. The handling of Crown lands has had a huge impact not only on big venues across the State,

such as Bondi Pavilion and Parramatta swimming pool which is soon to be torn down, but also on small landholders in rural communities, who have had access to their land denied because this Government has taken a wholesale approach to identifying Crown land as excess to the State's needs without having a real understanding of the importance of that land in the regions. This has resulted in the Government selling off that land without consultation. The sale of this land is distressing for people like the Guinans, who for years have tried to find a solution to their problem. I urge the Minister to look at this problem. I have written to the department a number of times on behalf of the Guinans, and I know my parliamentary colleague the Hon. Mick Veitch has also written to the department a number of times, in an attempt to get a resolution to this problem but to no avail. The report before us on Crown land therefore recommends that the Government makes a number of changes to the way Crown land is handled.

I return now to Parramatta pool, which I have raised previously in this Chamber. Parramatta pool is on Crown land and it is being ripped up to build a stadium. No-one has a problem with a stadium being built, but it was not made clear in the latest report on this development put out by the Government that there is also a proposal for a 500-space car park to be built on this Crown land on the other side of the stadium. In fact, the stadium could be built within the current confines of the land owned by the Government, but the reason the pool is being ripped out is to erect a building that will house 20,000 square metres of commercial enterprises and increase the number of car spaces. This building will be erected on parkland and the plans also detail an access road for the car park that will be built on this parkland and will cut through the training fields. All this development will be on Crown land and yet there has been no consultation about it. This development will spell the end of one of the oldest public parks in Australia.

The Minister has often stated that the Government will change the way it does things and consult with people, but in the case of Parramatta pool this is not true. This Government has shown it has no regard for what the people of Parramatta want. In fact, when the pool is ripped out the 150 car spaces belonging to the pool will be lost, but the Government maintains this is alright because it is giving City of Parramatta Council permission to build a public pool on parkland on the Mays Hill part of Parramatta Park. That means that Mays Hill, which has always been open grassland forming important view corridors to Old Government House, will become the site of a large swimming complex with car parking. Frankly, this solution is not good enough.

This Government needs to take Crown land seriously, because once the State divests Crown land that land cannot be bought back. Crown land is an important future asset for the growth of New South Wales. It does not take a genius to realise that Sydney will grow by about two million people within the next couple of decades and land will be needed for the development of new hospitals, schools and other facilities for these additional residents. There will also be the need for open corridors as residents will be living in medium- and high-density housing and will rely on parklands for recreation.

I commend the members of the committee for this report, but I urge the Minister to take the report's recommendations into account. I believe new legislation will be introduced into this Chamber tomorrow, but none of us has seen the legislation and neither have we been consulted about it. It is unfortunate that the Opposition did not get a copy of the draft bill because that means we cannot weigh it up against the findings in this report before we debate the bill. This decision of the Government is consistent with other decisions it has taken and shows the Government's preference for a lack of transparency in scrutinising bills. We believe a far better option is not to operate in secret. If the Government does not like being questioned on its actions, it might consider that circulating draft bills for discussion may be a good thing. I commend the report to the House.

Debate adjourned.

Bills

HOUSING LEGISLATION AMENDMENT BILL 2016

Second Reading

Debate resumed from an earlier hour.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (18:00): Earlier in my reply I was indicating that the Housing Legislation Amendment Bill 2016 enables the transfer to occur automatically so that tenants will not have the burden of making the change happen. Personal information will be treated in accordance with existing privacy policies and procedures. An existing contracting and compliance framework, in tandem with the National Regulatory System for Community Housing, will ensure that community housing providers deliver high-quality services for new tenants. Importantly, community housing tenants are eligible to receive Commonwealth Rent Assistance, a resource that is not available to the State. The extra income available from tenants to community housing providers will support better services for tenants and allow greater investment in properties. To build a social housing system that breaks disadvantage

and encourages independence, we all need to work together to create a sustainable and responsive social housing system. This bill will help achieve that objective for New South Wales.

Ms Jan Barham raised two questions which I will respond to briefly. First, she wanted to understand what the benefit of a long-term lease was and how having a long-term lease would assist service providers in being able to obtain funding from their banks to further grow their capacity. The simple answer to that is that leases of 20 years were found in a study by Deloitte Australia to be sufficient to provide incentive for those organisations to invest in maintenance of the property but also to allow them to obtain sufficient funding from their banks—in other words, it is security of tenure through those long-term leases that gives confidence to a bank when looking at the income that will be obtained by these organisations. Put simply, going into a bank and saying, "I wish to borrow money in relation to a business for which I have a lease of one year," is very different to being able to say, "I have a lease of 20 years." Furthermore, it allows service providers to invest in the continual maintenance and upgrade of those properties and to use that initial funding.

Secondly, Ms Jan Barham asked about safeguards. All successful organisations will have to comply with all of the elements of the National Regulatory System for Community Housing and will be assessed against the National Regulatory Code that sets out the performance requirements registered housing providers must comply with. The successful tenderer applicants will need to enter into a contract to meet program objectives and deliver client outcomes and will be subject to a very strict monitoring and reporting regime. This will ensure that quality housing services are provided to social housing tenants and their rights are safeguarded in accordance with relevant legislation and policy frameworks. This is not about allowing private sector organisations that do not provide community housing and cannot meet the high standards of the national law, including its regulatory code, to register. Only organisations that register as community housing providers will be allowed to take on management of public housing properties. I will deal with the matter raised by the Hon. Adam Searle in the Committee stage. 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 (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole.

