



**New South Wales**

## **Legislative Council**

### **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 9 November 2016**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

Wednesday, 9 November 2016

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

**The PRESIDENT** read the prayers.

### *Bills*

#### LAW ENFORCEMENT CONDUCT COMMISSION BILL 2016

#### Messages

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the abovementioned bill.

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

### *Motions*

#### INDIA INDEPENDENCE ANNIVERSARY

**Mr SCOT MacDONALD (11:02):** I move:

- (1) That this House notes that:
  - (a) the Indian Association of Newcastle celebrated the anniversary of India's 1947 independence at Newcastle Panthers on 13 August 2016;
  - (b) the event was attended by Shri B. Vanlalvawna, Consul General of India, Ms Sharon Claydon, Federal member for Newcastle, and Ms Jodie Harrison, member for Charlestown; and
  - (c) the celebrations included vibrant displays of Indian culture by local artists.
- (2) That this House notes that:
  - (a) New South Wales has strong trade ties with India;
  - (b) India is one of the top 10 priority markets for New South Wales under the international engagement strategy;
  - (c) New South Wales exports \$818 million worth of goods to India each year; and
  - (d) there are currently 900,000 visitors from India to New South Wales each year, adding \$6.3 million to our economy.
- (3) That this House congratulates Mrs Promila Gupta, President of the Indian Association of Newcastle, and her committee for:
  - (a) their contribution to the community through the organisation of this event; and
  - (b) the ongoing work that they do to ensure that Indian culture is preserved and celebrated in Newcastle and the wider Hunter.

**Motion agreed to.**

### *Committees*

#### SELECT COMMITTEE ON HUMAN TRAFFICKING IN NEW SOUTH WALES

#### Establishment

**The Hon. PAUL GREEN (11:03):** I seek leave to amend Private Members' Business item No. 983 outside the Order of Precedence for today, of which I have given notice, by omitting all words after "That" and inserting instead "this House establish a select committee to inquire into and report on human trafficking in New South Wales".

**Leave granted.**

**The Hon. PAUL GREEN:** I move:

- (1) That this House establish a select committee to inquire into and report on human trafficking in New South Wales, and in particular:
  - (a) the role and effectiveness of New South Wales law enforcement agencies in responding to human trafficking including:

- (i) how New South Wales law enforcement agencies respond to human trafficking, including slavery, slavery like practices such as servitude, forced labour and people trafficking;
    - (ii) the influence of organised crime in human trafficking in New South Wales.
  - (b) the prevalence of human trafficking in New South Wales;
  - (c) the effectiveness and of relevant legislation and policies;
  - (d) the practical measures and policies including security measures to protect New South Wales identity documents that would address human trafficking in New South Wales; and
  - (e) other related issues.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
  - (a) three Government members;
  - (b) two Opposition members; and
  - (c) two crossbench members, being Dr Faruqi and Mr Green.
- (3) That the Chair of the committee be Mr Green.
- (4) That, notwithstanding anything to the contrary in the standing orders, at any meeting of the committee, any four members of the committee will constitute a quorum.
- (5) That members may be appointed to the committee as substitute members for any matter before the committee by providing notice in writing to the Committee Clerk, with nominations made as follows:
  - (a) nominations for substitute government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable; and
  - (b) nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.
- (6) That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
  - (a) the Chair is present in the meeting room;
  - (b) all members are able to speak and hear each other at all times; and
  - (c) members may not participate by electronic communication in a meeting to consider a draft report.
- (7) That, unless the committee decides otherwise:
  - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
  - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
  - (c) the sequence of questions to be asked at hearings alternate between opposition, crossbench and government members, in that order, with equal time allocated to each;
  - (d) transcripts of evidence taken at public hearings are to be published;
  - (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
  - (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.
- (8) That the committee report by September 2017.

**Motion agreed to.**

*Motions*

**COASTSHELTER**

**Mr SCOT MacDONALD (11:04):** I move:

- (1) That this House notes that:
  - (a) CoastShelter is a not-for-profit organisation based on the Central Coast;
  - (b) CoastShelter operates a community centre which provides the disadvantaged in our community with:

- (i) meals and referrals to external services such as legal aid and medical services; and
  - (ii) facilities to wash and dry clothes.
  - (c) CoastShelter's industrial washer and dryer recently broke down; and
  - (d) on 5 October 2016, the Government provided a \$1,200 grant to enable the purchase of a new industrial washer and dryer.
- (2) That this House thanks the CoastShelter's community centre and its volunteers for their contribution to our community through the work they do to assist those in need.

**Motion agreed to.**

**CESSNOCK FIRE BRIGADE**

**Mr SCOT MacDONALD (11:0):** I move:

- (1) That this House notes that:
- (a) Cessnock Fire Station number 254 was constructed in 1916 and recently celebrated its centenary anniversary;
  - (c) the Cessnock Fire Brigade is known for its strong work ethic and its commitment to the Cessnock community;
  - (d) the Brigade's service includes:
    - (i) combatting blazes in Yengo National Park during the Christmas to New Year bushfires of 2001- 02; and
    - (ii) fighting blazes in Aberdare, near Cessnock, in January 2013;
  - (e) 27 firefighters are currently stationed at Cessnock;
  - (f) the station's centenary was commemorated with a ceremony on Thursday 6 October 2016;
  - (g) distinguished guests who attended the ceremony included:
    - (i) Mr Clayton Barr, MP, member for Cessnock;
    - (ii) Fire New South Wales Commissioner Greg Mullins, AFSM;
    - (iii) Acting Fire New South Wales Area Commander Brett Davies;
    - (iv) Superintendent of New South Wales Ambulance Robert Akester;
    - (v) Wanaruah Elder Cynthia Morris; and
    - (vi) 13 retired firefighters who served at Cessnock Fire Station.
- (2) That this House congratulates the Cessnock firefighting community on this historic milestone and commends and thanks all firefighters, both in attendance and elsewhere on their continued service to our community.

**Motion agreed to.**

**HEALTH LEADERS FORUM**

**Ms JAN BARHAM (11:06):** I move:

- (1) That this House notes that:
- (a) on 10 October 2016 a Health Leaders Forum coordinated by the Climate and Health Alliance was held in Canberra;
  - (b) the forum involved a morning session in which representatives from major stakeholders in the health sector, including the Australian Healthcare and Hospitals Association, Australian Medical Association, Australian College of Nursing, Australian College of Emergency Medicine, Australian Council on Social Service, National Rural Health Alliance, Public Health Association of Australia and the Royal Australasian College of General Practitioners, met with political representatives from the Federal Government, the Opposition and The Greens; and
  - (c) the afternoon session of the forum involved a roundtable discussion focused on the development of a national strategy on the health impacts of climate change.
- (2) That this House notes that the Health Leaders Forum builds on earlier work by the Climate and Health Alliance including:
- (a) the discussion paper "Towards a National Strategy on Climate, Health and Well-being for Australia", which was released in June 2016 and proposed a thematic framework for developing a national strategy addressing six key action areas that involve:
    - (i) establishing meaningful national emissions reduction targets and policies;
    - (ii) establishing effective governance arrangements for the development and implementation of the strategy;

- (iii) developing a sustainable and resilient healthcare sector;
  - (iv) promoting education and awareness about climate change and health across the health sector and broader community;
  - (v) strengthening communication and collaboration between Federal, State, local and community health agencies; and
  - (vi) re-establishing national climate change and health research capacity.
- (b) a national survey of health professionals that was opened in July 2016 and will continue until November 2016, with a preliminary report released based on the 134 responses from individuals and organisational representatives indicating that this cohort of health sector professionals and managers, who report strong awareness of the health risks associated with climate change and the health benefits of climate change mitigation and adaptation strategies:
- (i) were in almost universal agreement (98 per cent) about the need for a national strategy for climate, health and well-being;
  - (ii) indicated little support for the effectiveness of the current Australian Government's climate policies, with 52 per cent considering Direct Action to be "not at all effective", while 0 per cent considered it to be "very effective"; and
  - (iii) "could name almost no policies at either the national or State level that specifically address the health impacts of climate change".
- (c) a nine-day climate, health and well-being online discussion forum that was held in August 2016, which had 118 registrations and 42 active participants and provided stakeholders with another opportunity to respond to the ideas raised in the discussion paper.
- (3) That this House acknowledges that climate change is a key threat to public health in the 21st century and expresses its support for a national strategy to guide action to mitigate and adapt to the health impacts of climate change.

#### **Motion agreed to.**

#### **NICK KALDAS, APM, GALA DINNER**

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

- (1) That this House notes that:
- (a) on Saturday 29 October 2016, the Australian Egyptian Council Forum hosted a gala dinner to honour Nick Kaldas, APM, former New South Wales Deputy Police Commissioner, which was attended by several hundred members and friends of the Egyptian Australian Community;
  - (b) the event highlighted the 35 years of illustrious service to the New South Wales Police Force and the people of New South Wales given by Mr Kaldas and expressed the thanks, gratitude and pride felt by the Egyptian-Australian community of which the former Deputy Commissioner is part and the great role model he represents to the community's youth;
  - (c) those who attended as guests included:
    - (i) His Excellency Mr Youssef Shawky, Consul General of Egypt in Sydney;
    - (ii) His Excellency Dr Obaid Al-Kethi, Ambassador of the United Arab Emirates;
    - (iii) Dr Bahia Abu-Hamad representing her husband, His Excellency Mr George Bitar Ghanem, Consul General of Lebanon in Sydney;
    - (iv) Mr Craig Kelly, MP, Federal member for the seat of Hughes, representing the Hon. Malcolm Turnbull, MP, Prime Minister of Australia;
    - (v) Ms Sophie Cotsis, former member of the Legislative Council, representing Mr Luke Foley, MP, Leader of the Opposition;
    - (vi) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and Mrs Clarke;
    - (vii) the Hon. Shaoquett Moselmane, MLC, Opposition Whip in the Legislative Council;
    - (viii) His Grace Bishop Suriel, Bishop of the Coptic Orthodox Church of Melbourne and Affiliated Regions;
    - (ix) Very Reverend Father Shenouda Mansour, General Secretary of the New South Wales Ecumenical Council, representing His Grace Bishop Daniel, Bishop of the Coptic Orthodox Church Diocese of Sydney and Affiliated Regions;
    - (x) Dr Stepan Kerkyasharian, Chairperson of the New South Wales Cemeteries and Crematoria Board and retired President of the Anti-Discrimination Board of New South Wales, and Mrs Kerkyasharian;
    - (xi) Mr Morris Hanna, former Mayor of Marrickville Council and current advisor to the Inner West Council;

- (xii) Mr Paul Sidrak, former Councillor of Rockdale City Council and current advisor to Bayside Council;
  - (xiii) Mr Michael Ebeid, Managing Director of SBS;
  - (xiv) Mr Hassan Moussa, President of the Australian Arab Business Council;
  - (xv) Ms Randa Kattan, CEO of the Arab Council of Australia;
  - (xvi) Mr Ahmet Polat, Executive Director, Affinity Intercultural Foundation; and
  - (xvii) Professor Frank Zumbo.
- (d) the following members of Mr Kaldas' family also attended as guests:
- (i) Mrs Natalie O'Brien, wife;
  - (ii) Mrs Souheir Kalas, mother;
  - (iii) Miss Simone Kaldas, daughter; and
  - (iv) Mr Luke Kaldas, son.
- (e) those who comprised the organising committee of the gala dinner were:
- (i) Professor Rifaat, Chairman;
  - (ii) Mr Victor Bassily;
  - (iii) Miss Heba Khamis;
  - (iv) Mr Michael Zaki;
  - (v) Mr Adel Hanna; and
  - (vi) Mr Amir Salem, initiator and facilitator.
- (2) That this House:
- (a) commends the Australian Egyptian Council Forum for its initiative in organising the gala dinner in honour of Mr Nick Kaldas; and
  - (b) extends its thanks and gratitude to Mr Nick Kaldas, APM, for his many years of service to the New South Wales Police Force and the people of New South Wales.

**Motion agreed to.**

**INDIA AUSTRALIA BUSINESS AND COMMUNITY AWARDS**

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

- (1) That this House notes that:
- (a) on Friday 28 October 2016, the annual India Australia Business and Community Awards were held at the Four Points Sheraton Hotel, Sydney, attended by 600 members and friends of the Indian Australian community;
  - (b) those who attended as guests included:
    - (i) His Excellency Mr B. Vanlalawna, Consul General of India in Sydney, also representing the High Commissioner of India, His Excellency Mr Navdeep Suri, and Mrs Vanlalawna;
    - (ii) the Hon. Gladys Berejiklian, MP, Treasurer, also representing the Hon. Mike Baird, MP, Premier;
    - (iii) Mr Luke Foley, MP, Leader of the Opposition and Shadow Minister for Western Sydney;
    - (iv) the Hon. Daniel Mookhey, MLC;
    - (v) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and Mrs Marisa Clarke;
    - (vi) Dr Geoff Lee, MP, member for Parramatta, Parliamentary Secretary for Multiculturalism;
    - (vii) Mr Matt Kean, MP, member for Hornsby, Parliamentary Secretary for Treasury;
    - (viii) Ms Jodi McKay, MP, member for Strathfield, shadow Minister for Transport, shadow Minister for Roads, Maritime and Freight;
    - (ix) Dr Hugh McDermott, MP, member for Prospect;
    - (x) Dr Hari Harinath, OAM, Chairman, Multicultural New South Wales;
    - (xi) Professor Nihal Agar, President, Hindu Council of Australia;
    - (xii) the Hon. Peter Styles, former Deputy Chief Minister of the Northern Territory;
    - (xiii) the Hon. Pat Farmer, AM, former Federal parliamentarian and Parliamentary Secretary to the Minister for Education, Science and Training;
    - (xiv) Sheba Nandkeolyar, National Chair, Australia India Business Council;

- (xv) Mr Paul Myler, Assistant Secretary, India and Indian Ocean Branch, Department of Foreign Affairs and Trade;
  - (xvi) Mr Sunil Lal, Executive Chairman, Kaden Boriss, and Mrs Lal;
  - (xvii) Mr Neville Roach, AO, Chairman of Tata Consultancy Based Services (Australia and New Zealand) and former Chairman of the Australia India Business Council;
  - (xviii) Rhonda Piggott, Director, New South Wales State Office of the Department of Foreign Affairs and Trade;
  - (xix) Dr Sev Ozdowski, OAM, Chairman, Australian Multicultural Council;
  - (xx) Mr Jim Varghese, AM, Executive Director of Business Development, Australia India Institute.
- (c) the purpose of the annual India Australia Business and Community Awards, the major sponsor of which is Kaden Boriss, Legal and Business Strategists, is to raise awareness of ongoing contributions of Indians in Australia and Australians in India in a way that encourages further growth in relations between Australia and India;
- (d) the annual India Australia Business and Community Awards were conceived by Sonia Sadiq Gandhi, member of the Australia India Business Council and Director of Gandhi Creations, which produces and directs the awards program in consultation with the India Australia Business and Community Awards Panel and Committee;
- (e) this year's winners in their respective categories were:
- (i) Peter Varghese, AO—Indian Australian Ambassador of the Year 2016;
  - (ii) Pritika Desai—Young Community Achiever of the Year 2016;
  - (iii) Deepti Sachdeva—Young Professional of the Year 2016;
  - (iv) Dr Khimji Vaghjiani—Community Services Excellence Award 2016;
  - (v) Uppma Viridi—Business Woman of the Year 2016;
  - (vi) Tamanna Monem—Professional of the Year 2016;
  - (vii) Deepak Nangia—Business Leader of the Year 2016;
  - (viii) Shubhika Dubey—Spirit of Sport Award 2016;
  - (ix) Total Alliance Health Projects International—Australian Exporter of the Year 2016;
  - (x) Total Holiday Options—Tour Operator of the Year 2016;
  - (xi) Saffron—Indian Restaurant of the Year 2016;
  - (xii) BDS Autocare—Micro Business of the Year 2016;
  - (xiii) Reach for Training—Small Business of the Year 2016; and
  - (xiv) Nanda\Hobbs Contemporary—SME of the Year 2016.
- (f) in addition the following persons were named as Youth Ambassadors for 2016:
- (i) Dr Tanveer Ahmed, psychiatrist, local government representative and author;
  - (ii) Ky Chow, media personality;
  - (iii) Navneesh Garg, IABCA Young Professional of the Year 2015;
  - (iv) Indranil Halder, Sales Executive for Crown Group;
  - (v) Sally Hetherington, Operations Manager for Human and Hope Association;
  - (vi) Deepa Mathew, Manager Deals Desk SA/NT region for Commonwealth Bank of Australia;
  - (vii) Navdeep Pasricha, IABCA winner Young Community Achiever 2015;
  - (viii) Kerry-Anne Peterson, model, Miss Colyton Galaxy Australia 2015-16;
  - (ix) Ananya Soni, Miss India Australia International 2015;
  - (x) Shaun Star, Australia India Youth Dialogue; and
  - (xi) Lisa Sthalekar, former Vice-Captain of Australia Women's Cricket team.
- (g) the 2016 India Australia Business and Community Awards Judges Panel and Committee comprised:
- (i) Stuart Davis, South Asia Forum Ltd;
  - (ii) Linda Fazldeen, former advisor to the Chief Minister of the Northern Territory;
  - (iii) Dhruba Gupta, DBM Consultants Pty Ltd;
  - (iv) Peeyush Gupta, SBS;

- (v) Robyn Hendry, Canberra Business Chamber;
  - (vi) Anthea Hancocks, The Scanlon Foundation;
  - (vii) Sunil Lal, Kaden Boriss Legal Group;
  - (viii) Lisa McAuley, Export Council of Australia;
  - (ix) the Hon. Daniel Mookhey, MLC;
  - (x) Neville Roach, AO, Tata Consultancy Services;
  - (xi) Professor Arun Sharma, Queensland University of Technology;
  - (xii) Parsuram Sharma Luitai, Federation of Ethnic Communities' Councils of Australia;
  - (xiii) Associate Professor Adrian Vicary, University of South Australia; and
  - (xiv) Nicola Watkinson, Austrade.
- (2) That this House:
- (a) congratulates the Award winners and nominated Youth Ambassadors announced at the 2016 India Australia Business and Community Awards dinner held on Friday 28 October 2016; and
  - (b) commends all those associated with the awards dinner, particularly Sonia Gandhi who conceived, produced and directed the awards dinner event in consultation with the India Australia Business and Community Awards Panel and Committee.

**Motion agreed to.**

**OXI DAY CELEBRATION**

**The Hon. COURTNEY HOUSSOS (11:07):** I move:

- (1) That this House notes that:
- (a) on Friday 28 October 2016 Greek and Australian communities across New South Wales celebrated Oxi Day to mark the significance of 28 October 1940, the day Greece collectively said Oxi ("No") to the demands of the Axis aggressors during World War II; and
  - (b) a number of special guests joined local Greek community members in their Oxi Day celebrations including:
    - (i) the Consul General of Greece in Sydney, His Excellency Dr Stavros Kyrimis;
    - (ii) Senator the Hon. Arthur Sinodinos, AO, representing the Prime Minister of Australia;
    - (iii) Mr Mark Coure, member for Oatley, representing the Premier of New South Wales;
    - (iv) Ms Sophie Cotsis, representing the Leader of the New South Wales Opposition;
    - (v) Mr Jihad Dib, member for Lakemba and shadow Minister for Education;
    - (vi) the Hon. Courtney Houssos, MLC; and
    - (vii) Mr Harry Danalis, New South Wales Greek Orthodox Community President.
- (2) That this House congratulates the New South Wales Greek community for a successful remembrance and commemoration of the 76th anniversary of Oxi Day at their Greek community club in Lakemba.

**Motion agreed to.**

**COMMISSIONER GREG MULLINS, AFSM**

**The Hon. SCOTT FARLOW (11:08):** I move:

- (1) That this House notes that Commissioner Greg Mullins, AFSM, has:
- (a) served Fire & Rescue NSW [FRNSW] since 1978;
  - (b) was appointed as Commissioner on 4 July 2003;
  - (c) is the first person at FRNSW to be appointed as both the Chief Fire Officer and the Chief Executive Officer;
  - (d) is the longest serving New South Wales urban fire chief in more than 100 years; and
  - (e) has served as the President of the Australasian Fire and Emergency Services Authorities Council and the Australian Director of the International Fire Chiefs Association of Asia.
- (2) That this House notes that on 2 September 2016, Commissioner Mullins announced his retirement as Commissioner at the end of this year.
- (3) This House acknowledges the thirty-eight years of service that Commissioner Mullins has provided to FRNSW, including serving as a:
- (a) volunteer firefighter;

- (b) Station Officer;
  - (c) District Officer (Inspector);
  - (d) Superintendent;
  - (e) Assistant Commissioner;
  - (f) Director State Operations; and
  - (g) Commissioner.
- (4) That this House commends Commissioner Mullins for his reformist agenda to change the culture within FRNSW and to keep our community safe, protecting people on what often is the worst day of their lives.
- (5) That this House thanks Commissioner Mullins for his service to the people of New South Wales and wishes him and his family a fruitful retirement.

### **SERGEANT GEOFFREY RICHARDSON**

**Mr SCOT MacDONALD (11:09):** I move:

- (1) That this House notes that:
- (a) NSW Police Sergeant Geoffrey Richardson, aged 43, from Port Stephens Local Area Command died in the line of duty on the evening on 5 March 2016 when his vehicle struck a tree at Allandale;
  - (b) Geoffrey Richardson provided 18 years of distinguished service to the community;
  - (c) "Richo's Rugby Ball" was held in his memory on Friday 21 October 2016 at Wests Nelson Bay Diggers in conjunction with NSW Police Legacy;
  - (d) "Richo's Rugby Ball" consisted of the annual tournament of the NSW Police Rugby competition and an evening black tie fundraising event with 650 friends and supporters, to support his wife, Margaret, and two sons, Patrick and Aiden;
  - (e) several items were generously donated to both an online and a live auction, with the live auction hosted by Mr Ray Hadley, OAM, and that the proceeds from the auction were in direct support of his wife and children through Police Legacy; and
  - (f) the Hon. Mike Gallacher, MLC, was also in attendance at the event.
- (2) That this House recognises and pays tribute to the late Sergeant Richardson for his 18 years of service to the community and conveys its condolences to his wife and children during this difficult time.
- (3) That this House commends Wests Nelson Bay Diggers, NSW Police Legacy, Port Stephens Local Area Command and benefactors of auction items for coming together and supporting Sergeant Richardson's family in their time of need.

**Motion agreed to.**

### **DEEPAVALI FESTIVAL**

**The Hon. DAVID CLARKE (11:10):** I move:

- (1) That this House notes that:
- (a) on Sunday 23 October 2016 the Hindu Council of Australia under its President, Professor Nihal Agar, AM, hosted its annual celebration of the Festival of Deepavali at Parramatta Park, Parramatta, attended by approximately 25,000 members and friends of Australia's Hindu and Sikh communities as well as the wider Indian-Australian community; and
  - (b) those who attended the official launch of the festival celebration included:
    - (i) His Excellency Mr B. Vanlalvawna, Consul General for India in Sydney;
    - (ii) Mr Julian Leaser, MP, Federal member for Berowra, representing the Prime Minister of Australia, the Hon. Malcolm Turnbull, MP;
    - (iii) Ms Michelle Rowland, MP, Federal member for Greenway, shadow Minister for Communications, representing Mr Bill Shorten, MP, Leader of the Federal Opposition;
    - (iv) Dr Geoff Lee, MP, member for Parramatta, Parliamentary Secretary for Multiculturalism, representing the Hon. Mike Baird, MP, Premier;
    - (v) Mr Luke Foley, MP, member for Auburn, Leader of the Opposition and shadow Minister for Western Sydney;
    - (vi) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (vii) Ms Jodi McKay, MP, member for Strathfield, shadow Minister for Transport, shadow Minister for Roads, Maritime and Freight;
    - (viii) the Hon. Daniel Mookhey, MLC;
    - (ix) Dr Hugh McDermott, MP, member for Prospect;

- (x) Ms Julie Owens, MP, Federal member for Parramatta;
  - (xi) Mr Mark Taylor, MP, member for Seven Hills;
  - (xii) Ms Julia Finn, MP, member for Granville;
  - (xiii) Councillor Gurudeep Singh, Hornsby Shire Council;
  - (xiv) Councillor Raj Datta, Strathfield Council;
  - (xv) Councillor Moninder Singh, Blacktown City Council;
  - (xvi) Aruna Chandrala;
  - (xvii) Chandrakant Kulkarni;
  - (xviii) Jagdish Trivedi;
  - (xix) Kumud Mirani;
  - (xx) Mala Mehta;
  - (xxi) Noel Lal;
  - (xxii) Pankaj Jain;
  - (xxiii) Radha Krishan Dhokla;
  - (xxiv) Raj Natrajan;
  - (xxv) Rajeev Jairam;
  - (xxvi) Rajni Patel;
  - (xxvii) Sajana Nand;
  - (xxviii) Sheba Nandkeyolar;
  - (xxix) Shiva Rajgopalan;
  - (xxx) Shobha Desikan; and
  - (xxxi) representatives of numerous religious faith traditions.
- (2) That this House:
- (a) congratulates the Hindu Council of Australia, its President Professor Nihal Agar, AM, and executive on hosting the 2016 Festival of Deepavali celebration at Parramatta on 23 October 2016; and
  - (b) extends greetings to the Hindu and Sikh communities of Australia and the wider Australian-Indian community on the occasion of the 2016 Festival of Deepavali.

**Motion agreed to.**

**NATIONAL MULTICULTURAL WOMEN'S CONFERENCE**

**Dr MEHREEN FARUQI (11:11): I move:**

- (1) That this House notes that:
- (a) the National Multicultural Women's Conference was held on 3 and 4 November 2016 in Parramatta;
  - (b) this conference was an outcome of a partnership between Settlement Services International and the Federation of Ethnic Communities' Councils of Australia, with support from the Ethnic Communities' Council of NSW; and
  - (c) the conference provided an opportunity to recognise and celebrate the outstanding contribution women from diverse backgrounds make to our society.
- (2) That this House:
- (a) congratulates the conference organisers and participants on this important work; and
  - (b) recognises the need to embrace the intrinsic value of multiculturalism and ensure cultural preservation as an essential part of the fabric of Australia.

**Motion agreed to.**

**UNIVERSITY OF NOTRE DAME AUSTRALIA SYDNEY CAMPUS TENTH ANNIVERSARY**

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

- (1) That this House notes that:
- (a) on Wednesday 19 October 2016 a reception was held at the Fountain Court, New South Wales Parliament House, to mark the tenth anniversary of the establishment of the Sydney Campus of the University of Notre Dame Australia; and

- (b) the reception, which was hosted by the Hon. Mike Gallacher, MLC, New South Wales Minister for Police and Emergency Services and Leader of the Government in the Legislative Council 2011-2014, in the absence of the Hon. Greg Donnelly, MLC, Deputy Opposition Whip, was attended by numerous Ministers and members of Parliament and also by students and staff of the University of Notre Dame Australia led by its Senior Deputy Vice Chancellor Professor Hayden Ramsay.
- (2) That this House:
- (a) congratulates the University of Notre Dame Australia together with its students and staff on the occasion of the tenth anniversary of the establishment of its Sydney campus; and
  - (b) commends the University of Notre Dame Australia for its outstanding growth and achievement over the past 10 years and for its ongoing contribution to the enrichment of our State's academic life.