The Hon. ADAM SEARLE (18:05:1): I move Opposition amendment No. 1 on sheet C2016-095:

No. 1 **Local registration scheme**

Page 4, Schedule 2 [2], proposed section 25A. Insert after line 26:

(5) The Minister, in establishing a local registration scheme, is to ensure that the registration authority must:

(a) when determining whether to register an entity under the scheme—have regard to the reasons why the entity was unable to be registered under the Community Housing Providers National Law (NSW); and

(b) if the registration authority determines to register the entity under the scheme—publish those reasons in the Gazette.

As outlined in my contribution to the second reading debate, we accept and understand the rationale in the bill about permitting registration under the local scheme when service providers are unable to be registered under the Community Housing Providers National Law (NSW). The example given is essentially where they are prevented by their legislative charter from so doing, but that is not a complete answer to the situation in which a community housing provider may be denied registration under the national law, so the Opposition proposes this amendment to ensure that the registration authority, when determining whether to register an entity under the local scheme, must have regard to the reason the entity was unable to be registered nationally. We think that is an additional and necessary safeguard. People in social housing are some of the most vulnerable in our community, and we need to ensure that, when there is registration under the local scheme to be developed under this legislation, there is a little prompt in the mind of the Minister to have regard to why that organisation was not able to be registered under the national law.

Let us hope that all of them fall into the category of simply being prevented by legislation from so doing. That is an easy answer. In that situation, the Minister would do a quick check and move on. This amendment does not provide a barrier; it just provides a procedural safeguard requiring the Minister to have a think about it. We know that there can be providers in all manner of service areas which do not have good track records, and if that happens in the community housing sector—and I am not saying it will or it does—that is something a Minister

should have regard to when considering whether or not to register a body under the local scheme. We do not want a situation where unscrupulous providers evade registration under the national law and try to sneak past under a State or local scheme. The Opposition does not think that will happen but it is a possibility, and we simply say, "Please embrace this amendment." It does not stop the Minister from registering under a local scheme any service provider; it just says, "When asked to register someone under the local scheme, the Minister has to think about why it is that they could not be registered under the National Law."

That is the only requirement. It is minor and very modest, but it provides a small, powerful and important safeguard for some of the most vulnerable persons in our community. The Opposition cannot see any good reason that a prudent Government dealing with important social assets—not just economic assets but social assets important to the social fabric and diversity of our society—would not take this small step to have this extra thought process in deciding whether or not to register a body under the local scheme. We think the case for this amendment is unanswerable, but no doubt the Minister will, in his usual detailed and thoughtful manner, give a cogent and rational reason for why this Government is unable to embrace a sensible and progressive suggestion offered in good faith by those on this side of the House trying to engage constructively with the legislation before the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (18:09): The Government does not support Opposition amendment No. 1. This issue is covered under the practice of the community housing registrar. Community housing providers are generally expected to register under the national scheme. Therefore, if a provider requests to register under the State scheme, the community housing registrar will automatically seek the reasons for that request. It happens automatically. Any provider registered under the State scheme will be subject to the same enforcement provisions as those imposed on nationally registered providers. In relation to the publication of information—the second part of the amendment—the registrar already provides an annual report, and that would include reference to any determinations to registered providers made under the State registration scheme. Put simply, this amendment is unnecessary; it would create further regulation, red tape and delays in registration. The community housing registrar takes care of these matters.

The Hon. PAUL GREEN (18:10): While I empathise with the Hon. Adam Searle's modest amendment, the Christian Democratic Party notes the Government's reply. This amendment will probably create more red tape. The registrar will seek reasons for qualification or disqualification.

Ms JAN BARHAM (18:11): The Greens support the Opposition's amendment. It is of great concern that this bill does not provide broader accountability. I believe that my comments in the second reading debate were misrepresented by some members. I understand why the leveraging of housing stock is important and why long-term leases are required. However, we need transparency with regard to the decisions made and the opportunities realised. As I said, The Greens are concerned about the entities and whether or not this might be the start of a slippery slope towards privatisation of social housing. We cannot see what is happening. We have not heard from the Government that it understands that this is a once-in-a-lifetime opportunity to deliver better outcomes in social support services and leveraging to deliver more homes for the most vulnerable and disadvantaged people in the public housing sector and in the community housing sector.

The local registration scheme should be open and transparent. We must understand how the community housing providers' lack of ability to gain registration has occurred. Why is there a problem? If that is a consideration, the reasons should be published and made known to everybody. I understand that some of these issues will be addressed in the regulations. I hope the regulations will fully articulate how the processes will work. While The Greens support the process that this very slim bill commits to, we hope that the local registration scheme will deliver the accountability required to ensure we can monitor the progress of this transfer of public housing stock to community housing, and that nothing goes wrong. This must not be a lost opportunity.

The Hon. ADAM SEARLE (18:14): I thank members for their learned contributions to debate on this amendment. With respect, the Government simply cannot have it both ways. The Minister said that the amendment is not necessary because the registrar does this anyway. However, in the next breath he said that this amendment will impose some kind of onerous red tape burden that will draconically slow down the process of registration. What nonsense. If the Government accepts that this process needs to take place—and it claims it already does—there is no harm in adopting this amendment.

I ask the Minister to point out the legislative mechanisms by which this process already takes place. I want to know chapter and verse, section and paragraph. I am not aware of it, but I am the first to admit that I am not an expert in this area. That is why the Opposition has moved this amendment to put the matter beyond doubt. If the Minister cannot give the Committee chapter and verse about the legal requirement for this process to take place in every case then members should support the amendment. It would do no more than ensure that the process

the Minister said already takes place in fact does take place. It cannot add one iota of regulatory burden on the process because he says it already happens.

The Hon. PAUL GREEN (18:15): I would like to respond.

The Hon. Adam Searle: I was not talking to you, Paul.

The Hon. PAUL GREEN: I know. However, I want to clarify that I did not obtain my advice from the Minister; I obtained it from the department, which has its finger on the pulse. I have confidence in that advice and that it will be as the Minister has stated.

Ms JAN BARHAM (18:16): I want to clarify something I said about why the transparency that this amendment provides is so important. I heard what the Minister said, but he has not provided any clarity about how the process works now. I have spent a lot of time lodging Government Information (Public Access) Act [GIPAA] applications to get information. Are we expected to go through the GIPAA process to get information? The clarity that is needed when we are looking at transferring $22 million—

The CHAIR (The Hon. Trevor Khan): This amendment deals with registration of authorities and the member is not addressing that topic. I invite her to speak to the amendment and not to give what is essentially a second reading speech.

Ms JAN BARHAM: Can the Minister clarify the statement he made about this process being about red tape and a process that already happens? Can he also explain how it happens and how the public can access that information? It would appear that this amendment provides a means by which information can be made available that would not require other mechanisms to be used. If I am incorrect in my interpretation of his response, I would appreciate clarification.

The CHAIR (The Hon. Trevor Khan): The Leader of the Opposition has moved Opposition amendment No. 1 on sheet C2016-095. The question is that the amendment be agreed to.

The Committee divided.

Ayes 15
Noes 20
Majority.....5

AYES

Barham, Ms J	Buckingham, Mr J	Faruqi, Dr M
Field, Mr J	Graham, Mr J	Mookhey, Mr D
Moselmane, Mr S (teller)	Pearson, Mr M	Primrose, Mr P
Searle, Mr A	Secord, Mr W	Sharpe, Ms P
Veitch, Mr M	Voltz, Ms L	Wong, Mr E (teller)

NOES

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

PAIRS

Donnelly, Mr G	Cusack, Ms C
Houssos, Ms C	Gallacher, Mr M

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. JOHN AJAKA: I move:

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

Motion agreed to.

Adoption of Report

The Hon. JOHN AJAKA: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. JOHN AJAKA: I move:

That this bill be now read a third time.

Motion agreed to.

JUSTICE PORTFOLIO LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2016

Second Reading

Debate resumed from 12 October 2016.

The Hon. LYNDA VOLTZ (18:28): I lead for the Opposition on the Justice Portfolio Legislation (Miscellaneous Amendments) Bill 2016. This will be a very short speech because the Opposition does not oppose the bill. The object of the bill is to make miscellaneous amendments to a number of Acts. As the Parliamentary Secretary has already summarised the miscellaneous amendments, I will not go into them in great detail. However, I note that in regard to the Bail Act and the Bail Amendment Act these are minor, clarifying amendments that do not unfairly impact upon people seeking bail.

Regarding the Crimes Act, it creates a limitation period of 12 months in which proceedings can be commenced for a breach of section 308H, the summary offence of unauthorised access to or modification of restricted data held in a computer. It also removes various attempt and conspiracy charges from the original jurisdiction of the Supreme Court. Regarding the Crimes (Sentencing Procedures) Act, it restates the maximum Local Court sentencing jurisdiction for aggregated matters. Regarding the Criminal Procedure Act, the bill provides a means of replacing a judge in criminal jury trials if the judge cannot continue. It clarifies issues relating to proceedings concerning sexual offences. It extends the child sexual offence evidence pilot, and it clarifies the role and qualification of children's champions.

Regarding the Surveillance Devices Act, it enables law enforcement officers to use video cameras in the conduct of a search or inspection that is permitted without a warrant, and it provides that law enforcement officers may use video cameras in the execution of search warrants issued under schedule 2 of the Law Enforcement (Powers and Responsibilities) Act or the covert search warrants provisions of the Terrorism (Police Powers) Act. Many of those proposals have originated from stakeholders, including the New South Wales Bar Association and the Law Society of New South Wales, which are well placed to give this type of advice. The Opposition does not oppose the bill.