**Motion agreed to.**

**UNSW ARTS AND SOCIAL SCIENCES CAREER READY MENTORING PROGRAM**

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

- (1) That this House notes that:
- (a) the University of New South Wales [UNSW] Arts and Social Sciences Faculty developed and offered a pilot mentoring program for final year students for the first time in Session 2, 2016 entitled Career Ready Mentoring Program;
  - (b) the program connected students in their final year of study with established alumni industry professionals; and
  - (c) mentors provided students with practical support and an opportunity to focus on career development as the mentees completed their university studies.
- (2) That this House further notes that:
- (a) on Wednesday 26 October 2016 the UNSW Arts and Social Sciences Career Ready Mentoring Program held a closing cocktail function at New South Wales Parliament House; and
  - (b) the closing event was attended by more than 30 mentors and mentees who participated in the program.
- (3) That this House congratulates:
- (a) the UNSW Arts and Social Sciences Faculty on offering students the opportunity to participate in the program;
  - (b) mentors of the inaugural Career Ready Program on their generous and broad-ranging contributions;
  - (c) the mentees of the inaugural Career Ready Program on their enthusiastic attitude and commitment to the program; and
  - (d) the UNSW Arts and Social Sciences Faculty, in particular Melinda Holcombe, on the development and success of the Career Ready Mentoring Program.

**Motion agreed to.**

**DEEPAVALI FESTIVAL**

**The Hon. DAVID CLARKE (11:12):** I move:

- (1) That this House notes that:
- (a) on Saturday 22 October 2016 a Deepavali Fair organised by the Council of Indian Australians Inc. held at the Castle Hill Showground, Castle Hill, to celebrate the Indian Festival of Deepavali was attended by several thousand members and friends of the Indian-Australian community; and
  - (b) those who attended as special guests included:
    - (i) Senator the Hon. Zed Seselja, Assistant Minister for Social Services and Multicultural Affairs, representing the Prime Minister of Australia, the Hon. Malcolm Turnbull, MP;
    - (ii) Mrs Anne Stanley MP, Federal member for Werriwa, representing Mr Bill Shorten MP, Leader of the Federal Opposition;
    - (iii) the Hon. David Elliott, MP, member for Baulkham Hills, Minister for Corrections, Minister for Emergency Services, and Minister for Veteran Affairs, representing the Premier of New South Wales, the Hon. Mike Baird, MP;
    - (iv) the Hon. Daniel Mookhey, MLC, representing the Leader of the Opposition Mr Luke Foley, MP;
    - (v) His Excellency Mr B. Vanlalvawna, Consul General for India in Sydney;
    - (vi) Mr Rajeev Kumar, Vice Consul for India in Sydney;
    - (vii) Councillor Yvonne Keane, Mayor, the Hills Shire Council;
    - (viii) Mr Julian Leeser, MP, Federal member for Berowra;

- (ix) Dr Geoff Lee, MP, member for Parramatta, Parliamentary Secretary for Multiculturalism;
  - (x) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
  - (xi) Mr Matt Kean, MP, member for Hornsby, Parliamentary Secretary for Treasury;
  - (xii) Mr Kevin Conolly, MP, member for Riverstone;
  - (xiii) Ms Jodi McKay, MP, member for Strathfield, shadow Minister for Transport, shadow Minister for Roads, Maritime and Freight;
  - (xiv) Ms Julia Finn, MP, member for Granville;
  - (xv) Mr Subba Rao, President of the Indian Support Centre; and
  - (xvi) Mr John Kennedy, President of the United Indian Association.
- (2) That this House commends the Council of Indian Australians, particularly its executive comprising:
- (a) Mr Praful Desai, President;
  - (b) Mr Mohit Kumar, Vice-President;
  - (c) Mr Nitin Shukla, Secretary; and
  - (d) Dr Balu Vijay, Treasurer, for organising this year's Deepavali Fair and for their ongoing community work.

**Motion agreed to.**

**CLIMATE CHANGE AND GLOBAL TEMPERATURE**

**Ms JAN BARHAM (11:13): I move:**

- (1) That this House notes that the United States Government's National Oceanic and Atmospheric Administration's [NOAA] most recent analysis of global temperatures for September 2016 show that:
- (a) the globally averaged temperature across land and ocean surfaces for June 2016 was 0.89 degrees Celsius above the twentieth century average, which is the second highest September temperature since global temperature records began in 1880;
  - (b) by falling 0.04 degrees Celsius below the record September temperature that was recorded in September 2015, September 2016 has broken the 16-month streak of consecutive record monthly temperatures; and
  - (c) the globally-averaged temperature across land and ocean surfaces for the January to September period was 0.89 degrees Celsius above the twentieth century average, which is the warmest such period in the 137-year record and 0.13 degrees Celsius above the previous record set in 2015.
- (2) That this House notes that Dr Gavin Schmidt, the director of NASA's Goddard Institute for Space Studies, stated on the website *twitter.com* that "With data now available through September, 2016 annual record (~1.25°C above late 19th C) seems locked in."
- (3) That this House acknowledges the strong scientific evidence and expert consensus that:
- (a) global temperatures have continued to rise through the twentieth and twenty-first centuries to reach their current record high levels;
  - (b) the major cause of the observed global warming is greenhouse gas emissions from human activity; and
  - (c) urgent action is required to reduce the greenhouse gas emissions associated with human activity and achieve a net zero emissions society to limit further global warming, and to prepare for and adapt to the impacts of climate change.

**Motion agreed to.**

**OXI DAY CELEBRATION**

**The Hon. COURTNEY HOUSSOS (11:14): I move:**

- (1) That this House notes that on Friday 28 October 2016 Australian Hellenic Educational Progressive Association New South Wales Inc. held an Oxi Day celebration featuring:
- (a) poetry recitations from Earlwood Public school students, Christos Nikolis and Mathew Pieris;
  - (b) a tribute to the women of Hellas, Cyprus and Australia in the 1940-1945 war and the last Anzac nurse, Mrs Una Keast, who passed away on 3 October 2016;
  - (c) students from Canterbury Boys High School, Dimitri Makapagal, Patricia Pappou and Mrs Nectaria Melas, head teacher learning support;
  - (d) "Looking Back Whilst Moving Forward: A Model for Greek youth in Sydney", an address given by Mr George Psihoyious, President of Macquarie University Greek Association;
  - (e) a performance by traditional dancers by the Lyceum of the Pan-Macedonian Association;
  - (f) the Pan-Macedonian Association of New South Wales held a performance of traditional dancers by the Lyceum, instructed by Mr Vasileios Aligiannis;

- (g) an address by the Consul General of the Hellenic Republic, His Excellency Dr Stavros Kyrimis;
  - (h) a presentation of the Anzacs of Hellas Commemorative Plaque to Grand President, Order of AHEPA New South Wales Mr John Kallimanis;
  - (i) an address by Professor Yiannis Mourellos, Department of History, Aristoteleian University of Thessalonike; and
  - (j) the National Anthems of Australia and Hellas, Cyprus.
- (2) That this House congratulates Mr John Kalliamanis, Grand President of the Order of AHEPA New South Wales, and Dr Panayiotis Diamandis on the success of the local Greek National Day celebrations.

**Motion agreed to.**

**CITY OF NEWCASTLE BEACHES**

**Mr SCOT MacDONALD (11:14): I move:**

- (1) That this House notes that:
  - (a) 2016 marks 30 years since Hunter Water built a two-kilometre ocean outfall off Newcastle's Merewether Beach;
  - (b) the 2015-2016 State of the Beaches Report compiled by the Office of Environment and Heritage has graded all beaches within the City of Newcastle local government area as "Good/Very Good";
  - (c) this is the fourth consecutive 100 per cent rating for all beaches within the City of Newcastle by the State of the Beaches Report;
  - (d) the State of the Beaches Report found that, "The water quality at South Stockton, Nobbys, Bar and Newcastle beaches has been of a very high standard for the last 10 years or more";
  - (e) Hunter Water has completed a \$13 million upgrade to its wastewater system in Adamstown, which will operate in periods of heavy rainfall to remove wastewater faster and greatly reduce the potential for overflow;
  - (f) Newcastle now attracts 10 million tourists per year up from the 1.6 million that visited before the outfall's construction; and
  - (g) current events like Surfest would not have been possible previously but now clean beaches are the jewel in Newcastle's crown.
- (2) That this House congratulates Hunter Water Corporation on its excellent management of Newcastle beaches, beginning with the ocean outfall 30 years ago and continuing today with its Adamstown upgrades.
- (3) That this House commends the Office of Environment and Heritage for its annual compilation of the State of the Beaches Report for highlighting the excellent management of Newcastle Beaches.

**Motion agreed to.**

**AUSTRALASIAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION**

**The Hon. COURTNEY HOUSSOS (11:15): I move:**

- (1) That this House notes that:
  - (a) the Australasian Hellenic Educational Progressive Association [AHEPA] was established in May 1934 to strengthen and improve Australian-Greek Hellenic relations;
  - (b) on Friday 28 October 2016 the sixty-second State Convention of the Order of AHEPA New South Wales Inc. held an initiation ceremony at the Campbelltown Art Gallery to induct nine new members of the Macarthur region; and
  - (c) the ceremony was attended by the committee of the Alexander chapter.
- (2) That this House congratulates:
  - (a) the nine members of the local Greek community on their initiation to AHEPA; and
  - (b) founder of Macarthur Greeks Inc. John Tsekas on his election to Secretary and Lambros Papadopoulos on his election to President.

**Motion agreed to.**

**NEW LAMBTON FIRE STATION**

**Mr SCOT MacDONALD (11:15): I move:**

- (1) That this House notes that:
  - (a) Lambton's first fire station [Number 357] was built in 1914 followed by Hamilton's [Number 320] and New Lambton's [Number 404] fire station built in 1924 and 1934 respectively;
  - (b) all three stations remained in use up to 2016;

- (c) in July 2016 Lambton, New Lambton and Hamilton fire brigades came together to form the new Lambton Fire Station [Number 357], a new \$4.6 million station located at 40 Young Road in Lambton;
  - (d) the relocation of the three previous separate stations to the new site was marked by an opening and awards ceremony on Thursday 3 November 2016 at 40 Young Road;
  - (e) this event was attended by dignitaries from Fire and Rescue NSW [FRNSW] including Greg Mullins, AFSM; Graeme Finney, OAM; Gerry Byrne, AFSM; Rob McNeil, AFSM; and NSW Police Force and New South Wales Ambulance;
  - (f) also in attendance were Tim Crackanthorp, MP, member for Newcastle, and Councillor Nuatali Nelmes, Lord Mayor of Newcastle;
  - (g) the event was commemorated by the unveiling of a plaque, the presentation of a history frame, a performance by students of Lambton Public School, and the presentation of awards by Area Commander Dave Felton and Commissioner Mullins, including awards for the men and women who risked their lives during the storm and flood emergency in the Maitland area on 20 and 21 April 2015; and
  - (h) the new Lambton fire station now has four station officers and 13 permanent firefighters, with one "Class 3" pumper, two "Class 2" pumpers and five response vehicles.
- (2) That this House congratulates the Lambton, New Lambton and Hamilton fire stations on their extensive history of service to the community and wishes them all the best as they operate out of their new premises.

**Motion agreed to.**

**INTERNATIONAL DAY FOR TOLERANCE**

**The Hon. SHAOQUETT MOSELMANE (11:16):** I move:

- (1) That this House notes that Wednesday 16 November 2016 is International Day for Tolerance, an annual observance declared by the United Nations Educational, Scientific and Cultural Organization [UNESCO] to strengthen tolerance across the world by fostering mutual understanding among cultures and peoples.
- (2) That this House notes that the International Day for Tolerance was established by the United Nations General Assembly following the United Nations Year of Tolerance in 1995 and is consistent with the United Nations Charter, the Universal Declaration of Human Rights and the Declaration of Principles of Tolerance.
- (3) That this House notes that tolerance is defined as "respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human ... fostered by knowledge, openness, communication, and freedom of thought, conscience and belief".
- (4) That this House notes that, in accordance with the Declaration of Principles:
  - (a) "tolerance is harmony in difference. It is not only a moral duty but also a political and legal requirement";
  - (b) "tolerance is the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace";
  - (c) "tolerance is not concession, condescension or indulgence"; and
  - (d) "tolerance is, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others and to be exercised by individuals, groups and States".
- (5) That this House notes the International Day for Tolerance and congratulates UNESCO on fostering mutual understanding among cultures and peoples.

**Motion agreed to.**

**MULTICULTURAL COMMUNITIES COUNCIL OF NSW FORUM**

**The Hon. SHAOQUETT MOSELMANE (11:16):** I move:

- (1) That this House acknowledges that the Multicultural Communities Council of NSW is a staunch defender and promoter of multiculturalism in Australia.
- (2) That this House notes that the Multicultural Communities Council of NSW hosted a forum at Parliament House on Wednesday 21 September 2016 under the title "Is Multiculturalism Under Threat in Australia?"
- (3) That this House notes that in attendance at the forum were:
  - (a) the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism;
  - (b) the Hon. Tony Burke, MP, Federal shadow Minister for Citizenship and Multicultural Australia;
  - (c) the Hon. Shaoquett Moselmane, MLC, Opposition Whip;
  - (d) Mr Chris Minns, MP, shadow Minister for Water, representing the Hon. Sophie Cotsis, MLC, shadow Minister for Ageing, Disability and Multiculturalism;
  - (e) Dr Tim Soutphommasane, Race Discrimination Commissioner;
  - (f) Dr Peter Ha, President of the Vietnamese Community in Australia, New South Wales Chapter;

- (g) Ms Najla Turk, author; and
  - (h) Mr William Seung, former president of the Korean Society of Sydney.
- (4) That this House commends the work of the Multicultural Communities Council of NSW and congratulates Chairman Dr Anthony Pun, OAM, and Deputy Chairman Mr David Dawson on a successful and timely forum.

**Motion agreed to.**

**MIRATH IN MIND AWARD CEREMONY**

**The Hon. SHAOQUETT MOSELMANE (11:17):** I move:

- (1) That this House notes that:
  - (a) the Mirath in Mind Award ceremony was held on Tuesday 20 September 2016 at Parliament House;
  - (b) Mirath in Mind is an active community organisation that educates and promotes the artistic and cultural heritage of Arab and Lebanese Australians; and
  - (c) the celebration was hosted by the Hon. Shaoquett Moselmane, MLC, in the presence of the Consul-General of Lebanon, His Excellency Mr George Bitar Ghanem and his wife, Dr Betty Abou Hamad, Ms Julia Finn, MP, as well as several other political and community leaders.
- (2) That this House congratulates:
  - (a) the students, teachers and families of:
    - (i) the Maronite College of the Holy Family;
    - (ii) St Charbel Primary and High School College;
    - (iii) Holy Spirit College;
    - (iv) Wiley Park Girls High;
    - (v) Delany College;
    - (vi) Holy Saviour Primary School;
    - (vii) Al Sadek College;
    - (viii) Carlton Primary School;
    - (ix) Blaxcell Street Primary School; and
    - (x) St Maroun Primary and High School College.
  - (b) the hardworking team at Mirath in Mind, including:
    - (i) Chadia Gedeon Hajjar, Founder and Chair;
    - (ii) Marie El Azzi, member of the Executive Committee;
    - (iii) Laura Chahine, member of the Executive Committee;
    - (iv) Fayrouz Fares, member of the Executive Committee;
    - (v) Sonia Sukkar, member of the Executive Committee;
    - (vi) Gina Harb, member of the Executive Committee;
    - (vii) Bouchra Beydoun, member of the Executive Committee;
    - (viii) Vera Achkar, member of the Executive Committee;
    - (ix) Marie Joseph Abi Arrage, member of the Executive Committee;
    - (x) Siham Asfour, member of the Executive Committee;
    - (xi) Marie Mourad, member of Executive Committee; and
    - (xii) Sonia Gebara.
  - (c) Mirath in Mind supporters:
    - (i) Dr Rosemary Suliman;
    - (ii) Norma Maroun;
    - (iii) Nezar Dardar;
    - (iv) Cinzia Guaraldi;
    - (v) Maya Said;
    - (vi) Ibrahim Sarofin; and
    - (vii) Fadi El Haje.

**Motion agreed to.****LEBANESE ELECTIONS****The Hon. SHAOQUETT MOSELMANE (11:17):** I move:

- (1) That this House notes that:
  - (a) on Monday 31 October 2016 former Lebanese army chief General Michel Aoun of the Free Patriotic Movement party was elected the thirteenth President of Lebanon after 2½ years of presidential vacuum;
  - (b) former Prime Minister Saad Hariri was nominated as Prime Minister and authorised to form a cabinet; and
  - (c) on Tuesday 22 November 2016 the Lebanese people will celebrate the seventy-third Independence Day.
- (2) That this House congratulates all Lebanese in Lebanon and in the diaspora on a commendable display of the strength of democracy.

**Motion agreed to.***Documents***UNPROCLAIMED LEGISLATION**

**The Hon. NIALL BLAIR:** According to standing order, I table a list of all legislation not proclaimed 90 calendar days after assent as at 9 November 2016, copies of which are available on request from the Clerks.

*Business of the House***POSTPONEMENT OF BUSINESS****The Hon. DUNCAN GAY:** I move:

That Government Business Notice of Motion No. 2 be postponed until a later hour of the sitting.

**Motion agreed to.****Ms JAN BARHAM:** On behalf of Mr Jeremy Buckingham: I move:

That Business of the House Notices of Motions Nos 2 and 3 be postponed until Tuesday 15 November 2016.

**Motion agreed to.***Sessional Orders***SESSIONAL ORDER 113****The Hon. DUNCAN GAY:** I move:

That for the duration of the current session, Standing Order 113 be varied by inserting after paragraph (3):

- (4) Paragraph (3) does not apply, at the discretion of the President, to a member caring for a child and seated in the President's gallery when the question is put with the doors locked.

**Motion agreed to.***Rulings***SESSIONAL ORDER 113**

**The PRESIDENT:** A member wishing to vote according to this sessional order needs to be seated in the President's gallery by the time the President, the Chair of Committees or whoever is occupying the chair says "Lock the doors". A member may sit on either side of the President's gallery regardless of whether he or she is voting for the ayes or noes. The member needs to ensure the President, or the occupant of the chair, is informed of his or her request to make use of the sessional order prior to the call for the doors to be locked. Government and Opposition members may do this through their respective Whips. Crossbench members may, if desired, arrange for another crossbench member to advise the Chair during the period when the bells are ringing or have one of the attendants convey their request to the Chair.

Members will need to ensure that the Chair is advised each time they request to make use of the sessional order. That is, a member cannot advise the Chair once and have that advice stand for the entire day. As the sessional order is dependent upon the discretion of the President or occupant of the chair, the President or occupant of the chair will announce whenever the sessional order is being used and what side—ayes or noes—the member will be voting with. This will also help anyone who is closely observing the division, for example, in the public gallery or via the web, when the result is announced.

*Bills***BIODIVERSITY CONSERVATION BILL 2016  
LOCAL LAND SERVICES AMENDMENT BILL 2016****First Reading**

**Bills introduced, and read a first time and ordered to be printed on motion by the Hon. Niall Blair.**

**Urgency**

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (11:40):** According to sessional order, I declare the bills to be urgent bills. Prior to the election in 2015 the Government committed to introducing legislation to implement the 43 recommendations from an independent review of biodiversity legislation undertaken in 2014 and to repealing the Native Vegetation Act 2003. We stand here today ready to deliver upon that mandate and to meet our election commitment. These bills were unable to be brought before the House before the cut-off date for the introduction of legislation into the Legislative Council on 20 October 2016, as prescribed by sessional order. Unlike previous reforms undertaken in this policy space by successive Labor Governments in the last two decades, this Government is proud of the considered, rigorous, transparent and consultative approach we have followed.

There has been extensive public consultation during the development of the independent expert panel's review and also earlier this year when we released our draft reform package for public consultation for eight weeks. This was not tokenistic, tick-the-box public consultation; it was genuine. The community is united on one front. While the 7,000 submissions received express a variety of views, the majority had one thing in common—the need for change. We have been working around the clock since the public exhibition closed on 28 June 2016 to revise this package to ensure it adequately responded to issues raised, to ensure it continued to deliver upon the intent of the independent panel's recommendations to Government and to ensure it continued to deliver triple bottom line outcomes.

With regard to the urgency, nothing has changed in that respect. As identified in the independent biodiversity legislation review, the current biodiversity laws in New South Wales are failing. They are crueing agricultural productivity while continuing to oversee accelerated decline of the State's biodiversity. Every day this Parliament delays in allowing our legislation to be introduced and debated is one more day of continuation of those perverse and unintended impacts, which have been clearly identified in the independent, balanced and expert report that has guided development of our reform package. Let us allow the bills to be introduced so that this House can review them and have the robust debate that has been waiting to occur since 2003 when Labor's failed Native Vegetation Act was introduced. For that reason, I commend the motion to the House.

**The Hon. PENNY SHARPE (11:43):** I speak against urgency in relation to the Biodiversity Conservation Bill 2016. That is one of the most non-compelling cases of urgency that I have heard since coming to this place. Look at what is being dumped on us—217 pages that the Minister is seriously suggesting—

**The Hon. Duncan Gay:** I've heard a couple of yours.

**The Hon. PENNY SHARPE:** Look at what has been dumped on us—217 pages that the Minister is seriously suggesting—

**The Hon. Rick Colless:** The draft has been out there since May, Penny. Didn't you get it?

**The Hon. PENNY SHARPE:** Well, if the Hon. Rick Colless says they have not changed anything in the draft so therefore there has been no consultation, I am happy to take that. Bring it on. The issue that is before the House is not this bill. As we know, this bill is going to be heatedly debated, I suspect.

**The Hon. Ben Franklin:** Point of order: I note that members of the public in the gallery are, in effect, holding up signs or covering their faces with a political statement. That is against the standing orders and I ask that you request them to cease doing that.

**The Hon. Adam Searle:** That is not a basis for interrupting the speaker. It is not a point of order; it is a debating point.

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** The individuals are leaving the public gallery. The Hon. Penny Sharpe has the call.

**The Hon. PENNY SHARPE:** What is before the House is the matter of urgency and whether it should be dealt with. The Government has known the cut-off dates for legislation and proper scrutiny for over 12 months. We know that the Government has sat on this for a long time. There has been a draft bill; however, one of the

things that has been promised but the Government has failed to deliver is a briefing in relation to the changes between the draft and what is currently here. Instead, we are trying to rush this through today and we will have less than seven days to look at this bill. This fundamentally changes the biodiversity and environmental protections throughout this State. Coupled with some of the decisions that have been made previously, this is an extremely significant piece of legislation. Contrary to what the Minister also said, this bill has the support of precisely no-one. There are scientists who do not support it; even the people who were on the expert panel do not support it; and environmentalists who have tried very hard throughout to engage with the process have walked away from it.

There are many concerns about how we deal with threatened species, how we manage land and how we deal with carbon emissions off the back of this bill. There is no need for this bill to be declared urgent. If the work has been done, there is time for us to look at it properly. This is one of two things: it is either the failure of the Minister to get his legislation in order in the time that is set out by this House; or it is more to do with what is happening at the Orange by-election on Saturday. The Opposition will not support urgency.

**Dr MEHREEN FARUQI (11:46):** I speak on behalf of The Greens to also argue against the urgency in debating the bill. There is no case for urgency. Yes, we understand that a long process has been undertaken but the overwhelming consensus of people who have engaged in that process is that this bill will devastate the environment. If anything, we need more time to discuss and debate this openly in public. As the Hon Penny Sharpe said, this has everything to do with the Orange by-election and nothing to do with a good environmental outcome. The Greens oppose this motion for urgency.

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** Order! For clarification, the Minister has advised that if this motion is carried, he will then move a motion that debate on these bills be adjourned for five calendar days.

**The Hon. Niall Blair:** Point of order: There was a bit of noise in the Chamber and I could not hear the statement that was read out. Could you please repeat that?

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** Yes. I am reading the advice from the Minister that if the motion is carried that the bills be considered urgent bills, a motion will be moved that debate on these bills be adjourned for five calendar days.

**The Hon. Niall Blair:** After my second reading.

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** Yes, after the second reading speech. Members should not think that the urgency motion will mean that the debate will start on the bills immediately. The question is that the bills be considered urgent bills.

#### The House divided.

Ayes .....21  
Noes ..... 17  
Majority.....4

#### AYES

Ajaka, Mr J  
Brown, Mr R  
Cusack, Ms C  
Gallacher, Mr M  
Khan, Mr T

Amato, Mr L  
Clarke, Mr D  
Farlow, Mr S  
Gay, Mr D  
MacDonald, Mr S

Blair, Mr N  
Colless, Mr R  
Franklin, Mr B (teller)  
Green, Mr P  
Maclaren-Jones, Ms N  
(teller)  
Mitchell, Ms S  
Phelps, Dr P

Mallard, Mr S  
Nile, Reverend F

Mason-Cox, Mr M  
Pearce, Mr G

#### NOES

Barham, Ms J  
Faruqi, Dr M  
Houssos, Ms C

Buckingham, Mr J  
Field, Mr J  
Mookhey, Mr D

Donnelly, Mr G (teller)  
Graham, Mr J  
Moselmane, Mr S  
(teller)  
Searle, Mr A  
Shoebridge, Mr D

Pearson, Mr M  
Secord, Mr W  
Veitch, Mr M

Primrose, Mr P  
Sharpe, Ms P  
Wong, Mr E

## PAIRS

Taylor, Ms B

Voltz, Ms L

**Declaration of urgency agreed to.****Second Reading**

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (11:56):** I move:

That these bills be now read a second time.

This is a watershed moment for the Parliament. It is transformative for the farming sector and for the State's biodiversity. This bill will repeal the unjust and unworkable Native Vegetation Act. It will be replaced with an integrated legislative package that will bring down the curtain on two decades of government that fuelled antagonism between the farming sector and the environment movement.

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** Order! There is too much audible conversation in the Chamber. The Minister will be heard in silence.

**The Hon. NIALL BLAIR:** The burden of protecting biodiversity on privately owned land in this State will no longer be borne by farmers alone. This is a cause that the Nationals have championed ever since Bob Carr's Labor Government, with the full backing of The Greens, first introduced State Environment Planning Policy [SEPP] 46 in 1995. This instrument was forced upon rural communities with no consultation, no funding to compensate farmers for the removal of their rights and no understanding or concern about the impact it would have on primary production and the environment. This decision epitomised the worst of politics and victimised the farmers, people, families and towns of regional New South Wales. SEPP 46, the Native Vegetation Conservation Act 1997 and the Native Vegetation Act 2003 were introduced under the guise of protecting the State's environment and ending broad scale clearing. The clear message was that farmers were destroying the environment and they needed to be stopped.

**The Hon. Penny Sharpe:** Point of order. This debate will be heated. I cannot hear the Minister due to interjections from all members. This is the Opposition's first chance to hear what is in the bill. Mr Assistant President, I ask you to direct members to cease interjecting.

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** There is too much audible conversation in the Chamber. The Minister will be heard in silence.

**The Hon. NIALL BLAIR:** This broad-brush interference, which tarnished our entire farming sector as environmental vandals, was the rationale used to justify an extraordinary over-reach by Government. It created a paradigm that pitted farmers against environmentalists, a divide which has only deepened. Perhaps the most damning indictment is that it has not achieved the outcome that was heralded as justification for its introduction. Under those inequitable regulatory arrangements, biodiversity decline in New South Wales has continued.

**The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile):** Order! I remind Mr David Shoebridge that all interjections are disorderly. The member will allow the Minister to give his speech without interruption. It is an important speech on a bill that The Greens are concerned about.

**The Hon. NIALL BLAIR:** These laws and successive Labor governments perpetrated a political narrative so divisive and destructive that it remains deeply entrenched today—wrongly, inappropriately and needlessly. It pits the city against the country, production against protection and natural resource sterilisation against sustainable use and development. These simplistic "take it or leave it" political propositions belie more complex, dynamic and interdependent realities. I have toured regional New South Wales extensively in the past 18 months to consult broadly on our biodiversity reforms with the people who the reforms will have an impact on. I have sat around kitchen tables and stood in paddocks with farmers from one end of the State to the other and I have heard the same message loud and clear: The laws must be changed and fairness must be restored. The other message I have heard is that agriculture and the environment are not opposed; they are co-dependent.