Dr MEHREEN FARUQI (18:30): On behalf of the Greens, I speak to the Justice Portfolio Legislation (Miscellaneous Amendments) Bill 2016 and indicate our support for it. The bill is the new courts and crimes-type bill with minor and non-controversial amendments to a number of pieces of legislation relating to the courts and justice. Schedules 1.1 and 1.2 of the bill make a number of amendments to bail. Breaches of supervision orders are added as a factor in the unacceptable risk test. The bill also implements a recommendation of the Hatzistergos review that people with previous failures to appear before a court face the "show cause" test to be granted bail, which is a higher standard than the "unacceptable risk" test that is currently applied. We note our ongoing concerns with how bail is operating in New South Wales, particularly the continued growth in the bail population. It is worth noting that almost 40 per cent of Aboriginal people who are refused bail do not get a custodial sentence following their final court appearance. It is clearly beyond the scope of this minor amendment, but something must be done about bail in New South Wales.

Amendments to the Children's Court Act will allow an adult co-accused to be joined in committal proceedings in the Children's Court, which means that the victim would be required to give evidence once only. We support this sensible change. Schedule 1.6 allows courts to decline to set non-parole periods as long as the sentence is at least as long as the non-parole period that would have been set. This clarification was requested by

the New South Wales Law Reform Commission. A change is also made that allows the Local Court to impose aggregate sentences of up to five years. Amendments to the Criminal Procedure Act will make it possible to replace judges of the District Court or Supreme Court if they become ill or die during a jury trial. This is a sensible measure to stop trials having to be abandoned and recommenced, with the increased trauma and uncertainty that this involves.

Schedule 1.7 [2] and [3] require the court to be closed when evidence by a sexual assault victim is given by video recording. Currently this only applies when evidence is given in person or by video link. Given the intensely personal nature of such evidence and the need to protect the victim as much as possible, we strongly support this change. Further amendments implement changes from the child sexual evidence pilot scheme, which make it easier for kids to give evidence, including having the presence of Children's Champions. The changes mean that tertiary qualified teachers can be Children's Champions, which is expected to increase the number of eligible Aboriginal people who can undertake this role. The pilot scheme is expanded to include all child witnesses and child sexual assault trials that also involve other offences. This is to ensure that children get a fair hearing in the courts and that the process is not unduly traumatic for any of the children and young people going through it. This pilot scheme is an excellent project and we commend the Government for the expansion of the program.

Schedule 1.14 makes amendments to the Statutory and Other Offices Remuneration Act 1975, which allows judges to salary sacrifice a living away from home allowance when assigned to rural locations. It also clarifies that acting judges can be paid in that role if they are still finalising matters after their appointment expires. Following recommendations from the NSW Civil and Administrative Tribunal [NCAT], and in consultation with Fair Trading, changes are proposed to the Strata Schemes Management Act to allow owners corporations to bring proceedings for recovery of expenses in the NCAT or a court. Those amendments seem to be sensible and uncontroversial in nature. The bill also contains a number of amendments to allow police to use video cameras when they undertake searches to verify the residence of registrable persons, searches under the Firearms Act, entry to buildings under the Restricted Premises Act or the Terrorism (Police Powers) Act, and search warrants under most other Acts. This change was recommended by the office of the NSW Ombudsman and we do not oppose it.

The Hon. PAUL GREEN (18:35): On behalf of the Christian Democratic Party I speak to the Justice Portfolio Legislation (Miscellaneous Amendments) Bill 2016. I note that there are quite a few small adjustments but none of them seems contrary to the spirit in which it was introduced. We support the bill.

The Hon. DAVID CLARKE (18:35): On behalf of the Hon. John Ajaka: In reply: I thank members for their contribution to the debate. The bill contains amendments to clarify criminal procedure and improves the operation and efficiency of legislation affecting the courts and other justice cluster agencies. They arise from the regular review of the courts and crimes legislation and other legislation impacting the justice cluster. I thank all stakeholders who have contributed to the development of this bill, in particular the heads of jurisdiction, the New South Wales Bar Association, the Law Society of New South Wales and various government agencies. The amendments contained in the bill will assist agencies within the justice cluster to carry out their functions more effectively and efficiently.

The bill includes amendments to improve the child sexual assault evidence pilot, which commenced in March 2016, as part of the election commitment by the Government to reduce trauma to children during trials for child sexual assault by pre-recording their evidence and using Children's Champions to help them communicate their evidence. This pilot is designed to reduce traumatisation of children in court and to ensure that the most vulnerable members of our community are better supported. The pilot will be evaluated at both an interim stage and at its three-year conclusion. Additional amendments will enhance existing safeguards for victims of sexual assault—children and adults—when giving their evidence. The bill will also address gaps and anomalies in bail laws.

Further amendments will improve criminal procedure and law enforcement, ensure entitlements for judicial officers are fair and transparent, improve efficiency in court procedure, improve the operation of the Legal Profession Uniform Law (NSW) and make technical adjustments to sentencing procedure. Together these miscellaneous amendments will update and improve the operation of our justice system in New South Wales. 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. DAVID CLARKE: 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.