Today the paradigm is being turned on its head. Our farmers, whom we know to be the true on-the-ground conservationists, finally will be recognised as the critical missing part of the solution to arrest biodiversity decline, rather than being demonised as the problem. We will rid regional New South Wales of the hated and damaging Native Vegetation Act 2003 once and for all. We will replace it with a modern, innovative and integrated system that is balanced, scientific and evidence based, and places farmers at the heart of the solution. We will support

these reforms with a record investment of \$240 million over five years, plus \$70 million per year after that in private land conservation, in addition to \$100 million to fund the Saving our Species program.

We have followed a rigorous, transparent and consultative process to get to this point. In 2014 we commissioned an independent review of biodiversity legislation in New South Wales, conducted by four leading experts in biodiversity and natural resource management and chaired by Dr Neil Byron. Its charter was to review the failures of the past and to provide recommendations to protect and enhance biodiversity while achieving regional, social and economic outcomes derived from improved land management. The panel emphasised that conservation relies on the cooperation of landholders and that too much red tape alienates the very people whose cooperation is essential for great biodiversity outcomes. The wisdom of that message has been received loud and clear and is the foundation on which this reform has been crafted.

The independent expert panel made 43 recommendations to Government following extensive public consultation. We made an election commitment to implement all 43 of those recommendations if returned to government in March 2015. After being re-elected we immediately began developing a package of legislation and supporting materials, undertaking targeted consultation at every step of the way with the NSW Farmers and other peak bodies. In May this year we released the reform package for broad public consultation and undertook a comprehensive engagement program, which involved more than 1,000 stakeholders and members of the public attending Government-hosted meetings and community information sessions across New South Wales. It was genuine consultation, demonstrated by the fact that the legislation before this House today has been modified to respond to feedback received on the draft package while remaining true to the intent and purpose of the independent expert panel's recommendations.

Before I turn to the detail of the bills, it is important to reiterate what has necessitated these historic reforms. Put simply, rural communities are suffering and our environment is in crisis. Agriculture is stifled and biodiversity is going backwards. We have arrived at this point for two reasons. First, it is because the productivity of the State's primary producers is being unduly impeded by unfair and unworkable legislation. Secondly, it is because the principal stewards of the State's environment are fighting to deliver outcomes on behalf of us all without guidance, without assistance, without recognition and without reward. The objectives of these reforms are to arrest and ultimately reverse the current decline in the State's biodiversity while facilitating ecologically sustainable development, in particular efficient and sustainable agricultural development. It is only in collaboration with farmers that we can improve the efficiency and sustainability of our primary industries, and it is only by cultivating and harnessing the goodwill of those same farmers that we can protect and enhance biodiversity.

The existing legislative framework ignores those self-evident facts. It makes government a regulator instead of a collaborator. For decades Government has worked against landholders instead of with them. Consequently, rural communities have lost faith, and trust in the Government has eroded. This was a recurring theme in the independent panel's report. The Government is today righting the balance. We have engaged with the farmers of New South Wales, the primary producers and chief environmental stewards of our State. In close collaboration with them, we have developed a fair and balanced package of reforms that can deliver agricultural productivity and biodiversity outcomes simultaneously. A fundamental premise underpinning these reforms is that the Government must enable landholders to improve the efficiency of their agricultural systems and take a more active role in providing incentive and supporting landholders to improve the condition and function of their ecological systems. Doing this requires a new approach to land management and biodiversity conservation, and strategic and targeted investment across a suite of government programs that together contribute to productive and resilient landscapes. That is what this package delivers.

The loss of biodiversity in New South Wales is a symptom of deteriorating ecosystems. In order to preserve biodiversity we must address both this symptom and its root cause. Critically, we must restore, manage and maintain functioning ecosystems and habitats that are viable in the long term. Native vegetation is a well-recognised proxy for ecosystem function. As the condition of native vegetation declines, its function and value decline proportionally. Evidence in successive New South Wales *State of the Environment* reports identifies that the condition of most native vegetation in New South Wales has deteriorated. Sixty-one per cent of New South Wales is covered by native vegetation. Only 9 per cent is considered to be close to its original condition, and the remaining 52 per cent has been modified. A key aspect of biodiversity conservation therefore is managing native vegetation to improve its condition.

The current native vegetation framework forces farmers, at their own cost, to conserve remnant native vegetation without regard to its condition or function. It provides landholders with neither the means nor the motivation to improve native vegetation. The existing framework's perverse focus on quantity rather than quality and its utter lack of support for landholders not only has imposed inequitable restrictions and burdens on farmers but also has resulted in the abysmal biodiversity outcomes we see before us today. Active and adaptive

management of remnant native vegetation to improve its condition will improve biodiversity outcomes. That is unequivocal. Members need not take my word for it. The Productivity Commission's 2016 draft report on the regulation of agriculture states:

Where native vegetation and biodiversity conservation regulations require landholders to preserve trees or parcels of vegetation, it is not a matter of simply 'locking up and leaving' that land—ongoing involvement of the landholder is required. The natural ecological succession of native vegetation communities means that active management is required to keep them in preferred states.

Providing farmers with the incentive to actively manage native vegetation is essential to securing the State's biodiversity. That is clear. The existing native vegetation framework does not provide this incentive. It is overly complex, prescriptive and unfair. It imposes a higher environmental standard on agriculture than is imposed on other industries and it has been poorly administered and insufficiently resourced. The independent panel found that successive amendments to the Native Vegetation Act 2003 have produced:

... a complex system that is difficult for the community to navigate, has imposed unnecessary regulatory burdens, especially in certain regions and sectors across the state, is process driven and not fulfilling current objectives in the most effective and efficient way.

The inequity of the Native Vegetation Act has resulted in low levels of landholder engagement and fewer opportunities for government to encourage or offer incentives to landholders to implement land management practices conducive to better production and environmental outcomes. Government records indicate that between December 2005 and June 2016 fewer than 3,500 property vegetation plans were approved under the Native Vegetation Act. That means that fewer than 10 per cent of the State's 42,000 businesses have engaged with the existing system. That is an unequivocal failure.

Today we propose an entirely new approach. Our reforms can be summarised by the following four key themes. First, a new rural land management framework will be established under which landholders will be able to improve and expand their agricultural activities, in some cases in exchange for managing parts of their property for environmental outcomes. Secondly, a new market-based system will be established for avoiding, minimising, measuring and offsetting the biodiversity impacts of development, with flexible options for developers and strategic oversight by government. Thirdly, a modern, risk-based approach will be established for identifying, protecting and regulating interactions with native plants and animals; and, finally, new arrangements will be established to deliver conservation outcomes on private land, supported by an unprecedented level of direct government investment.

The Government is confident that the reforms, taken as a whole, will reduce the tension between development and the environment, and deliver socioeconomic and ecological benefits in a truly balanced way. The scope of the reforms is set out in new principal legislation—the Biodiversity Conservation Bill—and a Local Land Services Amendment Bill. I now turn to the content of these bills. In relation to the Local Land Services (Amendment) Bill 2016, clause 3 repeals the Native Vegetation Act 2003. Landholders around the State will feel a great burden finally lifted from their shoulders. In its place, the bill establishes a new fair, balanced, farmer-focused land management framework, which will regulate impacts on native vegetation in rural areas of the State. The land management framework will be set out in a new part 5A and new schedules 5A and 5B in the Local Land Service Act 2013.

The land management framework comprises four key elements: new criteria for determining land on which native vegetation impacts are and are not regulated; new allowable activities permitting landholders to undertake routine land management activities without permission; new codes of practice permitting impacts on native vegetation in regulated rural areas; and a new clearing approval process that leverages the biodiversity offsets scheme and requires triple bottom line decision-making.

The land management framework provides a range of new opportunities for landholders to improve production outcomes, in some cases in exchange for managing parts of their property to improve environmental outcomes. For each hectare cleared under the framework, it is estimated that between two and four hectares will be set aside and managed in perpetuity. Provided take-up of the framework by landholders reaches a "critical mass", this new approach will result in productivity and large areas of land being newly managed for biodiversity. The new framework will apply to rural zones outside the Sydney metropolitan area, excepting national parks, State forests and certain land types and tenures. For land not covered by the framework, a new State Environmental Planning Policy is being developed, which will regulate vegetation clearing on that land.

All land to which the new framework applies will be divided into two categories, being category 1 exempt land and category 2 regulated land. On category 1 land, native vegetation may be cleared without authorisation under the Local Land Services Act. This is the first time land will be deregulated in this way. On category 2 land, clearing is regulated under the Local Land Services Act and some authorisation will be required. Additional protection will be afforded to category 2 vulnerable land. Vulnerable land includes riparian land, and steep and highly erodible land. In these areas regulation extends to non-native and dead vegetation. Category 2 land will

consist primarily of land that contained native vegetation at 1 January 1990 and has not been lawfully cleared since then. It also will consist of land containing sensitive values that require additional protection. All other land will be category 1 land.

The Office of Environment and Heritage is developing a native vegetation regulatory map, which will identify category 1 and category 2 land. The map will provide greater certainty to landholders about the status of vegetation on their properties. Landholders who are dissatisfied with how their land has been mapped will have a right of review. The map is currently under development. It will not come into effect until Ministers are satisfied that stakeholders have sufficient confidence in its accuracy. To this end, further engagement with landholders will be undertaken in early 2017 to explore a range of issues, such as mapping of grasslands and woody regrowth. Transitional arrangements will apply until the map is formally made.

The first type of authorisation provided for under the bill is clearing for allowable activities. Allowable activity provisions are set out in division 4 and schedule 5A. These provisions permit impacts on regulated native vegetation associated with routine land management activities, such as environmental protection works and collection of firewood; and construction, operation and maintenance of rural infrastructure, such as fences, dams, sheds and tracks. In developing allowable activities, we have consolidated, simplified and expanded the existing routine agricultural management activities in the Native Vegetation Act, and we have provided greater flexibility and discretion to landholders and Local Land Services [LLS], and an increased ability for a common-sense, practical approach to be applied. We also have included more transparent requirements to minimise impacts on native vegetation where possible.

The second type of authorisation provided for under the bill is codes of practice. Division 5 of the bill enables the Minister to make codes of practice permitting impacts on native vegetation on regulated rural land. For low-risk impacts, landholders will need to notify LLS prior to undertaking any clearing of native vegetation. Landholders will require certification from LLS prior to undertaking higher risk clearing activities. In exchange for clearing, some codes will require establishment of a "set aside area", which is an area to be managed for biodiversity outcomes in perpetuity. All set aside areas will be listed on a new public register, and set aside obligations will bind current and future landholders.

In developing draft codes, the Government has ensured that set-aside ratios are fair and reasonable, and do not impose a disproportionate burden on landholders. To enable landholders to make informed decisions about code applications, we will ensure that the cost of managing set-aside areas is clear and known up-front. A range of proposed code settings were made available as part of consultation on the reform package, including setting for an equity code and a farm plan code. These codes will provide considerable additional flexibility to landholders and greatly improve productivity. They also will increase the area of native vegetation being actively managed for biodiversity outcomes.

Importantly from a biodiversity perspective, the codes will include limits on clearing and conditions, and restrictions for sensitive land and vegetation types. LLS will play a key role in assisting landholders to make informed decisions about development and conservation options on their properties. Draft code settings have been revised as a result of consultation. Draft codes will be exhibited in early 2017 and formally made on commencement of the new legislation. The Government will work closely with landholders during implementation to ensure codes deliver triple bottom line outcomes. If we find that codes are not delivering anticipated outcomes, we will amend code settings.

The third type of authorisation provided for under the bill is a formal clearing approval. Provisions relating to approvals are set out in division 6 and schedule 5B. Unlike the existing native vegetation framework, which only permits clearing that will "improve or maintain" environmental outcomes, the division 6 approval pathway requires consideration of the social, economic and environmental impacts of proposed clearing. This approval pathway mirrors the development consent process in the planning system and creates a level playing field, as recommended by the Independent Panel. A new, independent assessment panel will be responsible for considering clearing applications. Where approval is granted, the panel will be required to impose a biodiversity credit retirement obligation as a condition of approval to offset the biodiversity impacts of clearing. The panel will have discretion to vary the credit obligation, if appropriate, having regard to triple bottom line considerations.

There are two other parts of the Local Land Services Amendment Bill that I will draw attention to before I turn to the Biodiversity Conservation Bill. Division 7 sets out a range of public reporting requirements, which will provide transparency regarding take-up of the land management framework. This is one of a number of new governance arrangements to enable government to better monitor and report on the impacts and benefits of reform elements across all three limbs of the triple bottom-line. Clause 60ZM makes the investigation powers in the Biodiversity Conservation Bill exercisable for compliance and enforcement activities related to the new land management framework. The Office of Environment and Heritage will be the compliance authority for this purpose. Landholders expressed concerns with some of the investigation powers in the Biodiversity Conservation

Bill. To address these concerns, some powers are limited or conditional upon where they are being exercised in relation to the land management framework.

I now turn to the Biodiversity Conservation Bill 2016. The functions of the bill broadly can be divided into three themes, each of which I will describe briefly. The first theme is the new biodiversity offsets scheme, which is established in parts 6, 7 and 8 of the bill. The scheme will enable streamlined and consistent assessments of the biodiversity impacts of development and require proponents to offset these impacts. It will replace a range of existing biodiversity assessment pathways. The biodiversity assessment method, made under the bill, will be used to assess the impact of development on biodiversity values. The method will determine the number and type of biodiversity credits required to offset impacts.

The biodiversity offsets scheme will apply to all developments assessed under part 4 of the Environmental Planning and Assessment Act 1979 and to major projects. Public authorities undertaking development under part 5 of that Act may elect to use the scheme, but this will not be mandatory. The bill establishes the concept of "serious and irreversible" biodiversity impacts. Consent authorities must refuse development consent under part 4 of the Planning Act where impacts are serious and irreversible. For major projects, serious and irreversible impacts will be a relevant consideration for the consent authority.

Where development consent is granted under part 4 of the Planning Act, the consent authority must impose as a condition of consent an obligation to retire the number and type of biodiversity credits determined in accordance with the biodiversity assessment method. With the concurrence of the Environment Agency Head, the consent authority may reduce the credit retirement obligation, if appropriate, having regard to the social, economic and environmental impacts of the proposed development. For major projects the credit retirement obligation determined by the method is a relevant consideration for the consent authority.

A proponent of development who has a credit retirement obligation may source credits from an open market to discharge their obligation. Landholders will be able to generate credits and make them available in the market by entering into a stewardship agreement with the Minister for the Environment. The number and type of credits generated under an agreement will be determined by application of the biodiversity assessment method.

In lieu of acquiring and retiring credits, proponents of development may elect to meet a credit retirement obligation by paying an equivalent monetary amount into the Biodiversity Conservation Fund. The fund will be administered by a new Biodiversity Conservation Trust. Where a developer elects to pay into the fund, the trust will be responsible for sourcing the required credits. The bill will expand the biodiversity certification scheme. The scheme provides proponents of development with a new way to streamline biodiversity assessment processes and attain up-front certainty about biodiversity impacts and costs.

Identifying and protecting native plants and animals is the second theme in the Biodiversity Conservation Bill. Provisions relating to this theme are set out primarily in parts 2, 3 and 4 of the bill. The bill establishes a modern approach to identifying and protecting threatened species. Key features include: improved processes for listing threatened species and ecological communities; stronger penalties for harming threatened species or their habitat; and increased protections for areas of outstanding biodiversity value. These legislative arrangements are supported by an additional \$100 million over five years for the Saving Our Species program. Under this theme, the bill also establishes a new risk-based approach to regulating human interactions with native animals and plants. High-risk activities will continue to require a licence while low-risk activities will be either exempt from regulation or provided for under a code of practice.

The final theme in the Biodiversity Conservation Bill 2016 is private land conservation. The bill will create three new types of private land conservation agreements, which will replace a range of existing arrangements. These agreements will enable direct government investment in biodiversity outcomes on private land to which the Government has committed an unprecedented \$240 million over five years. This investment will be delivered by the Biodiversity Conservation Trust in accordance with a Priority Investment Strategy made by the Minister for the Environment.

Biodiversity stewardship agreements are the first of the three types of agreement. These are in-perpetuity agreements that require landholders to undertake management actions in exchange for annual payments. Anticipated improvements in biodiversity arising from management actions will be quantified by the biodiversity assessment method and generate biodiversity credits. Credits may be sold in the biodiversity offsets market or retired to meet a credit retirement obligation. Credits also may be purchased and retired by the Biodiversity Conservation Trust under the private land conservation program.

Conservation agreements are the second type of agreement provided for under the private land conservation theme. These agreements typically will be used for higher conservation value land where modest management effort is required to protect existing values. In accordance with the recommendation of the

independent panel, conservation agreements provide a mechanism for landholders to be rewarded for the provision of ecosystem services to the community. Wildlife refuge agreements are the final type of agreement. These are agreements between landholders and the Biodiversity Conservation Trust for the purposes of studying or conserving the biodiversity values of the land.

There is just one further element of the Biodiversity Conservation Bill 2016 that I will draw to the attention of the House. Schedule 11 to the bill makes a range of consequential amendments to other Acts. This includes amendments to the Forestry Act 2012, which preserve existing arrangements for private native forestry that formerly resided in the Native Vegetation Act. The independent panel explicitly recommended reviewing regulatory arrangements for timber harvesting on private land and establishing new arrangements that recognise forestry as a sustainable form of land use and not clearing. It recommended doing so as part of a separate process. That separate process has commenced and the Government is developing new legislation that will give effect to this recommendation. That ends my synopsis of the bills.

What I have just outlined is a comprehensive framework for the future of land management and biodiversity conservation in New South Wales. In close consultation with the independent panel and key stakeholders, including NSW Farmers, the Government has worked hard to develop an integrated and holistic package of reforms. The Government is confident it has got the balance right. We are committed to continuing our collaborative approach during implementation. This will involve working closely with all willing sectors and all willing parties to harness their knowledge and expertise and ensure that the best possible outcomes are delivered. This will include close engagement with the Aboriginal community to incorporate their traditional knowledge, protect their cultural heritage and explore options to leverage the reforms to deliver benefits for their communities.

We commit to continuing to evolve the framework over time to ensure balanced and fair outcomes—for individuals, for communities, for regions and for the State as a whole. To demonstrate this commitment, we will undertake two pilot programs to build upon and further test key elements of the new framework. First, Local Land Services will pilot development of a strategic land use map in one regional area of the State. The map will draw on the best available data to identify land that is likely to be of high, moderate and low conservation value at a landscape scale, and land that is likely to be suitable for high-value agricultural development. The map will be developed in close consultation with landholders and other interested stakeholders.

Once developed the map will be validated by applying the biodiversity assessment method in strategic locations to test conservation value assumptions. This will enable provision of detailed information to landholders about the costs and benefits of participating in the offsets scheme. Subject to a review of pilot outcomes, development of similar maps could be rolled out in priority regions across the State to inform decisions about conservation and development opportunities and priorities.

The second pilot will involve development of two strategic biodiversity certification applications in an agricultural context—one in an area with a high proportion of remnant vegetation and one in an area in which native grasslands are particularly prevalent. The pilots will provide an opportunity to investigate the viability of biodiversity certification as an option in an agricultural context. This will include consideration of arrangements required between participating landholders. Once the applications are prepared participating landholders may elect to submit applications to the Minister for the Environment seeking formal biodiversity certification. This would enable future development to be undertaken without an assessment of biodiversity impacts. Subject to a review of pilot outcomes, Local Land Services may consider developing further strategic bio-certification assessment pilots in priority areas around the State.

I commenced my contribution by referencing the fraught and conflict-ridden recent history of this issue. It has been a long and depressing two decades for the State's farmers not only in the sense of productive impacts but also because of the continual decline in biodiversity. It is time for the Parliament to right those historical wrongs. With the package of reforms before the House, we collectively have the opportunity to make a clean break from the past and usher in a new era in land management and biodiversity conservation—one in which we work with rural communities instead of against them, and one in which agriculture and the environment flourish. But this is not the end of the story; much work still remains to be done. The Government acknowledges that it must redouble its efforts to ensure that it gets implementation right. We must actively monitor and evaluate the impacts of the land management framework to ensure triple bottom line outcomes are delivered to regional communities throughout New South Wales. The New South Wales Government commits to ensuring our natural resource management policies fully engage the cooperation of landholders. I commend the bills to the House.

**Debate adjourned.**

**REGULATORY AND OTHER LEGISLATION (AMENDMENTS AND REPEALS) BILL 2016****Second Reading****Debate resumed from 19 October 2016.**

**The Hon. PETER PRIMROSE (12:31):** The Regulatory and Other Legislation (Amendments and Repeals) Bill 2016 seeks to amend a number of existing Acts related to property, stock and business agents; the publication of standard retail prices of fuels for fuelling vehicles with hydrogen and electricity; and the removal of duplication of obligations for Friendly Societies that provide funeral bonds and funeral plans. The bill also repeals a number of certain Acts and instruments that are no longer required. It also provides for a number of amendments and repeals aimed at removing redundant legislation, increasing government digitisation and adding to the Government's so-called "red tape reduction" target.

In digitisation, the Government will amend the Residential Tenancies Act 2010 with a view to increasing the uptake of tenants lodging their bond digitally and directly to the Rental Bond Board. Tenants still will have the option of completing paper forms if they wish. The Architects Act 2003 and Building Professionals Act 2005 will remove the requirement to provide a statutory declaration when lodging a complaint under those Acts and thus open up the ability to establish an online complaint lodging system. In consumer protection aims, agents' obligations and agencies' supervisory responsibilities under the Property, Stock and Business Agents Act 2002 also will cover staff engaged by an agency under the Act through non-traditional employment arrangements, such as independent contractors. The publishing of the standard retail prices for fuel for motor vehicle users under the Fair Trading Act 1987 will expand to include hydrogen and electricity as motor vehicle fuel at commercial fuelling or recharging stations.

In the second reading speech the Parliamentary Secretary detailed each amendment aimed at "removing red tape and reducing regulatory burden", which the Government believes will make it easier to do business in New South Wales. The Minister has advised that allowing people to hold a driver licence and a New South Wales photo card at the same time will remove unnecessary regulatory barriers. Likewise, the amendments to the Funeral Funds Act are aimed at reducing Federal and State duplication for Friendly Societies in New South Wales operating funeral funds. The Opposition welcomes these measures but it would be remiss of me to conclude this contribution without noting the overall progress of the so-called red tape reduction regime of this Government.

Again, whilst I applaud the Minister for attempting to reduce the regulatory burden that this legislation places on consumers in New South Wales, and despite the rhetoric of those opposite, this Government has failed abysmally in its red tape reduction. In August the New South Wales Auditor-General slammed the Government's measures to reduce red tape as ineffective after it increased the regulatory burden by \$16.1 million. The report on red tape reduction found that the regulatory burden faced by small businesses in New South Wales had increased since the Government was elected. The report states:

Overall, NSW Government initiatives and processes to prevent and reduce red tape were not effective. Reported red tape savings were inaccurate and direct entry burden of legislation increased.

The Auditor-General also reported that many of the regular repeals did little to assist businesses facing regulatory burden as they targeted legislation with little to no regulatory burden rather than legislation that impedes businesses. Over the past five years the complexity of legislation also has increased. The number of pages of legislation, usually used to highlight how complex a piece of legislation is, has increased over the life of policy by 1.4 per cent per year, on average. In the previous 10 years, before the policy was implemented, there had been a reduction in legislative complexity of 1.1 per cent per year, on average. It is clear from the Auditor-General's report that the Government needs to put its strong red tape reduction rhetoric into action.

The bill also makes a number of repeals to legislation and legislative provisions that were not commenced for several reasons, or which have become redundant. Again, the Opposition sees no problems in the proposed amendments as they simply get rid of non-commenced material and will provide other minor technical changes to legislation that, as the Minister has advised, Parliamentary Counsel considers appropriate. It cannot be argued that red tape is being reduced when Acts and regulations that are spent, or no longer have any effect, cease to be part of our legislative basis. Red tape is reduced when we get rid of practices or legislation that impede business, not legislation, regulations and government practices that no longer have any effect on business. One cannot claim that as a win for getting rid of red tape. Overall the Opposition has no problems with this legislation. It is appropriate and we will not be opposing it.

**The Hon. PAUL GREEN (12:38):** On behalf of the Christian Democratic Party I contribute to debate on the Regulatory and Other Legislation (Amendments and Repeals) Bill 2016, which seeks to reduce regulatory burden and remove barriers to digitisation within government. The Christian Democratic Party recognises the importance of removing regulatory burden on business and individuals where it is causing unnecessary

interruption, difficulty and costs. The object of the bill is to amend a series of Acts including the Property, Stock and Business Agents Act 2002, the Conveyancers Licensing Act 2003, the Pawnbrokers and Second-hand Dealers Act 1996, the Fair Trading Act 1987, the Funeral Funds Act 1979 and the Residential Tenancies Act 2010. Clause 1 of schedule 3 to the bill repeals provisions of certain Acts that, for policy reasons, are no longer required; clauses 2 and 3 of schedule 3 to the bill repeal certain other Acts and instruments for the purpose of statute law revision; and schedule 4 to the bill makes amendments to various other Acts and instruments consequent on or related to the proposed repeals, including amendments relating to the abolition of the Compensation Court in 2004.

The amendments to the Property, Stock and Business Agents Act 2002 seek to strengthen underquoting protections for consumers. These changes have come about following a failed prosecution by NSW Fair Trading against a Sydney real estate company where the real estate company employed a subsidiary company to provide individual agents. The individual agents made false representations regarding selling prices to potential buyers. However, as they were not directly employed by the Sydney real estate company the matter was thrown out of court. The changes mean that licensees who operate real estate agencies are now liable for the actions of their employees regardless of the employment arrangement, introducing stronger accountability for all real estate agents, regardless of their employment conditions. Licensees also must ensure they employ only staff who are licensed or hold a certificate of registration and that all staff must be properly supervised and comply with the requirements of the Act.

The bill also extends the licences issued under the Conveyancers Licensing Act 2003 and the Pawnbrokers and Second-hand Dealers Act 1996 to extend the renewal period from every year to every three years. This brings the licensing scheme in line with the home building and motor dealers and repairers licensing schemes. It also reduces additional time and cost pressures that an annual licencing scheme inherently causes. We consider that the checks and balances should be undertaken for a business, particularly in the pawnbrokers and second-hand dealers industry, before they are granted an extended licence because we know that some businesses have a history of issues with the law.

The bill amends the Fair Trading Act 1987, extending the current scheme that allows for the publication of fuel prices around New South Wales. Currently, real-time fuel prices are available through various websites and apps, including FuelCheck. This amendment extends the availability of real-time prices for hydrogen and electricity, expanding the ability of families and businesses to shop around for the best price available. We note at this point that this amendment is not intending to capture private recharging facilities; it applies only when the service is being offered to the public on a commercial basis.

The bill also amends the Funeral Funds Act 1979. Friendly societies in New South Wales that operate a funeral fund no longer will be required to be registered under the Funeral Funds Act 1979. This removes a duplication of regulatory requirements as such societies are already regulated under the Commonwealth's Life Insurance Act and supervised by the Australian Prudential Regulation Authority. Similar arrangements also exist for Crown cemetery trusts, which are regulated under the Cemeteries and Crematoria Trusts Act 2013. Further to this, Crown cemetery trusts now also will be able to provide prepaid funeral services and to act as a trustee of the money paid in advance whereas previously a separate trustee, registered under the Funeral Act, was required in order to provide those services.

The bill also introduces a requirement for landlords or real estate agents to register as an online user of the Rental Bonds Online service. Landlords or real estate agents are not able to require a bond unless they have registered. This then provides tenants with the option to lodge their rental bond online in a user-friendly, secure online environment. If tenants do not have access to the internet, they are still able to pay their bond in the traditional way. The Rental Bond Board is an independent custodian of bonds and the use of this service eliminates the possibility of funds not being lodged, so funds are secured for the future.

The bill also repeals provisions of certain Acts that, for policy reasons, are no longer required, repeals certain other Acts and instruments for the purpose of statute law revision, and makes amendments to various other Acts and instruments consequent on or related to the proposed repeals, including amendments relating to the abolition of the Compensation Court in 2004. I would have liked a bit more time to consider this legislation but, once again, we will show a bit of goodwill to the Government and assume that there is nothing hidden in the legislation and that the people of New South Wales will be better off with this amending bill. I commend the bill to the House.

**Mr JUSTIN FIELD (12:45):** On behalf of The Greens I contribute to debate on the Regulatory and Other Legislation (Amendments and Repeals) Bill 2016. The Greens support the legislation. We support the changes to increase the uptake of electronic lodgement of rental bonds. We recognise that there have been issues with unscrupulous property managers and agents who have not lodged bonds and that by requiring agents to make this option known to tenants that risk is reduced. I note that in the briefing from the Government it was

acknowledged that while 80 per cent of agents are registered to provide this service, only 20 per cent of bonds are currently lodged this way.

Why is the uptake so low? I ask the Government: Does a financial incentive exist for agents to not encourage tenants to lodge bonds electronically? Are agents currently temporarily holding cash from bonds before lodgement? If so, how is this financial incentive, if it exists, being addressed by this legislation? How will we ensure that we can increase that 20 per cent uptake to the 80 per cent target? I request the Minister to address that matter in his reply. I take it on face value that the Government is committed to increasing electronic uptake, which we think is appropriate. It is encouraging to see that the Government recognises the benefits of powering the private transport sector in the future. The revolution is here: electric vehicles are the future of vehicle transport.

**The Hon. Dr Peter Phelps:** Coal-powered transport.

**Mr JUSTIN FIELD:** It is the future of public transport and private transport. I am sure that in a couple of years all members of this House will be proudly driving their Teslas, which have been charged at charging stations across the State powered by wind farms near Goulburn in particular. No doubt that will be the home of the electric vehicle revolution. Electric vehicles offer the opportunity to decarbonise our transport system, they reduce air and noise pollution, and they offer a superior driving experience. More needs to be done. We need to provide incentives as well or we will be left behind in the global transition to electric vehicles. As with any new technology, the faster it reaches a critical mass the better and it will become cheaper and more accessible.

The Greens have a number of suggestions for the Government to implement incentives over the next five years to encourage the adoption of plug-in electric cars. I think it fits in very well with the intention of this bill, which is to require the publishing of standard retail prices for electricity and hydrogen offered at motor fuel and commercial fuel recharging stations, which we support. But let us look at some options for increasing uptake. The use of transit lanes would provide electric vehicle owners with a convenient advantage over other vehicles. We could waive stamp duty or reduce it for zero emission vehicles. A 50 per cent reduction in registration costs potentially would reduce the cost of annual registration by as much as \$170 a year and it could encourage the uptake of electric vehicles. Requiring government procurement of electric vehicles might be an appropriate thing to do. We can, of course, work with industry and businesses to encourage them to install more charging stations so that convenience is extended and people are more willing to transition to electric vehicles.

The incentives will mean forgone revenue of around \$3 million in the first year, estimated to rise, of course, but this is relatively small in relation to the State budget and there are many benefits for the State in a transition away from fossil fuel-based vehicles, particularly through environmental standards, improvements to air pollution and the like. Electrifying our transport system is a vital component in phasing out fossil fuels and transitioning to clean and renewable energy. The Greens also support changes to enable a person to hold both a photo identification [ID] card and a driver licence.

When I asked the Government why the law prevents this I was advised that there was no known reason why it specifically has been prohibited in the Photo Card Act. I think there is a lesson in that for all of us when we are making laws in this place. Being able to hold two forms of photo ID is particularly useful for young people who require ID to enter venues. They can now obtain both a driver licence and a photo ID and they will need to take only the ID card with them, avoiding the risk and inconvenience of losing their licence whilst stumbling home at the end of an evening out—a productive change indeed. The Greens support the Regulatory and Other Legislation (Amendments and Repeals) Bill 2016.

**The Hon. SARAH MITCHELL (12:50):** On behalf of the Hon. John Ajaka: In reply: I thank members for their contribution to debate on the Regulatory and Other Legislation (Amendments and Repeals) Bill 2016, which contains amendments to improve regulatory quality, to ensure legislative protection provisions work as intended, to reduce red tape and unnecessary regulatory burden, and to repeal obsolete provisions. The proposed amendments to the Property, Stock and Business Agents Act 2002 will strengthen existing underquoting laws and clarify licensees' responsibilities, particularly for those engaged to act on their behalf as employees, despite the method of engagement. The bill will send a strong message to the real estate industry about the professional standards it is expected to meet, including its obligation for proper supervision of its employees. The amendments also will facilitate effective enforcement of the underquoting laws and will ensure that those vital consumer protection measures operate as intended. These measures have the support of key industry associations, such as the Real Estate Institute of New South Wales and the Estate Agents Co-operative Ltd. The industry, in general, has been very responsive regarding the new underquoting laws.

This bill is one component of the Government's agenda to regulate smarter and make it easier to do business and interact with government regulation. Amendments to facilitate the uptake of digital services via the Online Rental Bond system and the ability to lodge complaints online in relation to architects and building certifiers will make it easier to deal with government and comply with regulatory requirements. The bill

demonstrates this Government's continued commitment to reducing and removing unnecessary red tape by introducing the option of one-year or three-year licences for conveyancers, pawnbrokers and second-hand dealers, and making amendments to and repealing redundant provisions of 17 different Acts and regulations. From the debate on this bill it is clear that these measures also have strong bipartisan support.

I comment briefly on one of the issues raised during the debate by Mr Justin Field relating to bond lodgement. I inform the House that there is no financial incentive for an agent not to lodge a bond. Funds must be held in a trust account and the agent does not obtain interest from that. The agent must forward the funds to the board within 10 days. Fair Trading is working hard with agents to increase the uptake of online lodgement. This Government is committed to creating a business-friendly environment for New South Wales entrepreneurs by reducing and removing barriers, costs and complexity and making regulatory obligations easier to understand and implement while maintaining appropriate consumer protections.

This bill is one component of that agenda and works together with other initiatives such as the Easy to do Business program, the Commerce Regulation program and Service NSW, which are already providing significant benefits. The NSW Business Chamber's latest Red Tape Survey recognises Service NSW as an example of a less complex regulator which makes it easier for businesses and consumers to meet their regulatory responsibilities. This bill and these other initiatives are about regulating smarter in order to provide benefits to business, the economy and the community. I commend the bill to the House.

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

That this bill be now read a third time.

**Motion agreed to.**

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

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

### *Questions Without Notice*

### LAND AND PROPERTY INFORMATION

**The Hon. ADAM SEARLE (14:31):** My question is directed to the Minister for Primary Industries, and Minister for Lands and Water, representing the Minister for Finance, Services and Property. Given that whistleblowers have stated that Land and Property Information is in a state of chaos ahead of its sale, what steps has the Minister taken to investigate these claims, and how that is affecting the 205 families who unknowingly purchased land set aside for the F6?

**The Hon. Duncan Gay:** I probably answered that yesterday.

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:31):** I thank the Leader of the Opposition for his question. I acknowledge the interjection by the Leader of the Government. I note that a question along similar lines was directed to him yesterday. As always, he gave a thorough and detailed answer. I know that this issue has been front of mind for people in different areas of the State over the past few weeks. I will take the question on notice, on behalf of the Minister for Finance, Services and Property. I am sure that he will provide a detailed and relevant response.

### CLARENCE RIVER CROSSING

**Mr SCOT MacDONALD (14:32):** My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister please update the House on the announcement of the start of major construction on the \$240 million second crossing of the Clarence River at Grafton?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:33):** This project has been anticipated for a long time. Last week I was joined by the great member for Clarence, Chris Gulaptis, and the local community to turn the first sod on major work on the \$240 million second crossing of the Clarence River at Grafton.

**The Hon. Greg Donnelly:** Did Steve Cansdell get an invitation?

**The Hon. DUNCAN GAY:** Steve Cansdell has been there with us on a couple of occasions. The early work that he did on the project should be recognised. I thank the Opposition for that recognition of his contribution. This was a historic day for the Grafton community, which has been calling for a second bridge to be built for decades. Now, with shovels in the ground, the new bridge will be open to traffic in 2019. The community's call for a new bridge over the Clarence River fell on deaf ears for 16 years under Labor. I know the standing orders, so I will not use a prop, but if I were to use a prop I would be holding up the press release that Bob Carr put out in 2004. It gave an iron-clad guarantee that Labor would build a second bridge over the Clarence River. As members can see, I am holding an invisible press release.

I will not breach the standing orders. This press release is just like Bob Carr's bridge: It is invisible. People have been looking for it everywhere. No-one can find it. They went up the Clarence River and down the Clarence River to Yamba. They looked everywhere, but Bob Carr's bridge was nowhere to be seen. They are still waiting for Bob Carr's bridge. Here it is. Mike Baird and Troy Grant are now delivering Bob Carr's bridge, 16 years after it was promised. That is what happens when you vote for a good Government. The current bridge causes gridlock in the town due to restrictions. Most of us know the bridge. It is an iron bridge on top of a railway crossing, with a dogleg in the middle of it. B-doubles cannot use the bridge at peak times. They bank up, causing traffic chaos for the dozens of trucks waiting to use the bridge.

The exciting new bridge that everyone will see and be able to use will not have any restrictions. That will mean that truck movements between Grafton and South Grafton will no longer be hamstrung. The additional bridge will be built 70 metres downstream from the existing road and rail bridge. The project also includes upgrades to roads in Grafton and South Grafton to connect the new bridge to the existing local road network. The new bridge increases the capacity of the crossing and is vital for the more than 27,000 motorists who travel between Grafton and South Grafton each day. The new bridge will cater for the growing freight task in the Clarence Valley along Summerland Way. Regional centres like Grafton are booming. This Government is determined to deliver the infrastructure that these communities need to grow. It is infrastructure that Labor could not deliver.

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

#### REFUGEE RESETTLEMENT

**The Hon. WALT SECORD (14:37):** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What steps have the Minister and his department taken to adjust New South Wales policy settings to respond to the Federal Government's announced changes to Australia's refugee intake, which will be set permanently at fewer than 19,000 a year and now includes Central American refugees?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:37):** I thank the honourable member for his question. At the outset, I congratulate our Premier, Mike Baird, on his extraordinary work since day one on the resettlement of refugees in New South Wales. When the Federal Government first announced the refugee intake, our Premier made it very clear that New South Wales would take the lion's share. He announced that New South Wales would take more than 50 per cent of refugees coming to Australia. That is an extraordinary figure compared to the intake of the other States and Territories. New South Wales single-handedly is taking more than 50 per cent.

The Premier also made it very clear that it was not just a matter of opening our doors to refugees; we have to ensure that refugees are given the best possible opportunity to integrate with and be included in the diverse communities of New South Wales. That is why the Premier immediately appointed Professor Peter Shergold as Coordinator-General for Refugee Resettlement to ensure that all matters are attended to as necessary. Peter Shergold is working very closely with all government agencies.

**The Hon. Walt Secord:** Point of order: My point of order is relevance. The question was specifically about how the Government would reset its policy focus in light of the reduced intake and Central American refugees. At no point has the Minister addressed either one of those two points.

**The PRESIDENT:** The Minister was generally relevant.

**The Hon. JOHN AJAKA:** The Premier wanted a co-ordinated approach so that if any changes occurred he could deal with them. For example, if the number of refugees increased or decreased and if they came from Syria, Iraq, Central America or any other area, appropriate action could be taken. Professor Peter Shergold, the Coordinator General of Refugee Resettlement, is working with numerous government departments, including my agency Multicultural NSW, of which I am very proud. My agency is undertaking some fabulous work with Professor Peter Shergold whom I have had the honour to meet three times and I will continue to meet to discuss what we are doing.

Professor Shergold was very pleased that we were bringing in our Regional Advisory Councils [RACs] to ensure that at a grassroots level the issue of refugees going into regional and country New South Wales is being addressed. They not only have been welcomed but arrangements were being made to address opportunities for employment, education for their children and housing. It is what is occurring and that is why those opposite should be very proud of the work being undertaken by this Government since it first came into government more than 5½ years ago. Sadly, those opposite did not do this work and we had to start from scratch. I assure the Hon. Walt Secord that my agency, Multicultural NSW, and I will continue to work very closely with Professor Peter Shergold, with Premier and Cabinet and with our great Premier Mike Baird to ensure that our refugees have the best possible opportunities.

**The Hon. WALT SECORD (14:42):** I ask a supplementary question. Will the Minister elucidate his answer in regard to whether New South Wales will still take 50 per cent of Australia's intake of refugees to which he referred? Will the Minister elucidate the appropriate action that he said he would take with specific examples?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:42):** I already have mentioned a number of specific examples. Multicultural NSW is working very closely with the coordinator general. We are undertaking work to ensure that aspects relating to employment, education and housing are being dealt with. I gave a perfect example of what our RACs are doing under the Multicultural Act. Our RACs are meeting and every RAC has now met on at least one occasion in regional New South Wales. I have had the honour of attending 13 of those 14 RAC meetings. I have had the honour of meeting with various organisations in New South Wales that are preparing to welcome those refugees.

We estimate that 6,000 to 7,000 of the 12,000 refugees the Prime Minister agreed would come to Australia will come to New South Wales, which is more than 50 per cent. Refugees are being given a choice, but where else would they want to come except New South Wales? Why would they not want to come to the number one State? Six or seven years ago where would refugees have wanted to go? They probably would have made New South Wales their last choice as it was rated the eighth State on all economic indicators. Members of the Opposition should be ashamed that New South Wales was rated eighth but we are now rated number one, and that is why the lion's share of refugees is coming to New South Wales. We are number one, and we will continue to be number one.

#### LAND AND PROPERTY INFORMATION

**Mr JUSTIN FIELD (14:45):** My question is directed to the Minister for Roads, Maritime and Freight, representing the Treasurer. Under a privatised Land and Property Information [LPI] unit, what guarantee does the New South Wales public have that compensation claims on the fund as a result of failures by the private operator will not be covered by the New South Wales taxpayer?

**The Hon. Greg Pearce:** Why didn't you participate in the debate and read the legislation?

**Mr Justin Field:** I did participate in the debate and you can read my contribution.

**The Hon. Greg Pearce:** No, you would know the answer.

**The Hon. Lynda Voltz:** Greg, are you a bit tired, mate?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:46):** No, he is not tired. He is making relevant points.

**The Hon. Greg Pearce:** I am excited by the election results.

**The Hon. Lynda Voltz:** Are you excited by the election results?

**The Hon. Greg Pearce:** Yes.

**The Hon. DUNCAN GAY:** You would be the only one.

**The Hon. Greg Pearce:** Labor has been beaten.

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

**The Hon. Greg Pearce:** North Carolina for Trump.

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

**The Hon. DUNCAN GAY:** I know I should not acknowledge interjections, which are disorderly, but I have heard wise words from the Hon. Greg Pearce. His comments are totally appropriate.

**The Hon. Walt Secord:** You are not referring to his Trump comment?

**The Hon. DUNCAN GAY:** No. I totally do not endorse those. I am Country Party. The proper checks and balances have been put in place and will continue to operate, which is the way this Government looks at a lease or a privatisation in that area. Things for the future need to be protected, but we are concerned about making sure that the appropriate information is available. I know the Minister is working on it and is being totally up-front with the community. I think everyone congratulates him on the way he has gone about it and his interaction with the community over this issue. All the departments that supply information to the information centre—

**Mr Justin Field:** Point of order: My point of order is relevance. My question was how the transaction would ensure that claims under the insurance fund would not be paid by the taxpayer. It was not in relation to the current media stories concerning LPI at all.

**The PRESIDENT:** I heard the member's point of order. I will give the Minister a certain amount of latitude in responding. I note the point made.

**The Hon. DUNCAN GAY:** I also heard the point of order. Given that Mr Justin Field said that he does not want to talk about media stories and the media stories concern the issues, if he does not want to hear an answer on it, it is not my job to give him one.

#### NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. MATTHEW MASON-COX (14:49):** My question is addressed to the Minister for Disability Services. Will the Minister update the House on how the New South Wales Government is ensuring people with a disability and the wider community are informed about the National Disability Insurance Scheme?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:49):** I thank the member for his strong and continued interest in the life-changing National Disability Insurance Scheme [NDIS]. The old saying that information is power remains as true as ever. As New South Wales transitions to the once-in-a-generation National Disability Insurance Scheme, it is vital that people with a disability, their families and carers and disability services staff and providers have the information they need when they need it. The right information will enable people to get the most out of the NDIS and to live life their way on their terms.

The New South Wales Government acknowledges how crucial it is to have clear and timely communications. That is why we have a holistic communications plan in place to support the transition. The comprehensive plan includes holding information sessions in various locations across the State; giving providers and key community groups such as religious and sporting clubs key information about the reform; creating a New South Wales specific NDIS website with a raft of accessible and practical resources; creating practical and accessible resources for Aboriginal people and people from culturally and linguistically diverse backgrounds; and creating useful infographics and videos for social media.

In addition to these activities we also have provided members of this place and the other place with regular briefings on the reform. From talking extensively with people with a disability, their families and carers and workers and providers from all corners of the State, I became convinced that we needed to do even more to communicate the reform. I was convinced that we needed to do more to make sure people had the right information and were not confused or misled by rumour or misinformation. Independent research commissioned by the New South Wales Government confirmed that there were some communications challenges facing the reform, which are to be expected when delivering something of the scale and complexity of the NDIS.

To overcome those challenges and to ensure that people with a disability and their families have the right information, the Government has launched a new information campaign. The targeted, important and necessary information campaign will complement existing communications initiatives. Importantly, the information campaign will better support the transition. The information campaign will align with the rollout of the scheme, focusing first on those areas entering the scheme this year and gradually shifting to focus on those entering the scheme from July next year. The key audience for the campaign is people with a disability, their families and carers. These are the people who need the information most of all.

The star of the campaign is Siobhan Daley, who is a 16-year-old from Newcastle and who has cerebral palsy and lives with her mother and younger sister. Siobhan is an incredible person. She wants to move out of the family home by the time she is 22 and her larger goal is to compete for Australia in boccia at the 2020 Tokyo Paralympics. Siobhan has been in the NDIS for three years and has said, "The NDIS has allowed me to choose where I want to go and what I want to do when I want to." Importantly, the NDIS has benefitted not only Siobhan but also her mum by allowing her to hold a permanent part-time job and commit to further study.

**The PRESIDENT:** Order! Members who need to converse will do so less audibly. The Minister has the call.

**The Hon. JOHN AJAKA:** I encourage those who have not already done so to check out the videos of Siobhan and the other ambassadors—Quang, Samuel and Tania—at the NDIS website. I have no doubt that many people will be inspired by their stories.

#### HOSPITAL PUBLIC-PRIVATE PARTNERSHIPS

**Mr JEREMY BUCKINGHAM (14:53):** My question without notice is directed to the Minister for Ageing, representing the Minister for Health. Given the growing community opposition, will the New South Wales Government abandon its plans to privatise hospitals at Maitland, Wyong, Bowral and Shellharbour?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:54):** I will refer the question to the Minister for Health and come back with an answer.

#### PARRAMATTA STADIUM DEVELOPMENT APPLICATION

**The Hon. LYNDA VOLTZ (14:54):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. How is the Government able to submit a development application and tenders for the construction of Parramatta stadium on Crown land without changing the Parramatta Park Trust Act as required by legislation?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:54):** My agency does not submit development applications for such projects.

#### FORESTRY CORPORATION OF NSW CENTENARY

**The Hon. RICK COLLESS (14:54):** My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on the centenary of the Forestry Corporation of NSW?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:55):** I thank the Parliamentary Secretary not only for his question but also his dedication and support of this industry. This month marks 100 years since the NSW Forestry Commission, the predecessor to the Forestry Corporation of NSW, was established under the Forestry Act 1916. The Forestry Act 1916 was in many ways ahead of its time because it enshrined in legislation the dual objectives of ensuring that State forests could deliver a reliable short- and long-term timber supply and maintain the environmental sustainability of the New South Wales forest estate. Over the past 100 years the State forests managed by the Forestry Commission and the Forestry Corporation of NSW more recently have made and continue to make a significant contribution to the growth and prosperity of this State, in particular to regional economies.

Those forests have produced and continue to produce the sleepers that underpin thousands of kilometres of rail lines, the poles for thousands of kilometres of power lines, the frames and floorboards for hundreds of thousands of homes, and pulp and fibre for countless paper products from newspapers to cardboard packaging. Importantly, the forests that have been building New South Wales for a century are thriving today and are still producing timber, still supporting an incredible diversity of native flora and fauna and are still available for the community to experience and enjoy. The fact that we are able to reflect on a century of forestry achievement in New South Wales is testament to the foresight of those who guided the Forestry Act 1916 through the Parliament and the hard work of the many people who have managed our State forest resources over the past 100 years.

Last month I had the privilege of attending a dinner hosted by the Forestry Corporation of NSW to celebrate the centenary, which was attended by a large section of the industry including the Hon. Rick Colless and his lovely wife, Geraldine. A number of former forestry commissioners also attended, including Hans Drielsma, Richard Sheldrake and Barry Buffier, AM, who is of course now the chair and chief executive officer of the Environment Protection Authority. A hundred years is a long time to operate for both the Forestry Corporation of NSW and the NSW Forestry Commission before it. The New South Wales timber industry it supports really does have an incredibly proud history to look back on.

Today the New South Wales forestry industry is worth about \$2.4 billion per annum, with softwood plantations contributing \$1.9 billion and native forestry contributing \$465 million annually to the economy. It employs more than 22,000 people, of whom 42 per cent are regionally based. Importantly, after a century of forestry the productive estate remains healthy with more than a million hectares of forest permanently set aside for conservation and scientific modelling showing it can sustainably meet our timber needs for the next century and beyond.

A strong local forestry industry is needed to drive growth, support jobs across regional areas and meet the demand for local and sustainable timber products. That is why this Government has recently released the NSW Forestry Industry Roadmap. The reason for it is simple: As we acknowledge the economic, ecological and

social contributions of the last century of forestry in New South Wales we want to make sure that the industry is around and thriving for the next 100 years. The NSW Forestry Industry Roadmap outlines the Government's strategic plan to build a stronger, more competitive and ecologically sustainable forestry industry. It is a clear and long overdue statement from the Government that we support this industry, including both the hardwood and softwood sectors. The Government is firmly committed to forestry in this State, which is critical for the viability of many towns in regional New South Wales and the construction of new homes in this country.

#### BIODIVERSITY PROTECTION LEGISLATION

**Dr MEHREEN FARUQI (14:59):** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for the Environment. Given the warnings from environment groups that the Government's land clearing laws will lead to the release of millions of tonnes of greenhouse gases—

**The PRESIDENT:** Order!

**Dr MEHREEN FARUQI:** —is the commitment of zero emissions by 2050 pure spin?

**The Hon. John Ajaka:** Point of order: Owing to the level of noise in the Chamber I was not able to hear all the question, but I believe it related to a bill currently before the House.

**The PRESIDENT:** The question clearly anticipates debate and is out of order.

#### PALM OIL PRODUCTS LABELLING

**The Hon. PENNY SHARPE (15:00):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister support the campaign to save endangered orangutans and other animals and plants by endorsing a recommendation to label all products containing palm oil sold in New South Wales at the 25 November meeting of the Australian and New Zealand Ministerial Forum on Food Regulation?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:01):** I thank the member for her question. Decisions as to what recommendations Ministers will or will not support at any gathering of State and Federal Ministers are usually endorsed by Cabinet prior to the meeting. Due process will be followed at the meeting to which the member refers.

#### NORTHERN BEACHES HOSPITAL ROAD UPGRADE

**The Hon. GREG PEARCE (15:02):** My question is addressed to the Leader of the Government, and Minister for Roads, Maritime and Freight. Will the Minister update the House on the Northern Beaches Hospital road upgrade?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:02):** Earlier this week, with the Premier, I was proud to announce that major work had started on the New South Wales Government's Northern Beaches Hospital road upgrade. This Government is investing \$500 million to ensure that motorists can safely and reliably access the new world-class hospital being built and to boost capacity on the roads on the beautiful northern beaches for locals and visitors alike. In short, we are dramatically improving travel times and easing congestion around this future health precinct. This is something those opposite may not be familiar with. It is called "futureproofing". We can spell it, if it helps. We have done a fair amount of preparation work and now we are going to get on with the big stuff.

In coming months motorists will see major earthwork along Warringah Road as well as work on the new shared path bridges, for pedestrians and cyclists, at Forest Way and Hilmer Street. Over the next two years a significant volume of work will be carried out and I thank motorists and the community for their patience while we get on with the job of delivering this critical project. Thanks to this project travel times will be reduced in 2018 by up to 30 per cent. This will mean more time at home with the family for locals, and fewer headaches and less frustration for those travelling in the area. This is no simple project. The upgrade involves a series of overpasses and underpasses, widened roads and better public transport corridors. We are building an impressive 1.3 kilometre Warringah Road underpass, with grade separation at the intersections of Forest Way and Wakehurst Parkway—that is no easy feat.

It takes years to plan, approve and prepare for major infrastructure projects like this one but when one sees big construction happening, the upcoming benefits seem more of a reality. In fact, this project, apart from WestConnex and NorthConnex, is in the top three biggest Sydney road projects presently under way. Being there on Monday really showcased the sheer volume of work involved in this project, which has been spoken about for decades. Currently about 80,000 motorists travel in this area daily, and we expect even more when the hospital opens. Ensuring that the surrounding 6.8 kilometre road network was improved was a priority for this Government

and, as usual, we are getting on with the job. I look forward to seeing this project progress and to it being opened in 2018—just before the opening of the hospital. The roads in this area were troublesome—for example, there are long queues each morning where Wakehurst Parkway crosses Warringah Road, and it is slow where Forest Way joins Warringah Road. But the tipping point was when we looked at the projections of what would happen when a world-class hospital and associated ancillary traffic was added. That was when we knew we needed to fix this, and we are doing that. [*Time expired.*]

### DEFIBRILLATORS

**The Hon. PAUL GREEN (15:06):** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for Health. Given that October was Defibrillator Awareness Month and news research has shown that access to automated external defibrillators can significantly increase survival rates for sudden cardiac arrest away from a hospital, is the Minister aware that the effectiveness of this equipment is being hampered by a poor uptake and deployment of defibrillators in the workplace and public spaces, poor adherence to maintenance requirements, generally low public awareness of benefits and locations, and lack of regulatory support of equipment? Will the Minister advise how many defibrillators are available in the public sphere and are in working order? How can the Minister ensure that they are easily located, used, maintained and supported by regulation?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:07):** I thank the honourable member for his question. As the question is seeking specific information I will refer it to the Minister for Health for an answer. The Minister for Health and this Government are not only aware of the importance of having the right equipment but also that the right action is taken to assist someone with a heart condition—whether cardiopulmonary resuscitation [CPR] or ensuring that a phone call is made to 000. Importantly, the right information needs to be made available so that members of the public know what action to take. As I said, I will refer the question to the Minister for Health for a response.