MR MURRAY KEAR AND INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. TREVOR KHAN (18:38): Well before entering Parliament I was a strong believer in the importance of the Independent Commission Against Corruption [ICAC] in New South Wales. The ICAC has undertaken a number of well-known investigations that have demonstrated that corrupt practices have been and continue to be blights on the good governance of this State. Nevertheless, at times one must question whether all decisions made by the ICAC are correct. In recent times, one of those decisions related to the investigation and subsequent prosecution of Mr Murray Kear. I note that in dismissing the criminal charges that were brought by the ICAC against Mr Kear as a result of its investigation and findings, Magistrate Greg Grogin said at paragraph 113 of his findings: I find that there were many factors behind the dismissal of Ms McCarthy by the Defendant. The inability of Ms McCarthy to assimilate into, co-operate within and lead the SES was, I find, the primary and substantial reason for her dismissal by the Defendant. I am satisfied that the Defendant did not dismiss Ms McCarthy as a reprisal, substantial or otherwise, for her making public interest disclosures. I find that there was no element of revenge, pay-back or retaliation against Ms McCarthy by the Defendant.

It is, frankly, difficult, if not impossible, to reconcile the report of the ICAC with the finding of the magistrate. Of even greater note is the fact that the magistrate not only dismissed the charges against Mr Kear but also made a costs order against the Director of Public Prosecutions [DPP], which had taken over the prosecution. As many would be aware, the statutory provisions governing the making of costs orders against a prosecuting authority is a very high bar indeed. Nevertheless, the magistrate, in making the order for costs stated:

> I accept that the reversal of the onus created a situation where the applicant—

that is, Mr Kear—

> had a positive obligation to prove matters on the balance of probabilities, however the initial assessment of all available evidence and subsequent decision to prosecute was, in my opinion, contrary to the substance of the overall evidence.

He went on:

> The prosecutor submits at [24] that the matter is one of "significant public interest". The public interest is that matters are only pursued in appropriate circumstances. The interests of the public administration of justice are founded on proper consideration and evaluation of all evidence in any one matter before any prosecution in commenced. The existence of "significant public interest" is not a substitute for the proper administration of justice.
>
> I find that the proceedings were initiated without reasonable cause. I find that the failure of the prosecutor to disclose the interviews to the applicant was improper. I find that this exception has been established.

All these matters are, of themselves, matters for serious concern, however recent events raise further questions. Recently, Mr Kear obtained employment with the Temora Aviation Museum. Let us be clear, that is private employment that he has obtained after the wealth of publicity, a lot of it adverse, that flowed both from the proceedings before the ICAC and then from the proceedings before the Local Court. In consequence of his obtaining this employment an article appeared in the *Temora Independent* on 7 October 2016. The article was entitled, "High Flyers on Board—Leadership Changes for Temora Aviation Museum". Following that article, the Manager, Communications and Media, for the ICAC wrote to the *Temora Independent,* and a letter to the editor appeared in the paper under the manager's name. That letter to the editor read in part:

> The statement in the story that Mr Murray Kear "was found innocent of all corruption charges" is misleading.
>
> Mr Kear was acquitted of a charge of taking detrimental action in reprisal for a person making a public interest disclosure.
>
> The corruption findings against Mr Kear for deliberately failing to properly investigate allegations against Mr Steven Pearce and for dismissing deputy commissioner Tara McCarthy from her employment within SES, substantially in reprisal for making allegations about the conduct of Mr Pearce, still stand.

The ICAC is now writing letters to the editor of the *Temora Independent.* Really? I say again that it is difficult, if not impossible, to reconcile the findings before the ICAC with the findings and costs orders of Magistrate Grogin. I have no doubt that the communication made by the Manager, Communications and Media, for the ICAC would have only been undertaken with approval. If this is so, I ask: What is the motivation for further pursuing Mr Kear now? Surely, having launched criminal proceedings against Mr Kear and having had those proceedings dismissed, with costs, it is time for the ICAC to stop and reflect.

HOSPITAL PUBLIC-PRIVATE PARTNERSHIPS

The Hon. DANIEL MOOKHEY (18:43): Six weeks ago the Minister for Health announced plans to privatise five public hospitals in the regions: Maitland, Wyong, Goulburn, Bowral and Shellharbour. These are the hospitals the State Government said would be upgraded using the moneys raised by flogging off the States' poles and wires to the highest bidder. What the Liberal-Nationals Government did not say was that its upgrade plans were conditional, that is, the only way Maitland, Wyong, Goulburn, Bowral and Shellharbour hospitals would be upgraded was if those hospitals could then be sold to the highest bidder. No-one was told before the last State election; no-one was told before the Federal election. Instead, a stealth announcement—casually mentioned during Question Time in the other place—heralded the arrival of Americanised health care in New South Wales. That is a system in which profits take precedence over patient care.

This Government has form when it comes to privatisation and contracts. In July this year it was revealed that when selling the Port of Newcastle this Government deliberately stunted the port's growth. It permanently capped the number of container movements allowed in and out of the Port of Newcastle in order to protect the Port of Botany from competition. This decision was so bad that it achieved an impossible feat: it caused the head of the Australian Competition and Consumer Commission—no economic wet—to label privatisations a failed policy. Yet the Baird Government still says, "Trust us when it comes to privatisation. Trust us when it comes to privatising hospitals."