### OYSTER FARMS

**The Hon. COURTNEY HOUSSOS (15:08):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. In light of an Independent Pricing and Regulatory Tribunal [IPART] plan to make oyster farms rateable properties, what is the Minister's response to industry concerns that they are being forced to pay rates on top of fees to the Department of Primary Industries and the NSW Food Authority, which will drive them out of business?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:08):** I thank the member for her question. It is my understanding that that is an Independent Pricing and Regulatory Tribunal [IPART] proposal looking at rateable components within local government. I am aware that the Department of Primary Industries [DPI] made a submission in relation to that and, from memory, the submission was not supportive of that proposal of the IPART plan. We are still waiting for IPART to hand down draft plans and final determinations. Obviously, as an agency that is a key supporter of the oyster sector here in New South Wales, the DPI certainly has a good understanding of some of the barriers and the issues faced by our oyster industry. One of the things that I enjoy most is going up to our fisheries centre at Port Stephens to see the wonderful work that our DPI researchers are doing in relation to Sydney rock oysters, in particular. The work that they do is second to none.

If it were not for the research and some of the work that has been done by the DPI in that area, we probably would not have a Sydney rock oyster industry in New South Wales. We have seen some other problems, such as Pacific oyster mortality syndrome [POMS] in some of the other Pacific oysters, and our DPI officers are at the forefront of the research. Not only does my agency support the industry through research and industry liaison but it is also there to provide input into submissions like that, which may have an adverse impact on those growers. If the information that I am trying to drag out of somewhere in my head is incorrect, I will come back to the member with the correct information. But from what I can drag from the depths of my grey matter at the moment, through the haze following the session that we had overnight, that is what I can recall. If there is anything else I will come back to the member.

### YOUTH FRONTIERS MENTORING PROGRAM

**The Hon. BEN FRANKLIN (15:12):** My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister update the House on some of the achievements of the Youth Frontiers mentoring program?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:12):** I thank the member for his question. For the second year now, the New South Wales Government has worked with the YWCA, Raise Foundation, MTC Australia, and the Southern Sydney Business

Education Network to deliver the Youth Frontiers mentoring program, demonstrating this Government's commitment to investing in the children and young people of our State. Two years on from its launch, Youth Frontiers has reached more than 2,200 young people in years 8 and 9 across New South Wales.

This year, the program operated in 132 schools in all 93 electorates in New South Wales, making it one of the largest mentoring programs in Australia. The program matches young people who would most benefit from working with mentors from the local community. Youth Frontiers mentors help their mentees to develop greater confidence and to strengthen their teamwork, communication, leadership and decision-making skills by working on a project together. What is wonderful about the program is the community spirit it fosters among young participants and their peers, with the benefits flowing on to the broader community.

On 15 November, I will have the privilege of welcoming some of those young people to Parliament House for the second Youth Frontiers Awards. The awards celebrate the achievements of 27 young people who participated in Youth Frontiers in 2016 and have been selected as finalists in the following eight award categories: community harmony, youth mental health and wellbeing, sporting engagement, empowering young women, centenary of Anzac, environment and conservation, a general category for other projects, and a new award category for group projects. We are fortunate to have the support of award partners SBS, ReachOut Australia, Cricket NSW, Women NSW, Sydney Legacy and Taronga Zoo. The category supporters will provide an invaluable opportunity for award recipients to undertake work experience, allowing them to see firsthand how they can use their skills and passion to make a difference.

As a whole, this program has generated impressive results. However, when we dig down into the local, individual examples, we get a greater sense of the benefit to our youth. Earlier this year, Bishar Al-Sheikh, a year 9 student at Liverpool Boys High School, undertook work experience with SBS. Bishar won last year's Community Harmony Award for his project encouraging schools to donate clothing to the Smith Family. He was inspired by the Smith Family motto "Everyone's Family" and chose to bring this message to his peers and school community. With the support of his mentor, Fetu'u Kautoke, Bishar spoke to principals and teachers at other schools in his area to promote the initiative.

Bishar then took the opportunity to speak at their school assemblies, inspiring other young people with his message about the importance of helping one another in times of need. His work experience with SBS in April this year was, by all accounts, a great success. He met many new people, gained exposure to the everyday operations of the network, toured the media facilities, and participated in school educational programs. As an Arabic-speaker, Bishar had the opportunity to give an interview about his experience on the SBS Radio Arabic program. I am told that it was an exciting and proud moment for him and his family. Reflecting on his experience, Bishar wrote in his school newsletter:

As a student, you receive many opportunities whether you realise it or not, so you should accept as many as possible because they might turn into gold.

I am proud of the impact Youth Frontiers has had on thousands of young people like Bishar. I am pleased to inform the House that the New South Wales Government is committing \$2.6 million to continue the program in 2017, ensuring another 1,200 young people receive quality mentoring.

### SCHOOL INCIDENT REPORT

**Reverend the Hon. FRED NILE (15:16):** I ask the Leader of the Government, the Hon. Duncan Gay, representing the Premier, a question without notice. Is it a fact that the latest incident report on New South Wales schools for 2015 for both primary and high schools reveals the following alarming increases in drug use, weapons and cyber abuse: In 2012, 68 incidents involving drugs were reported, compared with 298 incidents in 2015; and in 2012, 147 incidents involving weapons were reported compared with 205 incidents in 2015? What is the Government doing to prevent these trends and to reduce the dramatic rise in cyber abuse, sexting and sharing graphic images, and is there any connection between these trends and the controversial Safe Schools Coalition course?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:17):** I thank the member for his question to the Premier raising his concerns at the alarming increase in the statistics in relation to drugs and weapons in schools where young, vulnerable people are. I am afraid I have not got the information to hand to answer his question in detail, but I will certainly refer it to the Premier for a detailed answer.

### VAUCLUSE BOWLING CLUB

**The Hon. MICK VEITCH (15:18):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Does the Minister stand by his 14 September 2016 statement that

there was no Aboriginal claim over the Vacluse Bowling Club, when the advice from the Office of the Registrar of the Aboriginal Land Rights Act states that it is affected by a land claim?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:18):** I thank the member for his question. I am happy to take the question on notice and seek further advice and come back to the member in relation to that site.

#### NSW WINE AWARDS

**The Hon. TREVOR KHAN (15:18):** I have a particularly apt question for today. My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister please update the House on the NSW Wine Awards?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:19):** I thank the member for his question and his dedication to this important sector of the New South Wales economy. I recently attended the NSW Wine Awards Gala Presentation with His Excellency, General the Hon. David Hurley, Governor of New South Wales. The awards, hosted by the NSW Wine Industry Association, showcase the finest wines from our legendary winemakers while also unveiling and highlighting some true hidden gems from the State's smaller wine regions. New South Wales is the second-largest wine-producing State, accounting for more than 30 per cent of the \$5 billion Australian wine industry. In 2014-15 New South Wales' wine grape production contributed \$158 million to the State's economy in gross value of production, an increase of 15 per cent on the previous year.

The New South Wales Government, through the NSW Department of Primary Industries [DPI], plays a key role in the research and development provided to our wine producers. The NSW DPI has a range of research and development programs in place that are delivered in partnership with industry. One particular highlight is the real-time weather station networks that we have established across a number of wine-growing regions in New South Wales as part of this program. In time, the network will allow us to use weather information to better predict disease outbreaks. New South Wales researchers are also looking at how to manage the alcohol content of wine grapes as part of a program on low-alcohol wines. This partnership has seen a number of PhD students go to Wagga Wagga to work in the National Wine and Grape Industry Centre.

The NSW Wine Awards were created in 1996 to help shine a spotlight on and build awareness of the top-quality wines that are produced in New South Wales. The awards are divided into 16 categories with this year's winners coming from the Central Ranges, Central West, Hilltops, Hunter Valley and Southern Highlands regions. I had the pleasure of presenting the prestigious Graham Gregory Award, acknowledging an individual's honourable contribution to the State's wine industry. I note that the Hon. Rick Colless, Parliamentary Secretary for Natural Resources and Regional Planning, presented this award at last year's event. The award is named after the former NSW Agriculture Deputy Director General, Graham Gregory, who is regarded as a significant pioneer of the industry in New South Wales.

The award is a retrospective one. I can inform the House that the 2015 winner of the Graham Gregory Award is Bruce Tyrrell, AM. Bruce is a fourth-generation winemaker who has worked full-time for 30 years at the family-owned Tyrrell's Wines Estate based at Pokolbin in the Hunter Valley. He has had a strong involvement in the Hunter Valley Wine Industry Association and related committees for more than 20 years, including serving as its president twice. Bruce has also been involved in a number of other wine industry committees, including the Australian Wine and Brandy Producers' Committee.

Bruce has been chairman of the Australian Wine Tourism Association and has been a Hunter Valley Research Foundation board member since 1994. Bruce helped establish the NSW Wine Industry Association in the mid 1990s and has made a significant contribution to raising the profile of the Hunter semillon, which now boasts an international reputation through the introduction of the single-vineyard concept and success in local and international wine shows. Bruce was awarded an AM under the Order of Australia in 2006, named a Hunter Valley Living Legend in 2009 and the Hunter Valley Business Person of the Year in 2003. I congratulate Bruce on being a well-deserving recipient of the Graham Gregory Award. I also congratulate the other award recipients.

#### FOREST AGREEMENTS REVIEWS

**Ms JAN BARHAM (15:23):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister provide detail about the terms of reference for the Independent Review of Coastal Integrated Forestry Operations approvals by the Natural Resources Commission announced in the NSW Forestry Industry Roadmap, and will the Minister advise how this review relates to the Government's statutory obligations to conduct five-yearly reviews of forest agreements under the Forestry Act?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:23):** I thank the member for her question and I am enjoying the fact that her questions have a bit of a forestry theme this week. The existing integrated forestry operations approvals [IFOAs] for the coastal regions consist of 12 separate licences and around 2,000 conditions. They no longer reflect best practice with many of the conditions being proscriptive, overlapping and unenforceable. The remake of the IFOAs for the coastal regions in New South Wales is expected to streamline and simplify the conditions for carrying out harvesting, while delivering the same environmental outcomes. By focusing on outcomes and impacts, the new IFOA aims to deliver positive environmental outcomes at the landscape level, enabling the industry to operate more efficiently and make the enforcement of the conditions more meaningful. There will continue to be a high level of environmental protection and oversight for forestry operations in New South Wales.

#### GUNNEDAH RAIL OVERPASS

**The Hon. DANIEL MOOKHEY (15:25):** My question is directed to the Minister for Roads, Maritime and Freight. In light of his decision to abandon the Woy Woy rail underpass due to cost blowouts, will the Minister now guarantee that the second Gunnedah rail overpass will be completed, despite ongoing cost blowouts?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:25):** I thank the honourable member for his question. As he indicated, he has linked two projects together. One is the Woy Woy underpass where there was a price put on a project by local government and it blew out to the extent that we invested well over double the original cost. We did produce considerable results, which helped the community, but there comes a time when one cannot accept these increases in costs but has to keep them within a certain scope. There is a similar issue with the Gunnedah rail overpass. The scope of changes that have been requested by the Australian Rail Track Corporation Ltd [ARTC]—including an ability to have double-stacked containers pass under the bridge, despite the fact that there is no way in the world that a double-stack could pass under the existing bridge—

*[Interruption]*

**The Hon. Greg Donnelly:** It's the privatisation of the poles and wires!

**The Hon. DUNCAN GAY:** There might be a problem with the power supply to the House but we own the power at the moment. As I was indicating, the existing bridge cannot get a double-stack under it. Obviously, we have to look at the scoping on the Gunnedah rail overpass because, whilst we are putting record amounts of money into regional New South Wales, I always want to make sure that we do not waste money in blowouts and extra costs. We are undertaking a review of this project and certainly, at some stage in the next month or so, I am going to make it my business to go up and look at this project, to talk to the people involved and to see if we can come up with a way of getting a better outcome than we have at present. I do not think anyone in the community wants us to spend double the original cost and I want to ensure we do not spend double, so that we have more money to spend on other projects around Gunnedah and that region of the State. When I am told costs have blown out on a project I do not accept that. We go back, have a look at it, and see if there is a better way or a different way of doing it. I like to talk to the local people—and that is what I am going to do.

#### NORTHCONNEX

**The Hon. SCOTT FARLOW (15:28):** My question is addressed to the Leader of the Government and Minister for Roads, Maritime and Freight. Will the Minister update the House on the progress on the construction of the nine-kilometre tunnel linking the M1 Pacific motorway and the M2 motorway, NorthConnex?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:30):** I thank the member for this important question but I am disappointed that it is so close to the end of question time—as this is an important issue I may have to complete my answer on another day. This is the biggest and most important piece of infrastructure in this State. Joining the M1 and M2 will avoid traffic lights and tidy up the city environment. I wish members of the Shooters, Fishers and Farmers Party were riding shotgun. This week I have seen only one Shooters, Fishers and Farmers Party member in the parliamentary precinct. It is an important project. I am happy to return to this subject when there is more time to talk about it.

I regret that the time for questions has expired. If members have further questions I suggest that they place them on notice.

#### OYSTER FARMS

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:30):** I refer to a question asked earlier by the Hon. Courtney Houssos regarding oysters. I note that the oyster industry has concerns about the recommendation to remove the exemption from paying rates on land below the high-water mark used for oyster growing that is contained within the draft report from the Independent Pricing

and Regulatory Tribunal [IPART] on local government rating. On 22 August the Independent Pricing and Regulatory Tribunal released its draft report on the review of local government rating. This was preceded by an issues paper in April 2016. On 13 May 2016 the Department of Primary Industries [DPI] made a submission that is publicly available.

The DPI's submission outlined various reasons why rating of land below the high-water mark used for oyster aquaculture should not be pursued. The submission states that the current exemption is competitively neutral. The submission also comments on forestry, agriculture and Crown lands. Industry representatives of the NSW Shellfish Committee also made a submission. Secondary submissions have been made by the DPI and Caroline Henry, Chair of the NSW Farmers Association, Oyster Section. The secondary DPI submission intends to raise the issue of equity. In that, other commercial businesses are not required to pay local government rates for water land and oyster farmers are not afforded exclusive possession. Oyster leases incur significant public costs associated with shoreline and catchment water pollution and under various modelled scenarios revenue may be either too small to justify implementation or so large that a significant industry restructure may result.

Oyster aquaculture in New South Wales is a highly valuable and productive industry. It is Australia's largest producer of edible oysters with an annual production value of approximately \$39 million. However, like other forms of aquaculture, oysters are also vulnerable to biosecurity risks and deterioration of water quality. It already incurs a range of fees and charges such as permit and lease fees. These are some of the points raised in the Department of Primary Industries submission to the IPART review. My department will continue to liaise with the tribunal and provide it with the information that it needs to finalise its advice to the Premier. I am happy that what I could pull out of the base of my brain is similar to the official note.

**The PRESIDENT:** Given the general air of unreality if not black humour earlier in question time, I will withdraw the two calls to order against the Hon. Greg Pearce and wipe the slate clean.

#### *Bills*

### **LAND ACQUISITION (JUST TERMS COMPENSATION) AMENDMENT BILL 2016**

#### **Second Reading**

#### **Debate resumed from 20 October 2016.**

**The Hon. PETER PRIMROSE (15:34):** The Land Acquisition (Just Terms Compensation) Amendment Bill 2016 has been introduced as a consequence of pressure on the Government by the community and the Labor Opposition to release the 2012 review of the Act by David Russell, SC, which was aimed at improving the compulsory acquisition process to make it fairer for property owners. The Opposition will not oppose the bill but will move amendments in Committee to improve it and make it more transparent. The 1991 Land Acquisition (Just Terms Compensation) Act defines itself as "an Act relating to the acquisition of land on just terms by authorities of the State". While the compulsory acquisition of properties has always been controversial, it has now become a significant issue for this Government due to the chaotic process surrounding projects such as WestConnex and the metro. In the past 12 months more than 1,700 properties have been acquired under the provisions of the 1991 Act—the majority for large transport and road infrastructure projects.

A brief look at the history of this process so far shows just how painfully slow it has been. In May 2012 the then Minister for Finance and Services, the Hon. Greg Pearce, announced the Russell review thereby admitting to problems with the just-terms process. The proposed time line was a report back to Parliament by the end of 2012. During 2011 to 2013, the Joint Committee on the Office of the Valuer General investigated the just terms process, and in May 2013 made significant recommendations for reform in its report. The joint committee recommendations were put on hold as the Government had yet to consider the findings of the Russell review, which was delivered to Government in February 2014.

In response to the Russell review the Government established an interdepartmental committee to understand and provide advice on the implications of the Russell recommendations. In August 2014 the Hon. Duncan Gay informed the Legislative Council that the Government had been quick to respond to the Russell review and had implemented two of the key recommendations. Departments were to use simple, easy-to-read language in documents and at least one face-to-face meeting must take place with the landowner. The Minister assured the House that the Russell review would be public "in the next couple of months", implying that it would occur prior to the end of 2014.

In both May and September 2014 the joint committee was told that the Russell review and the government response were being considered by Cabinet. Throughout 2015 there was no publication of the Russell review. A Government Information (Public Access) Act application revealed that in December 2015 Minister Perrottet wrote to the Premier advising him not to adopt the remaining recommendations as they would "likely have adverse

impacts including increased disputation, valuation complexity, additional costs and delay to the completions of infrastructure projects". By February 2016 the Minister had changed his view and again wrote to the Premier, this time asking for changes to be made. Throughout 2016, with growing community unrest on various projects, the community and the Labor Opposition conducted a sustained campaign calling on the Baird Government to release the Russell review and improve the compulsory land acquisition just terms compensation process. In June 2016 Premier Mike Baird told members during question time in the Legislative Assembly that his Government acknowledged there were problems and that more needed to be done, yet the Russell review was still not made public. Finally, in October 2016, the Government introduced the current bill to "improve the process".

The Government has yet to explain why this issue, deemed to be so significant early in 2012, has taken so long to come before Parliament for legislative reform. It has also failed to explain why the Russell review was in its hands for 1,000 days prior to publication. Some of the major changes in this bill include changing the reference to compensation for non-financial disadvantage from solatium to disadvantage resulting from relocation. This will increase the maximum payment from the current level of \$27,235—which was set at \$15,000 plus consumer price index in 1991—to \$75,000. Russell recommended \$50 000.

It is not clear why the Government chose \$75,000. This payment is not a flat rate. Landowners must lodge reasons why they should be paid a higher rate. Premier Baird has announced back payments for persons affected since the Russell review came to the Government in February 2014. They will be paid at a rate equivalent to the percentage of the original \$27,235 that people received. So if person A received \$6,808 for a solatium in 2015, that equals 25 per cent of the maximum. Person A would now receive 25 per cent of the new maximum of \$75,000, which would equal \$18,750. They would be paid the gap amount, \$18,750 minus \$6,808, which equals \$11,942.

While the Government is claiming that it is paying "an additional \$50,000 per landowner", that is clearly incorrect. Under the same instrument, no equivalent compensation adjustment is being offered to persons whose properties were compulsorily acquired during 2012 and 2013 or in January 2014. This raises questions about when the Government deemed itself responsible for the apparent injustice. On what date should its liability commence? The Government recognised the issue publicly in May 2012, when it called for the Russell review to address the injustice. Why should that not be the key date? Interestingly, on the same point, there is no minimum that could be paid. The Government has indicated that guidelines will be issued that will spell out some indicators of compensation paid under these terms, and we await the details, assuming they eventually will appear.

This bill also introduces a legislative requirement for acquiring authorities to engage in a six-month conversation with the landowner, prior to giving a compulsory acquisition notice, which is a 90-day period. In many instances this already happens because the Government needs the time—six months—as much as the landowner does. So this change essentially formalises current practice and insists on it for those acquiring authorities who might at times be a bit aggressive in their approach to time lines and deadlines. This now means six months of negotiation plus three months notice—in other words, nine months in total prior to the acquisition being gazetted.

This bill also allows for a review of claims of hardship by landowners who may have at one point been informed that their land would be compulsorily acquired, only to be later told that it would no longer be required. The landowner may insist on the Government acquiring it, regardless of changed plans, because the landowner claims that the matter has caused hardship. It is up to the landowner to prove the hardship. The change proposed in this bill will allow for the Minister to appoint an independent person to hear any such claim and determine it with finality within 28 days. The changes proposed in this bill will also remove the possibility of the former landowner being charged rent during the three-month period after gazettal of the compulsory acquisition, which in most instances comes nine months after the first contact. Again, this is what already happens in many instances.

Some government agencies, presumably enthusiastic about having a merchant banker at the helm, have been more aggressive on this front, charging for both bond and rent, effective immediately after gazettal. In a small number of instances where the issue of rent has been considered by the Land and Environment Court, the rent paid has been deemed a compensational cost and the Government has been instructed to pay back the equivalent of the rent charged by way of compensation. The three-month rent-free period comes at the end of the previous nine months of negotiation—six months and notice of 90 days—during which time the landowner still owned the land. Under section 34 (2) of the Act, the person is already allowed to stay there for a three-month period. Under section 34 (3) the terms on which a person remains can be made by agreement or, in the absence of agreement, on "reasonable terms as are determined by the authority of the State" and "the Residential Tenancies Act 2010 does not apply to that continued occupation". Perversely, government agencies that claim rent and those that do not claim rent are both currently operating within the law. In the future, for that first three-month period, no department will be able to claim rent.

A further change proposed in the bill affects compensation payable to the landowner, or payment for the land and buildings acquired. Under the existing Act the compensation claim is often first directed back to the acquiring authority, effectively meaning that umpires review their own decision, with the only alternative being the Land and Environment Court. The proposed change will allow for a compensation dispute to be reviewed by the Valuer General and allow for the Valuer General to exchange details and particulars with both parties. The intention is to offer an interim step that is simpler, faster, more accessible and less intimidating than the concept of the Land and Environment Court.

The bill proposes no substantial change to the market value methodology. This is perhaps the most contentious issue in the community at the moment, directly linking it to the concept of reinstatement in the same suburb. One change to the market value function of the existing Act is to introduce a new condition for properties for which there is no general market. An example given by the Government is a church. The claim is that it is hard to place a value on a church when there are likely to be no similar transactions in similar neighbourhoods or suburbs. Thus the bill proposes to introduce sections 56 (3) (a) and 56 (3) (b), allowing for reinstatement in another area. A final change proposed by the bill is for the return of acquired land to the former landowner, should the authority that acquired it no longer need it. Where practical, this bill proposes that, within a 10 year period from acquisition to potential resale, the first opportunity for resale should be given to the former owner. Both the acquisition and the resale are proposed at the market value at the relevant time. The Government announced that it would be appointing dedicated case managers, but that is not mentioned in the bill. The Opposition does not oppose the bill.

**Mr JUSTIN FIELD (15:46):** I speak on behalf of The Greens in debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2016. The Greens support the bill and recognise that it will improve the circumstances of people in New South Wales who face compulsory acquisition of their homes. On average, 400 homes are acquired each year. The community has expressed frustration at the process of land acquisition and undervaluation, especially as it relates to large infrastructure projects such as WestConnex. The Government has acknowledged that the changes to be implemented by this bill are a response to community frustration and opposition to the current program. It is a shame that this change has come after so many people have had bad experiences as a result of compulsory acquisitions related to WestConnex. Specifically, the community has experienced distress due to inadequate communication, inconsistent information and a complex process with inadequate support.

The bill contains amendments to the Land Acquisition (Just Terms Compensation) Act 1991, including compensation for the disruption and upset caused to home owners who are forced to relocate. The amount of compensation will be increased by \$50,000 to \$75,000 and will be backdated to February 2014. The Greens welcome the increase in compensation for disadvantage related to relocation. The bill introduces a fixed negotiation period of six months, with the provision for a shorter period by agreement. That will give more certainty to the members of the community who are approached by the Government about land acquisition. Home owners who stay in their house after it has been acquired will no longer have to pay rent for the first three months. The bill will not backdate this change. Whilst the Government acknowledges that this change will improve the process of acquisitions, it says that it considers a fairer and more consistent approach is to quarantine from rent the three-month period when former home owners are currently entitled, under the Act, to live in their former place of residence after compulsory acquisition.

I question why the Government, having acknowledged that the process and conduct of recent acquisitions was inadequate—and was considered inadequate by the community—would not also backdate the quarantining of rent for any relevant home owners for the same period of the retrospective increase in payment related to disadvantage resulting from their relocation. I suggest that whilst the cost to the Government would be relatively small, compensation for those who are impacted would be significant and a recognition of the hardship that they have also faced. Each home owner will also have a personal manager appointed and contact with home owners will be conducted by public servants rather than contractors. There will be more face-to-face and personal communication with home owners and occupiers.

I refer to the provision of support and personal service and ask the Minister to address this question: For what period will this support be provided? Will it be exclusively the six-month period of negotiations or will there be consistent communication extending throughout the period of compulsory acquisition and potentially any appeals to the Land and Environment Court? The Government intends to collect data about land acquisitions, to make that data public and to publish it online. I ask the Government to make clear what information it plans to publish, in addition to the extent to which land is acquired through agreement rather than compulsorily. Will that include an increase in the amount of compensation for disadvantage related to relocation and will that information be published? We support all these provisions but I hope the Government responds to my questions relating to the application of this legislation.

The purpose of the original Act was to compensate landowners for any devaluation or negative impacts resulting from government acquisition. The Russell review into land acquisitions resulted in a report that was available in 2014 but which was not released until October this year. The Joint Committee on the Office of the Valuer General examined compulsory land acquisition in its 2013 inquiry into the land valuation system. As the Hon. Peter Primrose said earlier, in December 2015 the Minister sent a letter to the Premier which stated:

The key concern of agencies, such as Roads and Maritime Services, is that a number of the recommendations would likely have adverse impacts including increased disputation, valuation complexity, additional costs and delay to the completion of infrastructure projects.

It is fair to assume that those additional costs relate to the cost of compensation and to assumptions about fair valuation at that time. The Government knew there would be a large number of acquisitions and that it would result in increased costs so it did the responsible thing and acted on that report. Land acquisitions relate to social licence and community engagement is central to obtaining that social licence. Some people will be unhappy about their land acquisition but the Government is obliged to do that justly and with community integrity in mind. Social licence for infrastructure projects is strongly linked to community consultation before and during any project and the Government must clearly articulate the benefits and costs of any project. Infrastructure projects that return a benefit to the community and the State will be far easier to explain to residents. If residents whose land is acquired are able to stay in the local area and enjoy potential infrastructure improvements that will be much more satisfactory for them.

**The Hon. Duncan Gay:** If we do that will you guarantee that The Greens will not tell fibs to them.

**Mr JUSTIN FIELD:** It is important for the Minister who is in the Chamber to hear this. No example could be clearer than WestConnex where contracts were agreed before planning approval was given for the project. How can the community have confidence in the integrity of the land acquisition process when contracts are signed before there is consultation with the community? This bill might fix that in the future but I hope that the Government understands that people have suffered throughout this process.

In the WestConnex example, residents discovered through mail or unexpected house visits that their homes would be acquired. They reported that language and communication challenges made the process confusing and upsetting. The Government employed a contractor to consult with the community. A contractor turned up at residents' doors and told them that homes that they had occupied for 50 years or more would be acquired and that unless they agreed to the Government's terms they would be turfed out of their homes. As a result people signed contracts that they would not have signed if there had been more honesty and integrity in relation to the process. I am glad that no longer will be the case. I am aware from conversations I have had with departmental staff that those who carry out this very sensitive task need training in how to approach residents. The Greens appreciate the need for projects such as WestConnex, light rail and public transport.

**The Hon. Rick Colless:** WestConnex?

**Mr JUSTIN FIELD:** The Greens appreciate the need for projects such as this. We should have those conversations but we must take into account the impact that projects such as these will have on our communities. The issues that triggered this bill reflect the arrogance of this Government. This bill is a recognition of the fact that the Government got it wrong and that its arrogance was partly to blame. If the Government had taken action before this large number of property acquisitions, the community would have been in a far better position than it is today. The Government did not respond to two key reports on this issue but rather proceeded at a reckless pace despite several criticisms, including criticisms from the New South Wales Auditor-General. The Greens will move an amendment in Committee to include recommendations from the Russell review regarding compensation, which will bring this legislation into line with Commonwealth legislation. The Greens will support the bill but call on the Government to support our amendment which will add to these reforms.