We know how this story ends. Take the Liberal-Nationals privatisation of Port Macquarie Hospital. A Liberal-Nationals Government signed a contract which saw the Government pay the capital costs for Port Macquarie Hospital twice. It then gave away the land, hospital and hospital licence to a private company at the end of the 20-year contract. What is the Liberal-Nationals Government's rationale for hospital privatisation? It ignores the human cost and tells us that the hospitals are a good area for competition reform. Yet a Productivity Commission report found that, overall, public hospitals in New South Wales were more cost effective than were private hospitals. The Parliament's Public Accounts Committee found no significant improvement in the operational costs of patient care when the Liberal-Nationals privatised Port Macquarie Hospital in the 1990s. An independent McKell Institute paper found that hospital privatisations result in loss of staff morale and expertise, a decline in patient care quality and in private hospitals picking and choosing to provide only the most profitable services, leaving the public sector to pick up the pieces.

What does this mean for regional hospitals? The next question is: Why is this Government specifically targeting regional New South Wales? The answer to this in part comes from the McKell Institute report. The report found the regional hospitals are typically more expensive to operate than are metropolitan hospitals. The Government knows this, but rather than accepting a universal care standard—where every citizen is guaranteed an equal level of care—the Liberal-Nationals Government wants to set one standard in the city and another in the regions. The sad reality this State faces is that it will not stop here. If the Liberal Government can announce an ambush privatisation in Maitland, Wyong, Goulburn, Bowral and Shellharbour, it can go further. It can privatise hospitals like Tamworth Base Hospital and Broken Hill Hospital as well.

At Broken Hill Hospital, semi-urgent surgery waiting times have deteriorated by 30 per cent in the last 12 months. At Tamworth Hospital 2,897, or more than a quarter of all patients, had to wait four hours or more to receive emergency treatment. At Dubbo Base Hospital median waiting times in every surgical category measured were worse than the State average. These hospitals need more investment, especially more operational investment. There are too many stories coming from hospitals like Tamworth about beds left vacant and patients left unattended because there are not enough nurses, doctors and technicians on staff—paid for from the operating budgets—to care for them. These cities are now all anxious that they too will be given the take-it-or-leave-it offer made to the people of Maitland, Wyong, Goulburn, Bowral and Shellharbour: "If you want an upgraded hospital, fully staffed, agree to hospital privatisation". My message to the Government is simple: come clean and guarantee no more hospital privatisations in regional New South Wales

ANIMAL WELFARE

The Hon. ROBERT BROWN (18:48): I speak tonight on urgent matters of animal cruelty. Honourable members will be shocked to hear of a $100 million industry that slaughtered 40,206 innocent animals in the period 2014 to 2015—30 per cent of animals under their care. Unlike the so-called animal wastage allegations directed towards the greyhound racing industry in the now discredited McHugh report, these statistics are not a matter of conjecture or guesswork; they were released by the organisation in question. This particular organisation is reportedly subject to a review headed by Victoria's former Chief Police Commissioner Neil Comrie into "perceived conflicts of interest" in its relationship and operations with government. A recent Western Australian parliamentary inquiry reached pretty much the same conclusions.

I am speaking, of course, of the RSPCA, the Royal Society for the Prevention of Cruelty to Animals. Once a well-respected charity, it has now become overzealous, drunk on power, and dominated by animal liberationists who put the so-called rights of animals ahead of human rights. The 40,000 animals slaughtered by the RSPCA last year surprises me, especially because a figure of similar magnitude was cited as the rationale for banning greyhound racing. The RSPCA's operations have long concerned me, and I am sure of late it has been concerning the RSPCA as well. Nationally, the RSPCA reported a $9.34 million loss in its latest financial statement, despite its charity status and the tax concessions that come with it. The cynic in me wonders whether its vocal support of the greyhound racing industry ban was aimed at raising its profile and bolstering the nearly $18 million in donations, bequests, and government grants the RSPCA received last financial year. However, my concern is not merely financial but is related to how this organisation plays judge, jury and executioner in New South Wales with respect to animals. As mentioned, those matters have been examined in Western Australia and Victoria and should be examined by an inquiry in this jurisdiction.

I cite one example. In July 2007, a 73-year-old farmer in Pilliga, Ruth Downey, had 48 cattle shot by RSPCA inspector Garry Ashton and his team, who argued that the cattle were emaciated. Ms Downey has been embroiled in a long legal battle to clear her name ever since. Blood tests proved that her cattle were not underfed and she was following government feeding advice. What I want members to consider is the exchange between Ms Downey and Inspector Ashton. Inspector Ashton is quoted as saying during his visit to Ms Downey's farm in 2007, "What do you want the RSPCA to do for you?" Ms Downey replied, "Well, you could buy me a load of hay." Ashton's response was, "We used to do that but we don't do it now because we haven't the funds."

An organisation with the power of judge, jury and executioner in this State cannot be allowed to summarily execute animals because it is in the organisation's financial interests rather than provide support that the public demands and deserves. The fact that the RSPCA is actively campaigning against the continuation of the greyhound racing industry but is granted a seat at the table by Premier Mike Baird to examine the greyhound racing industry's future regulation is ridiculous, and it is fraught with danger. Such an appointment surely raises community suspicions that the Baird Government's reversal of the greyhound racing ban may turn out to be a disingenuous public relations exercise—killing the industry slowly by other means. Irrespective, what remains certain is that the RSPCA has overstepped its role and it needs reining in. It can be either a policing body for animal welfare or a campaign house, but it cannot be both. We urgently need an inquiry into the RSPCA in New South Wales.