**The Hon. ERNEST WONG (15:55):** I join my colleagues in contributing to debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2016 and support the sensible amendments foreshadowed by Labor. Compulsory acquisition of land is a sensitive issue, a topic that arouses a great deal of passion at times. This legislation appears to go against one of the most ingrained aspects of our legal system—that property ownership is sacrosanct. The primacy of property ownership is given many exceptional protections in our legal system. One exceptional protection comes into play every time a New South Wales citizen buys or sells a house, and does so with a contract system that often will compel completion of the sale, even if vendors change their minds, which is usual in contract law.

With almost any other purchase contract defaulting sellers could be required to offer damages in the event that they changed their minds, but rarely if ever are forced to part with the property. But the law has evolved in such a way that we acknowledge the community belief that each piece of land is unique. Therefore simply offering me damages if someone decides not to sell a house to me may not be a remedy as I cannot replace it with

another house. I purchased a house but the law has been known to compel the completion of a contract because each piece of land is unique. It is unsurprising then that the statutory laws that allow governments to overrule the old adage that a man's home is his castle are controversial. Indeed, they inspired one of the most successful and well-known films made in this country—*The Castle*. As amusing as that film is with its references to the "vibe" of the Constitution, we should note that there is something extraordinary about the Australian relationship to land ownership if comedians can make a box office smash hit out of compulsory acquisition law.

I will be bold and say it is in that community context that we as representatives of the people must consider this bill. As representatives we understand the other side of the compulsory acquisition story—that at times it is vital to building and maintaining our civic infrastructure. Governments need to acquire assets at times when the public benefit outweighs individual interest. Without this we could never build a rail line, road or dam again. But the lack of free will in the transaction places an extraordinary burden on governments to ensure that full and fair compensation is provided and assessed in the most transparent fashion. In this context I appreciate the efforts of the Government in introducing a bill to improve the current just terms compensation system. The changes to the old solatium measures and the increase in funding for relocation disadvantage are a positive step in addressing the perceived uniqueness of a person's property. But, as my colleagues have articulated, there are a number of other sensible improvements that if adopted would allow Labor to support this bill.

**The Hon. Duncan Gay:** You are supporting this bill?

**The Hon. ERNEST WONG:** Yes, we are, but our amendments would help you to make this scheme better than what you are proposing. They include minimum relocation compensation, clarity around when the six-month "clock" is activated, transparency when a Minister exercises discretion to reduce the negotiation period, clarification of important terms such as "genuine attempt", the establishment of an independent review panel, basic funding for landowners to obtain independent advice on an acquisition offer, and, finally, a mechanism for assessing the rights and compensation of owners of adjoining properties.

The last point is something of a blind spot in the legislation. When I speak to community members about compulsory acquisition the issue of the adjoining owners is a real concern. As members know, I am a former mayor of Burwood—a part of Sydney in which the WestConnex project is a live issue. When WestConnex comes up in conversation, so does acquisition. While many home owners are fearful of the idea that their house might be acquired, that is not the worst scenario. The worst scenario, they tell me, is to live in the house next door to the one that gets acquired. They say to me, "If I had to move that would be bad, but at least I would be compensated. To stay here but find that my neighbour's house is now a freeway is the worst of all worlds."

That is a very significant point and one that will only take on more and more commercial and community significance as Sydney's high property values continue to grow. Even a small change to the percentage value of a property due to surrounding acquisitions can mean a single family will face massive losses. I will share a case that I came across when I was approached by a North Strathfield constituent who did not find the WestConnex acquisition process to be fair to her. Even though I organised for a negotiation between her and the Office of the Valuer General and she will now get slightly more compensation, she paid much more to find the right property in another suburb that accommodated her need for a residence and business. She suffered from a serious depression because of the situation and has still not recovered.

That is why I echo the comments of Mr Justin Field. We have to look at how residents who will have their properties acquired will go through the process rather than just telling them, "This is the money. Go for it." I am particularly pleased to support Labor's amendments and I trust that members opposite will see them as the sensible protections they are. They are reasonable improvements to this legislation that also send an important signal that we understand the immense community interest and sensitivity regarding this topic and we are addressing community concerns. I support the proposed amendments and thank members for their attention.

**Dr MEHREEN FARUQI (16:02):** I speak in debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2016 as The Greens spokesperson for Transport, Roads and Ports. The Greens accept that sometimes there is a need for government to acquire land for the construction of socially beneficial projects and that landowners should be adequately and justly compensated for it. Acquisition is no small issue for this Parliament to consider. The Government has already spent \$1.5 billion on properties and homes acquired for WestConnex and \$1.8 billion on less than one-quarter of the 187 transactions completed for the Sydney Metro alone—both projects with significant issues and no public business cases. We can add to that the costs of land acquisition for the B Line buses project after the Government "forgot" to calculate it. But it is not just the cost that is the issue; more importantly, it is how people are being treated when these forced acquisitions have taken place.

Some people whose properties were forcibly acquired for WestConnex have been trapped for months and have paid thousands of dollars of rent on properties that are no longer theirs while they seek justice. A couple of those people, Pauline Lockie and her husband, bought their three-bedroom Brown Street home in St Peters in

July 2014. Pauline says that she had been told by authorities that there were no plans for WestConnex to affect the house. She also said, "I understand that they need our homes. But the way they've gone about it has been unfair and unjust. They stress you out to get you out."

Most recently there has been a bungled process that means 200 families are living in the path of yet another toll road, the F6, due to a stuff up as Premier Baird was fattening Land and Property Information for privatisation. It is fair to say that a huge number of people are affected by this bill. This bill will offer some relief to landowners with the implementation of some recommendations of the Russell review and the Customer Service Commissioner housing acquisition review. The Greens support the changes in the bill that make the process fairer and more considerate, but problems with the system remain.

The land acquisition system will remain unfair as long as the Government insists on acquiring land for wasteful projects that have no long-term benefits to the public. Projects like WestConnex are undertaken without any comprehensive review of their benefits to the public, their destruction of the environment, the impacts on people's health or any insights into their harmful and dangerous consequences for our future. Most of this Government's pet road projects contribute to the destruction of heritage, homes and the environment. Its public transport solutions such as the Sydney Metro are mostly about closing down existing rail lines and handing them over to the private sector while creating very little public transport access expansion. This so-called development simply does not add up as a justification to acquire people's homes.

Despite the changes that this bill offers, the land acquisition system is still inadequate. Increased compensation will be backdated to February 2014, but the rent exemption will only come into effect from Mr Baird's announcement on 18 October 2016. This is unfair to those who have paid rent to stay in their own homes after having had to settle for hundreds of thousands of dollars less than market price. Let us not forget the inconvenience and heartache it causes people who have lived in their homes for years and are being forced out for projects that are not intended for public benefit.

The Government has not adopted the recommendation from Mr Russell's review that suggested providing compensation on a reinstatement basis to ensure that home owners can purchase a similar house in a similar area. The compensation offered to people does not allow them to buy homes in the neighbourhoods in which they currently live because they are still being cheated out of a fair market price. Finding equivalent housing is impossible. People have to move out farther and farther from areas they know—places where they may have lived for decades and where they have all the social and community connections including people they know, the schools their children attend and the doctors or hospitals they visit. Businesses that have established a loyal customer base in the area have to move out without being offered compensation that allows them to re-establish themselves in the same area. Small, local business owners are particularly affected by this.

The process also does not give landowners a fair opportunity at negotiating. There needs to be more transparency, especially in how the Valuer General has arrived at the price being offered to landholders. There should also be a requirement that the Valuer General give reasons in writing for rejecting the landholder's submission. Two years ago a review conducted by David Russell, QC, recommended that changes be made because land acquisitions were unfair to landholders. The Government sat on that report for two years, knowing full well that the public was being short-changed. To top it all off, the Government is advised by Ministers like finance Minister Dominic Perrottet, who seems to care more about the time lines of useless, outdated motorway projects than people losing their homes and businesses. The Baird Government's neglect and heartlessness on this matter has been quite incredible.

Earlier this month Mr Baird announced the land acquisition reforms and hoped people would appreciate what he called the Government's generosity and caring treatment of them. In reality, it was callous and insincere to the public to keep secret the recommendations of the Russell review for two years and only release them when forced to after a media exposé. So many home owners have been cheated out of fair compensation by this Government, because it is obsessed with burying the truth and keeping the public in the dark. There was nothing just about this. If the Government really cared, it would invest in infrastructure projects that balance public benefit with hardship to the public. We know that this Government's transport plan is not a transport plan. If it were, we would have seen better planning and implementation and more focus on climate friendly multi-modal transport, to build a sustainable and liveable city, not the agenda of filling the pockets of tolling companies, private corporations and financiers.

**The Hon. PAUL GREEN (16:09):** On behalf of the Christian Democratic Party I speak to the Land Acquisition (Just Terms Compensation) Amendment Bill 2016. This bill will enable agencies to acquire land for public purposes by agreement or by compulsory acquisition. The object of the bill is to improve the procedure for the acquisition of land on just terms by authorities of the State. Tom Gotsis, from the Parliamentary Research Service, has summed this up well. He said:

New South Wales has both an infrastructure deficit and a growing population. This has resulted in a pressing need for additional infrastructure, one which invariably conflicts with the rights of private property owners. The Land Acquisition (Just Terms Compensation) Act 1991 (the Just Terms Act), which enables private land to be compulsorily acquired on just terms by an authority of the State, is an attempt to reconcile those competing public and private interests.

Each year an average of about 400 homes are compulsorily acquired to facilitate government infrastructure. Some 316 homes have already been acquired for WestConnex and about 111 residential, commercial and council properties are scheduled to be acquired.

In February 2014, Mr David Russell, SC, published a Review of the Land Acquisition (Just Terms Compensation) Act 1991. The terms of reference of the review related to real property rights or interests in real property; guiding the process for how acquisitions of real property should be dealt with by government; considering whether and how these principles should be reflected in current legislation; and recommending a process for considering these principles in future legislation. Mr Russell made 20 recommendations and listed public concerns, which I will discuss later. The Customer Service Commissioner, Mr Michael Pratt, was also requested to conduct a review of how the government land acquisition process could be improved, with a strong focus on the resident or landowner. Mr Pratt made 20 recommendations, largely for implementation by Transport for NSW and the Department of Finance, Services and Innovation.

Currently, relevant authorities can acquire land within 90 days of issue of a proposed acquisition notice, or 30 or 60 days with consent of the relevant Minister. The key change proposed in the bill is a six-month compulsory negotiation period between giving notice of proposed acquisition and the transfer of ownership. The Minister noted that feedback given in both Mr Russell and Mr Pratt's reviews was that landowners may not have enough time to negotiate this new and unfamiliar process. A six-month negotiation will allow landowners time to understand, to seek advice and to start looking for alternate accommodation. The bill proposes a greater role for the Valuer General, whereby landowners will make a direct claim to the Valuer General rather than the acquiring authority.

The bill also proposes a potential increase in compensation—namely, that maximum compensation for disadvantage resulting from location be increased from \$27,235 to \$75,000, which is more than the \$50,000 recommended by the Pratt and Russell reports. The bill replaces the term "solatium" with "disadvantage resulting from relocation". The Government has advised that homes compulsorily acquired on or after 26 February 2014, the date Mr Russell's report was provided to the Government, to 18 October 2016 will be proportionally compensated with a top-up. The Secretary, Department of Finance, Services and Innovation will provide an independent mechanism for merit reviews of decisions by acquiring authorities in relation to hardship applications for landowners. The Minister advised that this hardship test is designed to set sensible limits on owner-negotiated acquisitions where it becomes necessary to sell the property without delay for personal reasons, or to avoid a substantial loss of income.

The bill will also remove the requirement for former landowners to pay rent to the acquiring authority for up to three months after a property has been compulsorily acquired by the Government. Landowners will also be entitled to the first right to repurchase the property for market value if the land is no longer required within 10 years of acquisition. The Government has advised it will legislate for an independent panel of professionals to assess land acquisitions for limited specific purposes, given it is difficult to determine market value because of unique use. It is important to acknowledge that people have very strong ties to their homes and it is often difficult to quantify that value. This bill recognises that landowners should receive a range of compensation, on just terms, to ensure they are no worse off after the acquisition by the Government.

The Russell review noted recent public concerns about compulsory acquisition, including landowners who may be affected by the WestConnex motorway project or the CBD and South East Light Rail extension project voicing concerns in the media about low offers for properties to be acquired, lack of consultation and the cost of challenging compulsory acquisition valuations. Landowners whose properties are not being acquired, but whose homes will be devalued by being next door to a motorway ramp or a tram line, have also expressed concern about what is happening to them. I raised with the Government the issue of compensation for those whose properties have not been compulsorily acquired but who face disadvantage by being so close to new infrastructure.

The Government has advised that home owners whose houses are not required for a project but fall within the scope of works for infrastructure projects do not fall within the scope of the Land Acquisition Act, and that compensation or support for those home owners is governed either by planning conditions—to provide noise and dust protection or temporary relocation—or by policies of the relevant agency. For example, Roads and Maritime Services has an exceptional hardship policy and this may enable it to acquire a house that is not specifically required for a project. I also questioned the Government as to whether this legislation will be retrospective, so owners of homes acquired for infrastructure such as WestConnex will be retrospectively compensated.

The Government advised those homes compulsorily acquired on or after 26 February 2014, when the report was provided to the Government, to 18 October 2016 will be proportionally compensated with a top-up. It will be paid on a pro-rata basis—that is, those who received 50 per cent of the previous maximum amount will receive up to 50 per cent of \$75,000. I also questioned the Government about legal fees for a home owner challenging acquisition. Win or lose are the fees covered? The Government advised that former home owners are able to legally challenge the compensation they are offered for their former land or house, and if a former landowner proceeds to challenge the compensation amount offered in the Land and Environment Court then costs are a matter for the court, but are generally covered.

The bill aims to address those concerns on just terms. The Government has said that it does not underestimate the significant personal impact of losing a home. This bill aims to strike an appropriate balance between the property rights of landowners and the public good derived from public infrastructure. This is a solid step towards greater transparency and certainty for compulsory acquisition, but it is still very difficult to compensate for the loss of one's home or the ability for one to age within one's community—for example, remaining close to friends, doctors, sports and hobbies. It is a real issue if people are not able to buy back into the same area.

The Christian Democratic Party is very aware also that the Government has a responsibility to govern and that we need to be thinking way ahead of our time. We have a responsibility to the State of New South Wales to prepare the infrastructure of the twenty-first century. Many of us probably will not get to use too much of that infrastructure, but we have a responsibility to the people of New South Wales to plan ahead of time and make the appropriate corridors, make the appropriate arrangements, to ensure that for those who have found themselves in those corridors—whether it be train, rail, road, maritime or whatever—there is an appropriate response from the Government to ensure that the infrastructure of the twenty-first century is delivered on time, on budget and with community support. We commend the bill to the House.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:20):** In reply: I thank members who made contributions to debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2016 and indicated their support of this bill—some with some jaundiced comments—

**Mr Justin Field:** Well deserved.

**The Hon. DUNCAN GAY:** The Greens say "well deserved". They are jaundiced on a lot of issues, which I will address later on. I acknowledge that members have indicated that this legislation is a step forward, which it certainly is. A considerable amount of work has been done in the background. I thank the Hon. Peter Primrose, Mr Justin Field, the Hon. Ernest Wong, Dr Mehreen Faruqi and the Hon. Paul Green for their support and comments, some of which I will come to in a moment. What we are changing is a situation that was put in place by the former Labor Government and its joint venturers The Greens. Whilst it is easy to sit on the fence and hurl the criticism, it was something that those opposite put in place. Along the way we have improved it; we have added a hardship provision that was not there.

So before those opposite sit on the fence and hurl the brickbats at us, they should reflect that it was what they put in place that needed improvement and we have done that. We have gone back to the time when we first got the report and not only have we taken that report on board but we have added to it, as we should, to make it better, because when someone's house is taken for a piece of infrastructure it is a hard time for those people and that community. It would be a lot easier and a lot better if we could sell the benefits of what we are doing, and we certainly believe in the importance of what we are doing, but there are some ginger groups in the community that get a lot of joy out of creating angst in that community.

Today I spoke to the member who is leading for the Opposition and I indicated that my Roads and Maritime Services people are doorknocking on houses to tell people that their houses are not going to be taken, because one of the class-action lawyers went around and letterboxed and doorknocked a whole lot of houses on the basis that that might have been a group of houses that we were going to take. That is the sort of community scare campaigns that we see. The Greens and the friends of The Greens stood at St Peters in the faux Hazmat suits as we were removing asbestos from the ex-Sydney City Council dump site—the Dial a Dump site—when we were taking asbestos out of that community that had been there for decades, trying to alarm the community. That does not help. What we need to do is to put in place, as the Hon. Dominic Perrottet has said, quite properly, with his group, a proper way through to not only provide a fair price but to do it in a better way and to help case manage the issues with those people in the community, and so we should. I really appreciate the support of members for that.

I am informed that back payment is linked to the date the Russell review was provided to the Government and that not only does the Government accept the Russell recommendation but we are increasing the

recommended amount by 50 per cent. In relation to reinstatement, the heads of compensation already provide for reinstatement. Landowners will receive fair market value and legal, valuation and relocation costs in addition to the \$75,000 for non-financial disadvantage. I can inform the Hon. Peter Primrose that the six-month negotiation period gives certainty to residents and sufficient time to negotiate with the acquiring authority and to prepare to relocate. It is a fair and balanced approach. There has been criticism of the speed with which this reform has occurred. If you want to do something properly you have to take your time to examine it and deliver a full and proper outcome.

Whilst it did take time, and we wish it had been quicker than it was, we needed to ensure that we got it right. So not only did we take that time but we have taken the time for reinstatement back to the start of that process so that no-one who we worked with during that time has been disadvantaged. In conclusion, I again thank all members for their contributions to the debate. This is a huge step forward in fairness and compassion in dealing with projects that come before the Government. Some will say that they do not want these projects. The Greens said that our transport projects were flawed, but if one uses their comparator, anything is flawed. We understand that there are disagreements on what we are providing. If The Greens could get past that and have a sensible dialogue—

**Mr Justin Field:** Like a business case.

**The Hon. DUNCAN GAY:** Just imagine that we are putting in a wind turbine in Haberfield—something that The Greens would love. How would they like the people treated as we put the wind turbine in beside the residents of Haberfield? It would be the same as their encouraging Crookwell, where I live, to have the joy of a wind turbine to assuage their conscience as they sit in Sydney. We need to look at how we treat the people no matter what the project is. The key component that we need to look at is the people involved. Once again, I thank members for their contributions and I congratulate the Minister and the Premier on this initiative in going forward.

**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. PETER PRIMROSE (16:30):** By leave: I move Opposition amendments Nos 1 to 4 on sheet C2016-109A in globo:

**No. 1 Minimum period of negotiation for acquisition by agreement**

Page 3, Schedule 1 [2], proposed section 10A (2), line 17.

Insert "(starting on the date on which the authority first makes a written offer to the owner of the land to acquire the land by agreement)" after "6 months".

**No. 2 Minimum period of negotiation for acquisition by agreement**

Page 3, Schedule 1 [2], proposed section 10A. Insert after line 25:

- (5) The Minister must ensure that the owner of the land is given a copy of an approval under subsection (4) as soon as practicable after the Minister gives the approval.

**No. 3 Minimum period of negotiation for acquisition by agreement**

Page 3, Schedule 1 [2], proposed section 10A. Insert after line 35:

- (8) Indications of a genuine attempt to acquire the land by agreement (as referred to in subsection (2)) may include the following:
- (a) considering any options put forward by, and any options to put forward to, the owner of the land;
  - (b) notifying issues in dispute and offering to discuss them with the owner of the land with a view to resolution;
  - (c) providing or exchanging information to help identify and clarify issues in dispute and how they might be resolved;
  - (d) actively attempting to resolve issues in dispute through negotiation.

**No. 4 Minimum period of negotiation for acquisition by agreement**

Page 3, Schedule 1 [2], proposed section 10A. Insert after line 35:

- (8) The regulations may provide for an authority of the State to advance to the owner of land, from money payable by the authority to the owner in relation to an acquisition of the land, an amount not exceeding \$5,000 to assist the owner in payment of legal costs or valuation fees (or both) in connection with the acquisition, and for the subsequent adjustment of the amount payable by the authority.

Amendment No. 1 is a minor amendment to more specifically identify that the six-month negotiation period put forward in this bill does not start until the first written offer from the acquiring authority is tabled. The intent behind this amendment—as it is for this bill—is to more tightly and strictly control the behaviour of the various government departments that have compulsory acquisition authority. After all, if all these authorities were implementing the just-terms legislation in good spirit and with goodwill, this amendment bill would not be before the House. To further tighten the language to make it clearer and more specific would undoubtedly be in keeping with the intent and philosophy behind the bill.

Opposition amendment No. 2 is also a minor amendment intended to tighten the behaviour and approach taken during negotiations. One of the amendments in the bill is that the Minister responsible for the bill—as opposed to the Minister of the acquiring authority—should take responsibility for a negotiated shortening of the period for acquisition by agreement. It seems entirely reasonable that the landowner be provided with a copy of the agreement for shortening, signed by the Minister. Surely this is agreeable to the Government. I again remind the House that, had the various authorities been acting in good faith, then this bill would be less likely to have come before the House. This minor amendment seeks to remove the "trust us, would we ever lie to you?" approach as an option for negotiating acquiring authorities.

The intention of amendment No. 3 is to more clearly define what a "genuine attempt" would look like. The bill calls on the acquiring authorities to make "a genuine attempt" to acquire the land by agreement during the six-month period. But there is no definition of what a "genuine attempt" would look like. This amendment seeks to do that. Even so, the description of "genuine attempt" proposed in this amendment is still very broad and when one reads it, one would certainly hope that, at a very minimum, these types of qualities would define any such genuine attempt.

In relation to amendment No. 4, one of the fundamental problems of the Act in its current form is the complete imbalance of power between the acquiring authority and the landowner. One has all the power and the tools; the other, in most instances does not. To this end we propose, as a matter of good faith, to offer funds of up to \$5,000 to the landowner so that they may seek good professional advice of both a legal and valuation nature. Currently it would seem unjust that a financially well-to-do household could fund their own advice and potentially leverage from the acquiring authority a better outcome, when compared to a household that might be struggling financially and unable to fund such professional advice and would thus be left to their own ends against a massive government agency. The offer of up to \$5,000 might balance the pointy end of the early negotiation process and may well create more success in finalising agreement before an acquisition notice needs to be invoked.

In quantum, the total value of this for the current 1,713 properties that have been compulsorily acquired in the past four years would be \$8.5 million. On the surface, this might seem like a significant sum, but members should keep in mind the total number of properties and the families having their lives significantly impacted upon is large and the projects currently underway and in the spotlight, if you like, are worth around \$30 billion. This equates to 0.02 per cent of the value of the projects underway. If the purpose of this bill is to bring about a fairer and better outcome during compulsory acquisition, then creating a fairer and more evenly balanced playing field, including access to expert advice, is surely the basis of this and if it costs up to \$5,000 per acquisition, then this is a very minor price to pay.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:35):** As I indicated in my second reading speech, the Government opposes these four amendments. This is a bill for all property acquisitions; it is not a bill for acquisitions on a project one may not like or where one feels that there are better projects. We need to make sure that we concentrate on the people who are affected, rather than the price of a particular project or one that one does not like. Amendment No. 1 is not supported. The bill is clear that the fixed period of bona fide negotiation is six months, unless a shorter term is agreed to. So both people have to agree and, in some instances, they might come to an agreement. But if the vendor or the owner—they are not actually vendors, they are not people who want to sell in this situation—says no, the period remains at six months.

There may be a situation where they do agree or, if there are extenuating circumstances that are agreed to by both the Minister, the acquiring authority and the Minister responsible for the Act, the amendments suggest that an acquiring authority should make an offer to a landowner without any bona fide negotiation period. Two Ministers are required to sign off, not just one. In the Government's view, and consistent with the reforms as a whole that place the highest possible premium on engagement and negotiation with landowners, any offer should be in the context of discussion and negotiation and based on all available information. Opposition amendment

No. 1 suggests that an offer would be made without the benefit of discussions with the landowner. We reject that approach. The Government's proposal for a fixed six-month negotiation period provides ample time for both bona fide discussions between the resident and the acquiring authority and for the resident to plan for relocation.

In the event this is not possible, there is a further three months after the proposed acquisition notice is issued, for the resident to either come to a negotiated agreement or prepare information for consideration by the Valuer-General who would then, as we discussed earlier, provide an independent valuation. There should be flexibility in this approach, to provide for a range of circumstances, including where a formal offer may not be provided until some time into the negotiation period, to account for the actual negotiation. We also oppose amendment No. 2. We believe this is not a necessary legislative amendment. The Customer Service Commissioner's recommendations, which the Government has supported, ensure that landowners are engaged at every step of the process through a personal manager.

This personal manager will be in close contact with the landowner about the negotiation and any advice relevant to the acquisition will be provided to the landowner. The Government opposes amendment No. 3. It introduces unnecessary restrictions into the Act. There are likely to be a range of circumstances surrounding negotiation with a landowner for an acquisition. The amendment as currently drafted provides sufficient flexibility to cover a range of circumstances involving a genuine attempt to reach agreement. Further administrative improvements require an acquiring agency to have at least one face-to-face meeting with the landowner and provide them with plain English information. These improvements support bona fide negotiation.

The Government opposes Opposition amendment No. 4. The landowner is able to recover any reasonable costs associated with the compulsory acquisition, including legal fees and valuation fees. While recognising that landowners whose houses are being acquired should not, where possible, be out of pocket, the figure suggested is arbitrary and may be far and above the costs incurred by the landowner. It will complicate the compensation process. Presently, landowners are able to recover the costs as part of the compensation amount offered to the landowner. Further, the Act is supported by administrative and operational improvements that will introduce flexibility and support into the process. It will assist landowners from the beginning of the process through to relocation.

**Mr JUSTIN FIELD (16:41):** The Greens support Labor's amendments.

**The CHAIR (The Hon. Trevor Khan):** The Opposition has moved amendments Nos 1 to 4 appearing on sheet C2016-109A. The question is that the amendments be agreed to.

**Amendments negatived.**

**The Hon. PETER PRIMROSE (16:41):** By leave: I move Opposition amendments Nos 5 to 9 on sheet C2016-109A in globo:

No. 5 **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A, line 3.

Omit "person". Insert instead "Review Panel".

No. 6 **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (3), lines 17–19. Omit all words on those lines.

Insert instead:

(3) The Secretary is to refer the application to the Review Panel (constituted by section 27B) for determination.

No. 7 **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (4) and (5), lines 20 and 25–27.

Omit "reviewer" wherever occurring. Insert instead "Review Panel".

No. 8 **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (7), line 35.

Omit ", the appointment of reviewers".

No. 9 **Review of decisions on hardship applications**

Page 4, Schedule 1 [5]. Insert after line 36:

**27B Independent Review Panel**

(1) There is constituted by this Act a Review Panel.

(2) The Review Panel is to consist of 4 members appointed by the Minister, of whom:

- (a) one is to be a qualified valuer (within the meaning of section 59 (2)) with relevant expertise;
  - (b) one is to be an Australian legal practitioner with relevant expertise;
  - (c) one is to be engaged in a relevant profession (such as a town planner or an accountant), with relevant expertise;
  - (d) one is to be a community member whose property has previously been acquired under compulsory acquisition, and none of whom are to be associated with the authority of the State or the owner of the land the subject of the acquisition.
- (3) The functions of the Review Panel are:
- (a) to review and determine applications under section 27A; and
  - (b) such other functions as are conferred by or under this Act.
- (4) A decision supported by the majority of members of the Review Panel is the decision of the Panel.
- (5) Subject to subsections (4) and (6), the procedure of the Review Panel is to be as determined by the Minister.
- (6) The regulations may make provision for or with respect to the constitution, procedure and functions of the Review Panel.

The bill seeks to provide the Minister with the power to appoint an independent reviewer to settle the more vigorously contested negotiations while at the same time seek to implement a step that will keep all parties out of the Land and Environment Court. Avoiding the intimidating court process is to be applauded and supported. The amendments proposed by the Opposition will replace the ministerially appointed individual reviewer with a ministerially appointed review panel. The panel will have a range of skills and experiences that will reflect the nature of the problematic negotiations at hand far better than an individual with one skill set, whatever that be. That is not defined in the current bill.

Further, a panel of people is better placed to resist the influence of the Government of the day, a task that may prove a little harder for a hand-selected individual. In seeking to establish a panel there are various amendments proposed to section 27A as well as an additional insertion of section 27B to define the skills required on the review panel. It is proposed that the panel consist of a valuer, a legal professional, a relevant professional such as a planner, an accountant, and a community member with personal experience of the compulsory acquisition process. The proposed review panel would have the same power as that vested by the Minister in the review individual. The bill makes no note of how the suggested independent reviewer will be funded. The Labor Opposition proposes that the review panel be funded from the same source that would fund the independent person, which will be decided by the Government of the day.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:44):** I thank the honourable member for his suggested amendments. The Government opposes them for good reason. The Government amendments to existing hardship provisions in the Land Acquisition Act will provide landowners with review of the decision that they are not suffering hardship and cannot compel the Government to acquire their land. This is not currently present in the Act. It will introduce fairness to the process that represents an improvement to this part of the Act. The Government has opted for that decision by the acquiring authority to be referred to a professional person independent from Government.

It will be quick, cheap and efficient for the landowner who may be in a position of uncertainty. A panel of decision-makers may slow the process putting the landowner in a position of further uncertainty as to whether they can compel the Government to acquire their land. Further, the criteria for hardship applications are clear and do not warrant a panel of reviewers as opposed to an individual expert. A panel unnecessarily delays the review process and the Government believes that currently it is in the correct state.

**Mr JUSTIN FIELD (16:45):** The Greens support the Labor amendments. In particular, the idea of a panel as opposed to a single person considering hardship applications is appropriate. It is important to have a member on that panel who has previously experienced compulsory acquisition of their property. I understand the concerns of the Government that the process will be slowed down. They are major projects and there should be public discussion about whether they are appropriate. There should be a business case. There is a range of time to put in place the processes to ensure those impacted have time to consider it and for hardship applications to be processed by a panel in due course. For such major investments members must take the time to consider those issues.

**The CHAIR (The Hon. Trevor Khan):** The Opposition has moved amendments Nos. 5 to 9 appearing on sheet C2016-109A. The question is that the amendments be agreed to.

**Amendments negated.**

**The Hon. PETER PRIMROSE (16:47):** I move Opposition amendment No. 10 on sheet C2016-109A:

No. 10 **Former owner's right to occupy land after compulsory acquisition**

Page 4, Schedule 1 [6], line 39.

Omit "rent is not". Insert instead "neither rent nor a rental bond is".

The current Act offers wide scope for the acquiring authority to enter into agreement with the former owner as to the terms of their ongoing occupation and whether or not rent will be liable. It is entirely within the current Act for no rent to be paid. It is relevant and factual that some acquiring agencies enter into friendly and generous terms with former owners for ongoing occupation until some agreed time. Meanwhile, other acquiring authorities are somewhat mean-spirited. It is because of those mean-spirited entities that we are addressing the three-month rent-free element in the bill. This particular section is about reining in the agencies that cannot be controlled by the Minister or departmental senior officers.

Having established the context of the change proposed in this bill the Labor Opposition is offering a further amendment that will prevent the mean-spirited agencies from imposing a bond during the ongoing occupation. It has been reported in the media that some former owners that stay on as occupiers of the acquired property have been charged up to \$10,000 for a bond. Having established in the bill that the three months should be rent free it seems something of an accidental omission that the element of the bond is not addressed in the bill. The proposed amendment will ensure that no mean-spirited agency, deprived of the opportunity to extract rent, will seek instead to extract a bond.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:49):** I should not be smiling, but I am amused by this amendment. A rental bond is charged only if one is charging rent. The Government is not charging rent for three months, so why have a bond? The amendment is superfluous. No bond is needed because rent will not be charged for three months.

**The Hon. PETER PRIMROSE (16:49):** The Minister is clearly stating that there will be no bond or similar—

**The Hon. Duncan Gay:** If there is no rent, there will be no bond.

**The Hon. PETER PRIMROSE:** —required payment of an amount such as a bond.

**The Hon. Duncan Gay:** I was clear: I said that if there is no rent there will be no bond, and there is no rent in that three-month period.

**Mr JUSTIN FIELD (16:50):** I understand the position put by the Opposition and the response from the Government. The Greens take the Government at its word on this and appreciate that if rent is not paid then a bond will not be required, so potentially this amendment is not required.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Peter Primrose has moved Opposition amendment No. 10 on sheet C2016-109A. The question is that the amendment be agreed to.

**Amendment negated.**

**The Hon. PETER PRIMROSE (16:50):** I move Opposition amendment No. 11 on sheet C2016-109A:

No. 11 **Matters to be considered in determining compensation**

Page 5, Schedule 1 [14]. Insert after line 34:

(e1) if it is necessary for the person to relocate the person's principal place of residence as a result of the acquisition—financial disadvantage resulting from equivalent reinstatement,

This amendment seeks to add a seventh matter that may be considered during negotiation. It seems reasonable that the concept of reinstatement be one of the considerations in this imperfect science. The Opposition acknowledges that the element of reinstatement is difficult to define and capture in a market value determination. But by the insertion of reinstatement as a seventh element in the grounds for compensation, a landowner who can demonstrate a determination for reinstatement in the same area as they currently reside should be able to use this to maximise their compensation payment. Given that the term "solatium" is to be changed to "disadvantage resulting from relocation", the concept of reinstatement might better fit within that new term. Nevertheless, it is proposed here as an amendment to the current matters being considered for compensation.

**Mr JUSTIN FIELD (16:52):** The Greens support amendment No. 11 moved by the Opposition. The Greens had an amendment that was in line with the Opposition's amendment. I will not be moving that amendment. I will speak to Labor's amendment. It is insufficient to describe properties as houses. They are homes and they are

part of communities. Increasing house prices in Sydney in particular mean that residents may not be able to buy another home in the same community as a result of compulsory acquisition. In Sydney house prices rose a further 1.2 per cent in the month of June alone. The quarterly increase was 6.8 per cent and the increase this year has been more than 13 per cent. Families are forced to relocate, and leave communities and services behind. Children have to move schools. People often have to relocate away from family doctors or leave behind local organisations and community support. An adequate process of compensation will help to address these problems.

The Greens support Labor's amendment. We ask that the Government specifically address the desire for communities to remain intact and for families and individuals to preserve community connections. Members of the Italian community who have been resident in Haberfield for 50 years have been forced to move away. In St Peters families with young children have been forced to make difficult decisions about their children's schools because they are struggling to afford an equivalent residence in an equivalent location. In this bill, and through administrative improvements, the Government has adopted almost all the recommendations of the Russell review.

However, it has chosen not to include the recommendation to bring New South Wales legislation into line with Commonwealth legislation on the provision of compensation for reinstatement. This amendment would integrate that recommendation into the bill, including consideration for the amount of compensation for financial disadvantage relating to an equivalent reinstatement. While I congratulate the Government on acknowledging the general inadequacies of conduct with regard to WestConnex, we must include provisions for communities to remain intact in the future. Families and individuals need to be compensated for equivalent reinstatement. The Greens support Labor's amendment.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:54):** The Government opposes this amendment. The Government is carrying out reinstatement in part. In the situation where a church is compulsorily acquired, the Government knows that it needs to find a comparable residence for valuation purposes. Every house is unique. Every house is someone's home. It might be a weatherboard ranch-style house. It might be a Federation single-storey house. It may well be a terrace that faces a particular direction and has a particular aspect. The Government cannot guarantee to replicate that. We want to achieve the fairest and best outcome that we possibly can. We are not able to give a guarantee of reinstatement. That is the problem. The Greens are asking us to do the impossible. We want to be fair. That is why we have gone about this in the way that we have, to ensure that the price is fair and the help is fair. The whole process is better. We are working with people where we can.

We cannot guarantee to reinstate someone in a white weatherboard-clad ranch-style house in the same suburb. When one looks at the legal ramifications of this amendment, that is where the problems occur. The amendment fundamentally misunderstands reinstatement and the basis on which compensation is provided to a landowner whose land is compulsorily acquired. Reinstatement in a legal context refers to a concept of putting the landowner in the same position as they were in prior to the acquisition. The Act does that already by providing for the market value of the house as well as the reasonable cost of having to move. In effect, the Act provides for the landowner to be reinstated. The Act should not be amended to provide for a circumstance where the landowner may be put in exactly the same or a better position. The Government wants to be fair and generous. We mostly pay above market price. The Government's amendments in relation to reinstatement are a sensible introduction of supporting compensation on a reinstatement basis, in limited circumstances where there is no general market, as I indicated before, such as a church or a community centre.

**The Hon. PETER PRIMROSE (16:57):** I am concerned that the Minister has indicated that all things are unique. For example, in relation to compensation for the loss of a body part, no-one could make the assessment that the loss of an arm requires another arm to be provided. But it needs to be taken account of in relation to the compensation.

**The Hon. Duncan Gay:** It is taken account of. You are not asking us to replace that body part.

**The Hon. PETER PRIMROSE:** That is what this amendment asks. I asks for that to be taken into consideration when determining compensation. It does not suggest for a moment that the same dwelling needs to be provided, but it does say that that needs to be taken into consideration when assessing compensation.

**Mr JUSTIN FIELD (16:58):** I reiterate an earlier comment. No-one is suggesting that houses have to be identical in colour. This is about families and communities staying together—families who have children at school and their access to family doctors or churches. These are important community values. No-one is suggesting that a porch should face the same way or the vegetable garden should have the same lighting, which is why these recommendations were made by the review. This amendment is worthy of consideration by the Government, given the hardship being faced by people particularly in regard to the WestConnex project.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Peter Primrose has moved Opposition amendment No. 11 appearing on sheet C2016-109A. The question is that the amendment be agreed to.

**Amendment negatived.**

**The Hon. PETER PRIMROSE (17:00):** By leave: I move Opposition amendments Nos 12 and 13 appearing on sheet C2016-109A in globo:

No. 12 **Disadvantage resulting from relocation**

Page 6, Schedule 1 [16], proposed section 60 (2A). Insert after line 18:

(2A) The minimum amount of compensation in respect of the disadvantage resulting from relocation is 10% of the maximum amount under subsection (2) or, if that amount is increased under clause 2 of Schedule 1A, the maximum amount as so increased.

No. 13 **Disadvantage resulting from relocation**

Page 6, Schedule 1. Insert after line 21:

**[18] Section 60 (7)**

Omit "applies".

Insert instead "and the minimum amount under subsection (2A) apply".

Accepting that the term "solatium" is to be replaced with the term "disadvantage resulting from relocation", the bill allows for the current maximum amount to be paid to increase from \$27,235 to a new value of \$75,000 with the consumer price index [CPI] to be applied in future years. Person seeking a disadvantage payment are assessed as deserving an amount somewhere between zero and \$75,000. They have to stake their claim and have it assessed or evaluated after negotiations and they settle on an amount. But something is missing from this process, that is, a minimum payment for disadvantage. These amendments address this omission by proposing a minimum amount for disadvantage, formerly known as solatium, to be set at 10 per cent of the maximum. According to the CPI, as the maximum payment for disadvantage shifts upwards the setting of a 10 per cent value would also track that CPI increase. This amendment seeks to insert words so that a minimum amount is set.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (17:01):** The Government opposes Opposition amendments Nos 12 and 13. We know what the Opposition is attempting to do but it has misunderstood this legislation. The Government believes there should continue to be flexibility in the awarding of an amount of compensation for inconvenience or disadvantage resulting from relocation as the circumstances arising from a compulsory acquisition are likely to vary greatly. It may well involve an owner, the family of an owner who live in a house, or tenants on a long-term or short-term lease.

For example, tenants are eligible to receive compensation for inconvenience, as they should. However, tenants on a short-term lease may have to move at short notice. In those circumstances where a tenant's lease is due to expire within the period of a compulsory acquisition it may be reasonable to offer that tenant some compensation for inconvenience, but that amount may well be less than 10 per cent. The Act should be able to retain the flexibility that is already built into current provisions to provide for an appropriate amount of compensation to be relevant to the disadvantage resulting from relocation.

**Mr JUSTIN FIELD (17:03):** The Greens support Opposition amendments Nos 12 and 13.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Peter Primrose has moved Opposition amendments Nos 12 and 13 on sheet C2016-109A. The question is that the amendments be agreed to.

**Amendments negatived.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### **Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**Motion agreed to.**

### FISHERIES MANAGEMENT AMENDMENT (SHARK MANAGEMENT TRIALS) BILL 2016

#### First Reading

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Niall Blair.**

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (17:09):** According to sessional order, I declare this bill to be an urgent bill. In October this year the New South Wales Government committed to trial the use of shark mesh nets to reduce shark interactions on the North Coast. This was in response to a series of shark attacks—or human-shark interactions, as they are more technically known—at beaches on the North Coast and calls from the local community for immediate action. Since September 2016 there have been three unprovoked shark attacks. Thankfully, they did not result in fatalities. However, any unprovoked shark attack is serious and these incidents are taking a toll on the community. Immediate action needs to be taken to ensure our North Coast beaches are safe for citizens and visitors over the summer months. We have committed to implementing the trial that we have promised as quickly as possible and to have nets in the water prior to the start of the summer school holidays in December. This leaves us with less than one month to work with the local communities on the North Coast to get the trial up and running.

The Fisheries Management Amendment (Shark Management Trials) Bill 2016 will enable the speedy implementation of the trial. I request that we consider this bill urgently so that we can proceed with the necessary steps for the trial to commence. The bill will enable us to get on with planning and implementing the trial by creating a single process for the necessary assessments and approvals of the trial. Instead of seeking approval for the trial under nine separate pieces of legislation, the trial will be approved under one process. If we were to proceed through the assessment and approval processes under the nine pieces of legislation that would otherwise be required we would not get the trial in place before the peak summer school holiday season. We have considered alternative options to implementing the trial but the risks associated with the delays are too high. This bill now is the best option available to us to enable the fast deployment of shark nets to North Coast beaches. This bill delivers on the Government's commitment to ensure the safety of beachgoers, swimmers and surfers. Action is needed urgently. This urgency motion must be passed so we can respond to what the North Coast community has been calling on us to do. I commend the motion to the House.

**The Hon. MICK VEITCH (17:11):** The Opposition supports the urgency motion. We have received a significant amount of North Coast stakeholder input on both sides of this debate. Weighing up that input, we have come to the decision that we will support the Minister's request for urgency in this instance.

**Mr JUSTIN FIELD (17:11):** The Greens do not support the urgency motion. There is a reason that nine pieces of legislation and approvals would be required to bring about this program—that this technology presents risks to threatened species and the natural environment, as we have seen from locations where it is deployed. The bill is not urgent because it is more than 12 months since we first became aware of increasing shark activity at Ballina. At the time the Government took decisive and deliberate action in holding a shark summit, bringing experts together and having an independent organisation review what measures could be put in place to manage risk.

I commended the Government for its action at the time to take a deliberate, non-lethal approach that sought to build our knowledge of shark behaviour and the technologies that the experts recommended. I was at that shark summit and I listened to those experts speak about the best way forward. The Government took up many, if not all, of those recommendations and this was not one of them. Shark nets were not recommended as a solution. We have been learning more about how the technologies work and I think that is on the right track. This bill is not urgent because a work program is already managing the risk whilst improving the community's understanding of shark attacks. The third reason this bill is not urgent is that shark nets cannot fully remove the risk. We need to be honest with the community about that. Moving this as an urgent bill and trying to make out that it is the solution we need gives a false sense of security to the community and avoids the important conversation about what shark nets can and cannot do. The Greens do not support urgency on this matter.

**The Hon. PAUL GREEN (17:14):** The Christian Democratic Party supports urgency on this bill. As a parent who enjoys spending time on our coastline as people surf and enjoy our beaches there is nothing worse than knowing these attacks are taking place. We are not saying that this trial is the solution; we are saying that it is part of the solution. I note that the peak tourist season is coming up and tourists will flock to our beaches to

swim over the summer months. The responsible thing to do is to have this debate now in light of the fact we are approaching the end of the parliamentary term. We support urgency on this bill.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The question is that the bill be considered an urgent bill.

**Declaration of urgency agreed to.**

### Second Reading

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (17:15):** I move:

That this bill be now read a second time.

The Fisheries Management Amendment (Shark Management Trials) Bill 2016 provides a pathway for the proposed trial of shark mesh nets along the North Coast of New South Wales in time for the 2016-17 summer school holidays. Since 1937 the State Government's Shark Meshing (Bather Protection) Program has helped protect surfers and swimmers at 51 beaches between Newcastle and Wollongong. The time has come to trial this method at selected beaches on the North Coast and to test its effectiveness in the local environment.

Three shark attacks—or human-shark interactions, as they are more technically known—on the North Coast in less than a month has the local community looking to the Government to support them and reduce the risk of further incidents. Like the local communities on the North Coast, the New South Wales Liberal-Nationals Government is aware that there is a real and urgent need to implement trials as soon as possible. The clear message we have heard—whether from the local representatives who are part of our formal North Coast Stakeholder Shark Management Group or at our mobile community consultation centres—is that the community wants action.

Five beaches on the North Coast have been identified as sites for the North Coast shark net trial. They are Sharpes, Shelly and Lighthouse beaches near Ballina, Seven Mile Beach at Lennox Head and Main Beach at Evans Head. Each of these beaches is popular among surfers and swimmers and has been strongly favoured in recent community consultation and surveys. Online and independent random phone surveys were conducted to seek feedback on the locations of the North Coast trial and better understand how success will be measured from the community's perspective. Some 600 people participated in the phone poll and more than 5,400 people participated in an online survey or dropped in to a community stand in Ballina.

Consultation is showing that there is strong local support for the shark net trial. The phone poll of 600 Ballina and Evans Head residents produced strong results. Fifty-seven per cent were "extremely" or "very" concerned for the community about shark bites, 54 per cent felt the trial would have a positive impact on the community compared with 12 per cent who felt it would have a negative impact, and 63 per cent of surfers felt that the trial would have a positive impact. Results from our online survey and community stand in Ballina were similarly supportive of the trial, with 61 per cent of surfers believing it would be a positive initiative for the area.

Although no government can guarantee complete safety, our aim is to keep working with the local community to minimise the risk of shark attacks this summer and, importantly, to minimise any impact of the North Coast trial on the local environment. We have consulted broadly on the proposed trial on the North Coast with local government, Surf Life Saving NSW, local clubs, chambers of commerce, tourism operators, retail and businesses as well as with surfers and swimmers who use local beaches in the north. No government and no one measure can stop shark attacks, which is why we are investing in new technologies, new ways and new ideas. From drones, sonar and VR4G mobile technology through to tracking sharks and alerting the public, the Department of Primary Industries is implementing a suite of measures to gain insights and transfer information to the public. As the Premier noted last week, New South Wales is leading the world in many of these measures. The North Coast trial complements our existing \$16 million Shark Management Strategy and is intended to reduce the risk of further shark encounters.

Since 1 January 2014 there have been 41 reported shark attacks in New South Wales ocean waters—three were fatal, six resulted in serious injuries and 11 resulted in minor injuries. These incidents include the three attacks on beaches on the North Coast since September this year. Marine life is important but the protection of human life and limb is a fundamental duty of every government. The New South Wales Government acknowledges this duty, as well as the change in community attitude towards the management of shark interactions. Since the launch of the NSW Shark Management Strategy in October 2015 we have trialled a number of innovative and new approaches for the management of sharks. When it comes to protecting human life all options remain on the table and we will use every available method to protect swimmers and surfers. The basis of the strategy is to test and trial new and innovative methods to determine those that are most appropriate for beaches in New South Wales, and we are refining our approach as the trial results come in.

For example, the trial of eco-friendly shark barriers at Lighthouse Beach and Lennox Head at Ballina was discontinued because the barriers could not be installed safely and could not withstand the dynamic ocean conditions at those beaches. I have no regrets as Minister in approving these eco-friendly shark barriers as they added to our knowledge base. I also have no doubt that innovative designers and manufacturers across Australia will study the results of the eco-barrier trials with a view to improving the capability of future versions. The use of Shark Management Alert in Real Time [SMART] drum lines has proved to be effective, with more than 42 sharks caught, tagged and released. As the outcomes of these trials become known we are changing and refining our approach and we will continue to use every available method to manage shark interactions. There is a real need for this bill, and to enact it now, if nets are to be urgently deployed ahead of the summer school holidays.

I will now outline the key elements of the bill. The Fisheries Management Amendment (Shark Management Trials) Bill 2016 aims to promote the safe use of our beaches by facilitating shark management trials. The current assessment process is complex and lengthy and includes requirements for consents, approvals, licences, permits and other authorisations under multiple pieces of legislation. The bill provides a pathway for me, as the Minister for Primary Industries, to approve trials of shark management measures, which includes nets, at beaches in New South Wales in accordance with a management plan. This alternative approval pathway will mean that multiple assessments and approvals will not be required under the Environmental Planning and Assessment Act 1979, the Threatened Species Conservation Act 1995, the National Parks and Wildlife Act 1974 and the Fisheries Management Act 1994.

The bill provides that an approved shark management trial will need to be conducted in accordance with a management plan prepared by the Secretary of the Department of Industry. The management plan will set out the area in which the trial is to be located, the period of the trial, and the shark management measure or measures to be used in the trial. The management plan is a key mechanism to minimise the impacts of shark management trials on marine species. Accordingly, management plans may also include information about performance indicators and measures to monitor and assess the trial; risk mitigation and management strategies relating to environmental impacts, emergency response and public safety; contractor compliance requirements; observer program requirements; and monitoring and reporting on the trial.

In anticipation of issues raised by Mr Justin Field with my office, I can advise that the Department of Primary Industries [DPI] has committed to reporting on details of bycatch in nets during the trial of mesh nets on the North Coast. A trained DPI observer will be on board the contractor's vessel to observe and ensure accurate reporting of any trapped marine life and to document key information, including species type and status—alive or dead. The mesh nets will be checked daily by the contractor, weather and sea conditions permitting, or following reports of caught marine life such as from the public or via alerts from the SMART technology attached to the nets. As is the case with the current shark meshing program from Newcastle to Wollongong, contractors and observers will be required to report on the findings and regular reporting will be made publicly available as soon as possible on the DPI website whilst the nets are deployed during the trial period. Transparency in reporting is a key commitment for the trial period. A final report on the outcomes of the trial will also be made publicly available.

Any amendment to an approved management plan will require subsequent ministerial approval. In addition, the bill requires the management plan to be published on the department's website. This is evidence of the Government's commitment to ensuring that trials are developed and implemented in an open and transparent manner. The bill also makes it an offence to interfere with any shark management measure. The maximum penalty will be 200 penalty units or \$1,000 if a penalty notice is issued. The bill will sunset after five years, given that it is to enable trials. In the existing Greater Sydney Metropolitan Shark Management (Bather Protection) Program we have experienced effectively operating shark nets. Every year between September and April this program oversees the deployment of shark nets at 51 beaches between Wollongong and Newcastle. Since the announcement of the trial of shark nets on the North Coast, the Department of Primary Industries and the Office of Environment and Heritage have been collaborating on management options. Given the need for urgent action, my department has also been working closely with the Commonwealth Government.

The management plan for the North Coast trial being developed by the Department of Primary Industries will include information on the shark management measures to be used, the number of nets and how they will be deployed. The management plan for the first trial on the North Coast will include requirements for regular reporting, which will be available to the public on the DPI website. A final report on the outcomes of the trial will also be made publicly available. Deployment will be designed with the best mitigation measures in place to manage unintended impacts for fauna. Shark nets will be fitted with whale alarms and dolphin pingers to deter marine mammals from the netted area. The trial will be closely monitored to minimise any environmental impacts. In addition, a whale disentanglement plan will be developed, with qualified people identified to assist in any disentanglement.

As trials are approved and underway, they will be complemented by the NSW Shark Management Strategy. There is no single solution to reducing the risk of shark bites and no combination of approaches will guarantee all interactions will be prevented. Elements of the strategy include detection, deterrence, research and public education. The strategy is research-focused and aims to trial or develop new technology and to better understand shark movements and their association with other changes in the marine environment. Public education and community engagement remain a strong focus and the new app, SharkSmart, provides alerts, surveillance, information on sharks and advice for how swimmers and surfers can minimise their personal risk. Close collaboration with Surf Life Saving NSW and professional lifeguards is critical to ensure all efforts to protect swimmers and surfers are coordinated.

Personal responsibility and protection play an important role in minimising risk. The NSW Shark Management Strategy includes funding for grants that have been awarded to accelerate development and testing of technology. Ultimately, reducing the risks of shark interactions is a shared responsibility and everyone has a role to play in making our oceans as safe as possible for swimmers and surfers. The New South Wales Government is leading scientific research into sharks and trials of shark management methods and technologies, and educating the community on shark safety. Local councils have a role to play in the long-term funding and implementation of the successful technologies. Surf lifesaving organisations will continue to be responsible for beach safety. Individuals should minimise the risk by following the recommendations on how to be shark smart.

We will work with councils and communities to assess outcomes and implement any findings or lessons learned from these trials. The New South Wales Government is committed to a scientific and evidence-based approach to the management of shark interactions. To date there has also been extensive consultation with the community through the NSW Shark Management Strategy. We will continue consulting with the community throughout the proposed North Coast trial. This Government is committed to doing everything it can to ensure the safety of beachgoers, swimmers and surfers. I commend the bill to the House.

**The Hon. MICK VEITCH (17:28):** I lead for the Opposition on the Fisheries Management Amendment (Shark Management Trials) Bill 2016. The object of the bill is to amend the Fisheries Management Act 1994 and a regulation under that Act to promote the safe use and enjoyment by the public of coastal beaches and other tidal waters by facilitating shark management trials. The particular objects of this bill in relation to the shark management trials are to reduce the risk to swimmers posed by sharks, to minimise the impact of shark management measures on fauna, and to inform future decision-making about shark management. The overview of the bill states:

A shark management trial is a trial of the use of one or more shark management measures. Each of the following is a shark management measure for the sake of the bill:

- (a) nets that are suspended in waters to protect swimmers from sharks
- (b) any other thing that is used in or on waters to capture sharks or deter the incursion by sharks into waters that are frequented by swimmers.

The bill will also permit the Minister to approve the conduct of a shark management trial in accordance with a management plan that is adopted in the approval. The approval will be a trial approval. The Minister may approve a shark management trial only if the Minister is of the opinion that sharks pose a significant risk to the safety of swimmers in the area in which the trial is to be conducted. The approved management plan for the trial is to specify the area in which the trial is to be conducted and the shark management measures to be used under the trial, and the period of the trial must not exceed 12 months.