HUNTER REGION DEVELOPMENT

Mr SCOT MacDONALD (18:52): Have you been to the Hunter Valley lately? There is an important transformation underway north of Sydney. Many people are used to thinking of Newcastle and the Hunter as that place where BHP used to make steel. If they have not visited for a while, there may be lingering memories of a city slowly crumbling and long past its glory days as a mining and steel manufacturing hub. Last week the Hunter turned a corner. At an extraordinary meeting of the Newcastle City Council, the majority of councillors stepped across the political divide and voted to develop the old city rail corridor.

It is not the first major planning decision by Newcastle. The council had undertaken other smaller projects and the New South Wales Government collaborated with the council to start a light rail system down Hunter Street. The significance of this vote is that councillors showed they can think like a major urban government rather than a Trades Hall subcommittee. As expected, The Greens tried to stop progress and the Labor member of Parliament for Newcastle, Tim Crakanthorp, who is also a councillor, failed to show any vision or leadership. But the majority, including Liberal, Labor and Independent councillors refused to see their city held back any longer. The future of the closed corridor includes a range of housing types.

Mr Jeremy Buckingham: Point of order—

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! It is unusual for a member to take a point of order during an adjournment debate speech. What is the member's point of order?

Mr Jeremy Buckingham: Mr Scot MacDonald has referred to a member in the other place not by his correct title.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! If that needs to be corrected, Mr Scot MacDonald is invited to correct it.

Mr SCOT MacDONALD: Tim Crakanthorp, the member for Newcastle. As I was saying, the future of the closed corridor includes a range of housing types, a potential extension of the University of Newcastle campus, public space and additional access to the port foreshore. Following Premier Mike Baird's announcements last month of $13 million towards a cruise terminal for the port, an $18 million innovation hub jointly funded by the State Government, the Newcastle City Council, the University of Newcastle, Newcastle NOW and Hunter DiGiT,

and a five-year agreement supported by Destination NSW to host the Supercars racing around the streets of east Newcastle, the Hunter is on a high. The reactivation of Australia's largest regional city is underway with more than $500 million of State investment in light rail and urban renewal. Confidence is reflected in the $2 billion worth of apartments being built or planned in Newcastle.

The other defining event for the region was the launch by New South Wales planning Minister, Rob Stokes, of the 2036 Hunter Regional Plan. The Hunter is the largest regional economy in Australia—bigger than Tasmania, the Northern Territory or the Australian Capital Territory. Its success is integral to the fortunes of New South Wales and the country. The Hunter will continue to be a resources powerhouse, but its economy is broadening to include a strong future in defence, agribusinesses, health and medical research, education, creative industries and tourism.

The population of the wider Hunter region is expected to reach nearly 900,000 over the next 20 years. There will continue to be strong growth in centres such as Maitland, Lake Macquarie and Raymond Terrace. Unquestionably, challenges lie ahead that must be met. While unemployment in the Hunter is now down to State and national averages, youth unemployment remains too high. There are pressures on habitat, including koala refuges. Domestic violence figures are stubbornly high in some Hunter communities. But without doubt the Hunter is emerging as a premier place in which to live and work. It has unique features with its beaches and wine country, it does not have capital city congestion, it is affordable for families, and it has a great sense of community. It is about time to revisit the Hunter after all the great work done by the Coalition Government.

MULTICULTURAL AND INDIGENOUS MEDIA AWARDS

The Hon. SHAOQUETT MOSELMANE (18:56): I am proud to report to the House on the success of the fifth annual Multicultural and Indigenous Media Awards [MIMA] that were held last Friday night, 14 October 2016. The MIMA celebrate journalists who strengthen multiculturalism and reconciliation every day, and recognises the importance of non-English language as well as Indigenous media. Many people may be unaware that multicultural media predates Australian Federation. The first dual-language newspaper was *Die Deutsche Post* in Adelaide from 1848. As with many subsequent multicultural news organisations, *Die Deutsche Post* began as a conduit for overseas news before slowly balancing out with local news content and eventually evolving into an important voice for many migrant communities.

Multicultural and Indigenous media organisations serve to tell two Australian stories. In the case of the *Die Deutsche Post*, it is the story of immigrants and the communities they form in their new Australian home. Even as those organisations have been historically viewed with suspicion, they have continued a firm tradition of telling the story of each community and adding to our diversity. Equally, there are Indigenous and Aboriginal news organisations that tell the other Australian story—the story of the First Australians whose narrative stretches back 60,000 years. Since Indigenous-dedicated services have developed, great strides have been made in promoting the issues facing Indigenous communities, and that often places them at the forefront of the mainstream agenda. Before the establishment of MIMA, there was no standalone award that gave specific consideration to multicultural and Indigenous media outlets.

I was and remain very proud to have been the founding chairperson of the MIMA and I hope that the awards continue to thrive well into the future. At this year's awards ceremony, we were very lucky to have a welcome to country by Linda Burney, MHR, who is the new member for Barton—the first Aboriginal woman in the Australian House of Representatives and the current shadow Minister for Human Services. We were also honoured to have many State parliamentarians and local government colleagues, who attended in support of multicultural and Indigenous media. I acknowledge our proud sponsors: the Arab Bank Australia, the Atax Financial Group and the Grand Roxy in Brighton-Le-Sands without whose support the event could not have been held. I thank the Consul General of Pakistan in Sydney, Mr Abdul Majid Yousfani, and his Vice Consul General, Ms Bushra, Salam for attending.

I thank our keynote speaker, the Australian Race Discrimination Commissioner, Dr Tim Soutphommasane. His address stressed the importance of community solidarity in the face of opposition against immigration, against multiculturalism and against cultural understanding. His words remind us of the vital role that media play in keeping us well informed, and the hard work that is needed to keep open channels of communications. Finally, I thank our master of ceremonies, the 2013 winner of the Journalist of the Year award, Ms Majida Abboud Saab, the former manager of Arabic programming at SBS, and of course all the journalists who submitted entries across the seven categories.

I congratulate the winners in each category. The first winners are Mr Raymond Selvaraj and Mr Kulasegaram Sanchayan for coverage of community affairs in their report "Untouchables amongst us", one of the most successful and highly translated stories ever produced by SBS Radio. The next winner is Mr Mike Sweet for his two-year freelance editorial report on iconic Indigenous Australian Captain Reg Saunders, who served in

Greece during World War II. Ms Susana Lolohea of Koori Radio 93.7FM, is a joint winner of Journalist of the Year for her Fijian Australian broadcast stretching beyond Australia to New Zealand, the United States, Canada and Fiji. Ms Usha Arvind of Indian Link Media Group is the other Journalist of the Year and a leading voice in her community reporting many issues. The next winner is Ms Laura Murphy-Oates at SBS—NITV for her news reporting on the risks of using ancient Aboriginal lands in South Australia as a nuclear waste dump. The next winner is Ms Ana Sevo of Meraki TV for online news coverage that enthusiastically promotes the Australian-Greek community. The next winner is Mr Nerses Baliozian of Armenia Media, whose photography captured the 101-year commemoration of the Armenian Genocide and the associated march through the heart of Sydney. The final winner is Ms Namita Gohil of Indian Link Media Group, the 2016 Young Journalist of the Year. I congratulate them all and look forward to the 2017 awards.

ROCKY HILL COAL PROJECT

Mr JEREMY BUCKINGHAM (19:01): I quote from the *Rocky Horror Show*:

It's astounding, time is fleeting
Madness takes its toll
But listen closely, not for very much longer
I've got to keep control
I remember doing the Time Warp
Drinking those moments when
The blackness would hit me and the void would be calling
Let's do the time warp again...
Let's do the time warp again!

Those words are from the *Time Warp*, but really they describe quite succinctly the Rocky Hill Coal Project and the horror show that is enveloping the people of Gloucester. They are in a time warp and facing a void and a blackness. They just do not want this coal project because it will turn their beautiful world into a horror show. The good people of Gloucester, who have just seen off the multibillion-dollar AGL and its atrocious plan to turn their vale into a massive coal seam gas field, led by Ms Julie Lyford, are now faced by another abysmal nightmare brought by Gloucester Resources Ltd and, sadly, supported by the Government.

The Rocky Hill Coal Project is an abomination. In an age of climate change, in a place as beautiful as Gloucester, the community is now facing a project that would literally turn the town into a void, a blackness. The proposed open-cut coalmine will destroy the amenity and the environment of that community. Just this week, led by Groundswell Gloucester, the community voiced its concerns through its administrator on the MidCoast Council by opposing the coalmine. The council, headed by administrator John Turner, tabled a submission calling for 50 changes to the mine's conditions and rejecting it on various grounds including that it will be too close to residences. How close will it be to residences? This open-cut coalmine will be 900 metres from residences and just a kilometre or so from the edge of the township itself. Can members imagine facing a proposition like that? It is a massive coalmine that will produce two million tonnes per annum—blasting, noise, dust—just hundreds of metres away from residences.

The good people of Gloucester are stuck in a time warp of unnecessary, unwanted resource development. They face a blackness and a void, but they have said no in their hundreds. They have made submissions saying they are opposed to this project that has been on the backburner for a few years. Now the coal price has risen slightly, the project has come out of the cupboard. The people of Gloucester are absolutely aghast and they have made a decision that they want their future to be based on agriculture, tourism and services. The community does not need to have its amenity destroyed by another coalmine. The "Rocky Hill horror show" continues. The people of Gloucester cannot believe that they are again facing a fight against a coalmine on their own. They have recently met with various Ministers—the Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning, Mark Speakman, and the Minister for Planning, Rob Stokes—and I hope that the Government listens to them and puts the interests of the people of Gloucester before those of a mining company. The Government should help those people to see off this nightmare project that they do not want.

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

Motion agreed to.

The House adjourned at 19:07 until Wednesday 19 October at 11:00.