The bill also provides that a trial approval is authority to carry out the shark management measures and other related activities, such as monitoring, reporting and research activities. Most importantly for the Opposition with regard to the overview of the bill, the amendments provided for by this bill will automatically repeal five years after the date of the assent. Labor supported this bill being declared urgent because this is an important issue and we will provide a bipartisan approach to shark management in New South Wales through this bill. The negative media affects tourist numbers on the North Coast and threatens to harm the North Coast economy. Governments, and indeed the Parliament, cannot stand by and twiddle their thumbs. But this is about managing the balance between beachgoer safety and preventing impacts upon the marine environment. I am sure the Opposition spokesperson on the environment, the Hon. Penny Sharpe, will speak more about this in her contribution.

Labor's response to the shark issue was announced in our policy about a month ago. We spoke about the trial of shark nets, but with resourcing and technology such as pingers—and it was good to hear the Minister say in his second reading speech that the shark net trial on the far North Coast will include the use of dolphin pingers and resourcing. We support more watchtowers and increased drone use. We support more tagging of sharks, but we are concerned about the tagging of sharks as it applies to the shark app. I caution the use of language in these

circumstances. I have a shark app on my phone and I am getting several alerts as I am standing here. We need to ensure that people understand that not every shark is tagged and not every shark is swimming past a sensor at a point in time. We need greater support for local Shark Watch organisations and further education for beachgoers, surfers and the community.

This is a trial. We expect that the necessary resources will accompany the deployment of the nets. Constructive dialogue with the North Coast community must continue. We cannot just deploy the nets without that consultation. I was heartened to hear the Minister say in his second reading speech that the Government will continue to speak with the North Coast community. We support the bill. We acknowledge that it is short notice due to the urgency. Urgency denied the opportunity for a much more thorough investigation of the implications of this bill, but we acknowledge the reasons for it.

There are members of the North Coast community who do not support the deployment of shark nets, and we should acknowledge that. There are members of the North Coast community who do support the deployment of shark nets, and we must acknowledge that. We in the Opposition will continue to scrutinise the Government on the implementation of this bill and the deployment of shark nets on the North Coast as a part of this trial. We also would require, as a part of this trial, regular reporting on the bio catch—the details of which were enunciated in the Minister's second reading speech. We will support the bill but we will be scrutinising the implementation of the trial.

**Mr JUSTIN FIELD (17:33):** On behalf of The Greens I make a contribution to debate on the Fisheries Management Amendment (Shark Management Trials) Bill 2016. The Greens oppose the bill. The Greens are committed to a science-based approach to keep people as safe as possible whilst respecting our oceans and the creatures that live in them, including sharks. Netting will not guarantee public safety, and the Minister has acknowledged that. We all need to be honest about that because this is a serious issue and I am very concerned with the way this issue has played out, particularly in the media, and the urgency of the issue, because there has been a suggestion in the way it has been presented that this is going to be a solution to the shark issue on the North Coast. We all have to take some responsibility for being honest in the way we speak about this issue in the House and in the public, but that is not happening.

I know that there is genuine concern on the North Coast—it is an understandable fear that people face, particularly at Ballina. I am a diver and a surfer; I have spent a lot of time on the North Coast, and I have been in the water with sharks. I live on a part of the coastline that has had shark bites in the past. It is something that we all face, and how we approach it in this particular instance will affect the options that we have to respond to these issues into the future. We all need to accept that everyone in this place needs to do what they can to reduce the risk to people whilst protecting the other things we value deeply—in this instance, a healthy and vibrant marine environment. So please do not let my opposition to this bill and my active opposition to some of the approaches of the Government and people in the community on this issue take away a genuine concern that The Greens and I have for people being able to use the marine environment safely.

*[Interruption]*

I do not think that is the case, and I will make the case in my contribution, because we have come quite a long way in understanding the risk of shark bites. This has been an issue in New South Wales for many years. Nets have been in place since the 1930s; they have come and gone, there have been bites, there have not been bites, there have been bites on netted beaches. There is a lot of confusion. It is very important in speaking publicly about this issue not to give out a statistic and claim that that tells the story about the risk of shark bites. We can all find a statistic that supports a case, but these incidents are so extremely rare that the statistics do not tell the full story.

Let us just look at where we have come from in the last couple of years. There were some bites in 2015 and there was a demand from the community for a response. The Government called a shark summit to bring together experts. I was at the Nature Conservation Council at the time and as we were engaged in that response at the time I attended the shark summit and I read the Cardno report. It was clear that the scientists did not have a clear understanding of what was going on on the North Coast. There were conversations about what measures might be appropriate to help mitigate the risk and a number of projects were cited, including the Shark Spotters program in South Africa that now has been modified into the Shark Watch program on the North Coast. People involved in that program were in the building yesterday speaking to members about that project and how they have trialled it in areas around Byron Bay.

I looked at some other responses and I supported the Government's response—it was a non-lethal response and the Government was very careful to make clear that nets would not be part of that response. I am frustrated that we are here. I supported the drum lines, the environment movement supported the smart drum lines, and in discussions with people from the department there was a great hope that should those trials be successful—

and I think they largely have been—there was an opportunity to remove the damaging nets from New South Wales beaches where they are currently in place and replace them with measures that do not have as much impact on marine wildlife. I acknowledge the degree to which the Minister has got across this issue. He has spoken to the community, he has spoken to the experts. He does understand the issue; he understands the risks of the different mitigations and I appreciate his level of engagement on this issue and his genuine concern. I do not think he wanted to be here, and I acknowledge that, but we had more shark bites.

On the North Coast the media created a frenzy, helped in some part by the Labor Party, and I will say more about that later. We had a response from the Government relating to expanding the smart drum line program. That program was not about killing sharks. The program's purpose was to capture sharks and to quickly respond to those captures, and then to tag the sharks for the purposes of science. I understand that there was some success in removing the sharks from the local waters, taking them further out to sea and releasing them. The program was not successful in reducing bites. We do not know if any other response would have been successful but under that program there were more bites and because of that the Government has moved on to nets. My question to the Government is: What happens next? What happens after the next bite? No-one wants to see it—I do not want to see it. But there are sharks in the ocean and right across our coast.

**The Hon. Dr Peter Phelps:** No! Sharks in the ocean?

**Mr JUSTIN FIELD:** There always have been—there are sharks in the ocean. What happens after the next bite? We need to be careful about where we draw the line on the responsibility of government on these issues. The Minister acknowledged that in his contribution. Government can help people to understand the risk, it can inform the community and put in place measures. I grew up on a beach south of Bundaberg. There were shark enclosures on that beach for a reason and that was so along the coastline. Over the course of time we removed those enclosures, probably because we had removed a large number of the sharks from the ocean. We fished and culled them almost to extinction.

**The Hon. Dr Peter Phelps:** Vicious.

**Mr JUSTIN FIELD:** It was vicious to the sharks. We need sharks for a healthy ocean and we all rely on that for our survival. We need to acknowledge that that is part of this discussion and part of the reason why there is division on the North Coast about nets. What is the role of government? Where does personal responsibility begin? I think we are going down a slippery slope. What will happen with the next bite? Will the nets just be expanded? This bill permits a trial, not just of shark mesh nets and not just on the North Coast, but of other measures to capture sharks. There is no limit on where this could go. One bite could be deemed by a Minister to represent a significant risk to the safety of swimmers. I do not think that would be the case with the present Minister but we do not know where things will go from here. We need to understand that this bill is essentially open-ended. It applies not just to nets and drum lines but to any other measure that can capture a shark anywhere along the New South Wales coast, if the Minister deems there to be a risk. At the moment we are talking about five beaches across the North Coast—Sharpes, Shelly, Lighthouse near Ballina, Seven Mile at Lennox, and Main Beach at Evans Head.

The object of the bill is to reduce the risk to swimmers, to minimise the impact of shark management on fauna and to inform future decision-making. The third point was already being undertaken through the drum line program and the science that was part of the shark management strategy announced last year. We are all learning a lot. The first two points will potentially reduce the risk but it is hard to measure. One could argue that the risk has been removed to some degree in Sydney but that is because, over time, we have removed a lot of the sharks from the water. We need to acknowledge that. There is a reason that people describe this as a culling program by another name. It is—it kills sharks and it kills a lot of other marine life as well.

How can this minimise the impact on fauna from shark management measures? This will increase the impact on fauna. We can hopefully run the nets out with the least impact and I look forward to seeing, in the management plans, how that will be done. The bill does not provide that information. I hope that the Minister will engage stakeholders who have a genuine interest in ensuring that this trial can be shown to be successful, particularly when it comes to not impacting fauna, because there is a range of things that we can do to minimise that. There will be costs associated with attending the nets on a regular basis and possibly taking them out at night or taking them out when we know we are not going to be able to check them because of bad conditions. What are the trigger points? There are many complex questions and we will go through those, it is not for the legislation. But the community has a genuine interest in seeing how that will be done.

Importantly, it is not clear how success will be measured. If there are no shark bites it does not necessarily mean that the nets prevented them. To my knowledge there was not a bite last year over a six-month period. Will such a result mean a successful trial? That matters because there is a lot of contention about how the meshing program in New South Wales has been assessed in the past. There has been acknowledgement from the

Department of Primary Industries [DPI] that some of the reasons that they put out originally for the meshing program do not hold water now. There have been shifting baselines on how that program has been assessed. If we describe the program as successful because a few sharks were captured and released successfully, that may prompt other communities to call for nets. If that occurs we will not have been honest and it will no longer be the process of integrity that I thought we were following and which I thought we had almost got to.

I hope the Minister will ensure that we really look at how we measure this program for success so that we can have a genuine discussion about shark mitigation. As to the five-year sunset clause, it is clear that the Government could run multiple six-month trials across multiple beaches over the next five years. We should be honest about that. This is not just a six-month trial. It is important to tell the truth about what shark nets are and what they can and cannot do. It is also important that we do not use statistics too much without putting them in context, because of the rare incident of shark bite. Nets are not a barrier. Because of the eco barrier discussion on the North Coast people tend to think that shark nets are a barrier—one that kills turtles and dolphins but nonetheless, a barrier. I hope that in public discussion the community is made aware that that is not the case.

The community may not be aware that nets are not designed to kill sharks. I understand that it is the intention of the department that sharks will be identified in the nets and tagged and released, including white sharks. The Minister may correct me if I am wrong. The public may believe that this is a solution that is going to remove dangerous sharks from the water but bites still occur on netted beaches. Government members and others in the community say that we have not had a fatality on netted beaches and there is truth in that.

**The Hon. Penny Sharpe:** There was one.

**Mr JUSTIN FIELD:** There was one young boy who died in a floating net but bites do occur on netted beaches. It was suggested at the shark summit and by members of the community that it is the emergency response that has contributed to there being no fatalities at netted beaches. That is something to consider. Is the resourcing going to the right place? Should we be resourcing professional lifeguards outside weekends? Should we be resourcing the people who already have eyes on the water, to ensure that we can respond quickly and support people who have unfortunately suffered shark bites? I will deal a little with that in talking about The Greens' response.

It is also important to know that a large number of animals—sharks in particular—are caught on their way back out to deep water. They have come in, swum over the net and around people who might be using the beach, but they get caught on their way out. We need to be honest about what shark nets are and what they can and cannot do or we will face a very real situation where the community develops a false sense of security about shark nets. They cannot guarantee public safety but in all likelihood what they will guarantee is that we will unintentionally catch and kill marine animals, regardless of how good our response may be.

I want to talk about the community polling that has been done. I think, in any way you cut it, this is push-polling. A fear campaign has been run by the media and by members of the local community. It is in the mainstream media, the Sydney media, state-wide and nation-wide—it is a global story. People should consider the impact it has on tourism. Some community members with a vested interest in keeping people informed about the real nature of this risk have been beating it up in a way that has contributed to community concern. It is a story that has travelled around the world.

**Reverend the Hon. Fred Nile:** Blame the sharks.

**Mr JUSTIN FIELD:** Well, God put the sharks there. I think we should be having a conversation about how we live with the sharks in a responsible way. Phone calls were made to people after months of a scare campaign that was encouraged by the Labor Party. The Opposition has thrown bombs at the Government's non-lethal science based approach. The Greens had thought the Opposition did not want nets but it has created community angst. It has enabled the *Daily Telegraph* and other media coverage to influence polling that forces a political reaction from the Government. It is looking for a way to appease the *Daily Telegraph*. It is disappointing that the Opposition has contributed to the situation. I am frustrated, as are people on the North Coast.

**Reverend the Hon. Fred Nile:** You should name them.

**Mr JUSTIN FIELD:** They are sitting in the Chamber. The Greens provided an alternative proposal that is similar to the Government's shark management strategy from last year. At its core it gave agency to the community to solve the problem. There is a strong and proud ethic of volunteerism on the North Coast that encourages discussion to solve problems. The Shark Watch program and community observers backed by technology can supply real-time information about what is going on in the water. It has been successfully used in a different form in South Africa. That was highlighted in the Cardno report. The Greens plan contains six points including the coordination of those people who have eyes on the water each day, such as surf lifesavers, both volunteer and professional. There is surveillance on the water by fisheries officers and fishermen. Professional

life guards are assisted by towers. There should be a funding model that recognises that cost and supplies the appropriate equipment. It adds value to the community.

**The Hon. Niall Blair:** A tower program.

**Mr JUSTIN FIELD:** That program will not allow the communities to fund the towers they require. Outside the shark program it will provide safer beaches through coordination of emergency responders on the beach. The Greens support the ongoing use of the tagging program. An army of fisheries officers will be required to monitor 100 drum lines and ensure that action is taken within two hours so that the marine animal does not die. It is impractical. The Greens support a smaller scale version of the existing program. The Greens support the development of smart technology, including personal protection devices. The Government has the ability to assist companies to develop those products. I acknowledge the Minister's comment concerning the eco barrier. The Greens do not support the expansion of use of shark nets.

Everything possible should be done to phase out shark nets. There is a strong case to do so as the nets do not provide the claimed security. There are other strategies that will provide greater certainty for communities. At the end of the day this trial will occur. There is division on the North Coast on this issue. Each member has an interest to ensure that the trial does not destroy vibrant healthy marine life and cause further division in the community. If there are more shark encounters they must be addressed in a way that brings the community together to respond to the risk in the water. The community must be treated with respect. There will be community division. The Greens believe this is a step in the wrong direction that may kill the healthy vibrant marine environment in New South Wales.

**The Hon. BEN FRANKLIN (17:53):** I speak in support of the Fisheries Management Amendment (Shark Management Trials) Bill 2016. The Government has worked hard to implement a range of initiatives. There is no silver bullet. I commend the Minister for Primary Industries and his department for investigating a range of options that are as environmentally friendly as possible while mitigating the danger of shark interactions. The safety of all beachgoers is a priority for the Government. It has developed and implemented a number of measures designed to mitigate and reduce the risk of shark interactions with humans. It includes a scientifically driven shark management strategy that integrates a range of innovative approaches to risk mitigation. It has been implemented over many months. Following a spate of unprovoked shark interactions on the North Coast and calls from sections of the local community this bill will introduce a trial of shark meshing nets. The Government believes that shark nets are worth trialling along with all possible measures to reduce the loss of life of non-target marine animals in the nets.

I emphasise that the Government is doing all it can to make the mesh nets as environmentally marine friendly as possible. Before I detail the controls in place around the nets I draw the House's attention to the fact that this is not the first time that shark nets will be used in New South Wales. Shark meshing is used between Newcastle and Wollongong in the warmer months of the year. There are robust controls in place with existing shark meshing to minimise the risk and harm to marine life. The shark net trial proposed by the bill will be in line with its use in the Newcastle to Wollongong shark meshing area, but with modifications to suit local conditions.

As part of the shark net trial every effort will be made to reduce the impact of the nets on marine life. First of all, the nets that will be used will be sunken nets. This means they will sit deep in the water and are less likely to capture air breathing marine fauna. Many people believe the nets cover the distance from the surface of the water to the ocean floor, but that is not the case. There will be a significant amount of space for marine animals and marine life to swim above the nets. There will be frequent and possibly daily checking of the nets to determine whether anything has been caught by the nets. Regular checking of the nets is an important component to monitor the frequency of exactly what is or is not getting caught in the nets.

A smart automatic alert device will be trialled. A meshing contractor will be notified to respond quickly to release any trapped animals. Nets will be fitted with whale alarms and dolphin pingers. Mr Justin Field spoke positively about the technology. They are designed to encourage whales and dolphins to swim away from the nets to ensure they do not become entangled. The dolphin pingers are designed specifically for the species of dolphin that frequent New South Wales waters. Nets will be fitted with the most sophisticated dolphin pingers available. The shark net trial will begin in December 2016 and nets will be in the water for up to six months in total. The timing is actively managed to avoid most of the whale migration period.

Fully trained and resourced contractors will be enlisted for whale disentanglement. If a whale becomes entangled in the nets these teams will be deployed to disentangle the whale as quickly as possible. In addition, the Department of Primary Industries will trial running the nets together with smart drum lines. These drum lines will allow captured sharks to be tagged, relocated and released. Smart drum lines were successfully trialled as part of the shark management strategy, a first for Australia. They have been adopted as the preferred method of catching

and releasing sharks. The Government has committed to rolling out an additional 85 smart drum lines. There will be 100 smart drum lines capable of being deployed across the New South Wales coast.

Smart drum lines alert Department of Primary Industries [DPI] scientists via phone, email and message that an animal is hooked on the drum line. The scientist then responds to tag and release the shark. Smart drum lines can be used as an emergency response strategy to catch and relocate sharks in situations where they might pose a heightened risk to bathers or surfers. Volunteer lifesavers and council employed lifeguards on many of our beaches contribute to establishing safe swimming areas. They monitor the area for shark sightings and use sirens to alert swimmers to the presence of sharks and jetskis or other watercraft to chase sharks out to sea. In addition to these measures the Government is consulting genuinely with local communities on the rollout of the shark meshing trial and its design. I am proud of the communications plan that has been rolled out over this period. The DPI has established mobile drop-in centres at a number of North Coast locations. In addition, it has recently conducted an online survey to gauge community views on shark netting. More than 5,000 people responded to that survey.

The Government has undertaken a scientific phone poll of 600 residents of Ballina and Evans Head to gauge their views. Those views are vitally important in shaping the way the trial is rolled out and implemented. I was proud to attend a meeting in Ballina last week with all the key groups affected by shark incidents. I have been to many such meetings over the past year. They are excellent. They are an example of the sort of consultation that this Minister and this Government are undertaking on the issue. Last Wednesday the Mayor of Ballina Shire, David Wright, said loudly and publicly that he was utterly delighted with the consultation processes that this Government has facilitated on shark nets. He also advised that Ballina Shire Council supports the implementation of shark nets by seven votes to two.

**Ms Jan Barham:** The local member was not invited to that meeting.

**The Hon. BEN FRANKLIN:** I acknowledge that interjection. The local member was invited.

**Ms Jan Barham:** To the stakeholder meeting?

**The Hon. BEN FRANKLIN:** Yes. She was there. I spoke with her. There is excellent consultation because this is not a party political issue; it is about genuinely gauging community response. I thank the Minister and the staff of the Department of Primary Industries, particularly Scott Hansen, Geoff Allen and Kim Wolfenden, for their excellent work in inviting community consultation on this very important issue. Mr Justin Field and the Hon. Mick Veitch were right to say that there is division in the community. It has to be managed sensitively, and as a resident of Byron Bay I am very well aware of that. I know that there are other options out there. We should be looking at all options when considering how to deal most effectively with this issue.

It is important to note that shark nets will not create an enclosed area or provide a barrier between beachgoers and sharks. As has already been said in this debate, this is not a cure-all. This is not a panacea. This will not fix the problem 100 per cent. The ocean is the sharks' domain. There will never be a time when any Government, anywhere in the world, can assure beachgoers that they will not encounter sharks. The Government has an obligation to do all it can to ensure public safety, balancing the benefits of its actions with any impacts on wildlife and the environment. That is what we are doing. We will do everything we can to minimise the risk of shark interactions while ensuring that the nets are as environmentally and marine friendly as possible. I congratulate the Minister and thank him for his leadership on this issue. I commend the bill to the House.

**The Hon. WALT SECORD (18:01):** As shadow Minister for the North Coast I speak in debate on the Fisheries Management Amendment (Shark Management Trials) Bill 2016, which will enable the rollout of shark nets on the State's North Coast on a trial basis. As the Minister for Primary Industries indicated, it is a bill for an Act to amend the Fisheries Management Act 1994 and related legislation to promote the safe use and enjoyment by the public of beaches and tidal waters by facilitating shark management trials. I understand that it brings together nine separate pieces of legislation. While Labor will support the bill, I have one blunt observation for the Baird Government and the Premier: It has taken a long time. The Government should have installed the nets weeks ago. The *Gold Coast Bulletin* on 25 October said it all. It depicted the Premier of New South Wales, Mike Baird, as a gummy shark, under the headline "All talk, no bite". Perhaps the Premier was too busy engaging with social media to consider swimmers and surfers on the North Coast.

The Baird Government knew the risks. The Baird Government knew the community's views, but it had to be pushed into taking action. The Government is now beginning to act. I acknowledge the responsiveness of the Minister for Primary Industries, Niall Blair, and his department. I have been critical, but I recognise his genuine attempt to consult, find a solution and move forward. He is taking note of scientific evidence. I was particularly surprised to hear a member of The Greens reject scientific evidence. I have been advised that the beaches under consideration for shark nets as part of the trial are Sharpes Beach, Shelly Beach, Seven Mile Beach, Evans Head

Beach and Lighthouse Beach. I also understand that the Minister for Primary Industries supports the campaign by Ballina Shire Council to build an ocean pool at Shelly Beach for swimmers who are reluctant to go into the water due to sharks. The *Daily Telegraph* this morning reported that the Minister for Primary Industries, Niall Blair, had indicated that Ballina Shire Council could receive a government grant. Let us hope he honours his pledge to the community and supports their push for an ocean pool at Shelly Beach.

Today's bill follows a shark roundtable, a shark summit and countless meetings with local government leaders on possible locations for the trial. The bill has been introduced after considerable delay. On 12 October the Premier told Parliament that he would ask the Federal Government to allow the six-month trial of shark nets to go ahead on the North Coast. This was in response to a question without notice from the Leader of the Opposition, Luke Foley, who implored the Premier to obtain assistance from Queensland Premier Annastacia Palaszczuk. We have had shark nets in Sydney, Wollongong and Newcastle since 1937, at 51 beaches, but there are none on the North Coast. I understand that the use of nets is contentious and that there is a debate about their impact on wildlife.

While I do not share the view held by The Greens that there should be no nets, I understand their position. While I disagree with them, I accept their concerns and the concerns expressed by scientists and animal welfare experts. I note that Byron Shire Mayor Simon Richardson is committed to implementing strategies other than nets, such as shark spotting. I acknowledge the views of Australian Seabird Rescue vice president Keith Williams, who said that shark nets are indiscriminate and could have a severe impact on local marine wildlife. I also acknowledge the views of Ballina Deputy Mayor Jeff Johnson, a former Greens councillor who is now an Independent. Mr Johnson told ABC North Coast's Bruce MacKenzie:

... as a regular beachgoer my primary concern isn't for the great white sharks, it's for our community and for our children.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** Order! Members will be heard in silence.

**Mr Justin Field:** Have you spoken to him or are you just reading what he said to the media?

**The Hon. WALT SECORD:** I have spoken to him.

**The Hon. Penny Sharpe:** Stop interjecting.

**The Hon. WALT SECORD:** I do not mind.

**The Hon. Penny Sharpe:** I do.

**The Hon. WALT SECORD:** At a public rally in support of nets, the spokesman for Community Ocean Safety, Don Munro, told *Echonetdaily* that shark nets were the only proven way to reduce shark encounters and that, although an average of 2.3 animals died each year per beach netted, "we will not put animals above human life". Mr Munro also said:

The nets will have whale alarms and dolphin pingers, and acoustic sounding devices sending a message when an animal is entangled.

A boat will be deployed as quickly as possible and the reaction time will be much greater than in Queensland and down south.

Mr Munro and the community want the nets to be in place by Christmas. I hope that occurs. That is why Labor has announced its bipartisan position. I place on record that Labor does not support shark culls. I personally do not support them, as I said publicly on 28 September. I am already on the record opposing the call by former Prime Minister Tony Abbott for a cull and the bizarre subsequent support for one from Federal Minister for the Environment Josh Frydenberg. It is a simplistic call, rather like that of Tony Abbott. I recognise that as swimmers or surfers we are in the sharks' domain. As legislators, we have to weigh up the various matters in fairness to the communities that we represent. The debate here is not only about shark nets versus no shark nets. It is about shark nets for Sydney, Wollongong and Newcastle versus shark nets for the regions.

So I support the public comments of my colleague the Hon. Mick Veitch, who is Labor's spokesperson for Primary Industries and has carriage of this bill for Labor. Earlier this year, on 14 October, my colleague the Hon. Mick Veitch and I released a six-point plan for shark protection for swimmers and surfers. On 24 October I also stood with Labor leader Luke Foley who demanded action by the Baird Government, after another ghastly shark attack. We again put forward our plan. We want that plan implemented in full, but we will accept today's legislation is a first good step. Our plan was created in response to the failure of the Premier to respond to the recent spate of shark attacks.

And while Labor acknowledges that there are significant concerns about the impact of shark nets on other marine life, in particular dolphins, turtles, grey nurse and hammerhead sharks, we support the legislation. We are pleased that they will be fitted with devices, supported by human patrols that will alert experts when the animals are caught in the net. The State's North Coast is a key asset, but we must do all we can to ensure that there is

community safety while also ensuring we do not damage or kill delicate marine life unnecessarily. Labor would like to see more watchtowers. The Liberal-Nationals Government under Premier Barry O'Farrell promised to construct up to 10 a year along the coastline, but this has not happened.

We would also like: increased drone use for surveillance, supporting smart phone technology to which the Hon. Mick Veitch referred; more tagging of sharks; more support for local shark watch organisations; and further education for members of the community to reduce the likelihood of coming into contact with sharks. Since the beginning of 2015, 21 shark attacks have occurred in New South Wales, and in the past two years, four attacks have occurred on a single stretch near Ballina. Furthermore, 13 shark attacks have occurred on the North Coast since January 2015. For the past two years, the Baird Government has promised a lot, but done very little. I welcome the legislation. I commend the bill to the House.

[*Business interrupted.*]

#### *Visitors*

### VISITORS

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I welcome to the President's Gallery distinguished visitors, guests of Mr Gareth Ward, Parliamentary Secretary and the member for Kiama: Mayor Mark Honey, Councillor Mark Westhoff and Councillor Mark Way from Kiama Municipal Council.

#### *Bills*

### FISHERIES MANAGEMENT AMENDMENT (SHARK MANAGEMENT TRIALS) BILL 2016

#### Second Reading

[*Business resumed.*]

**The Hon. PAUL GREEN (18:11):** I acknowledge our guests in the House, given that there are no sharks in Kiama. It is a beautiful place to swim.

**The Hon. Walt Secord:** There he is. He's circling.

**The Hon. PAUL GREEN:** I concur with that interjection as there could be a great white shark in the President's Gallery, but he is not one that any net would stop, I can assure the House. He was my deputy mayor for two years and not much would stop him; but he is very effective. I refer to the Fisheries Management Amendment (Shark Management Trials) Bill 2016. The object of this bill is to amend the Fisheries Management Act 1994 and a regulation under the Act to promote safe use and enjoyment by the public of coastal beaches and other tidal waters by facilitating shark management trials.

In particular this bill seeks to reduce the risk to swimmers posed by sharks, to minimise the impact of shark management measures on fauna, and to inform future decision-making about shark management. The shark management trial will test one or more shark management measures including nets that are suspended in waters to protect swimmers from sharks, and any other thing that is used in or on water to capture sharks or deter the incursion by sharks into waters that are frequented by swimmers.

The bill allows the Minister to approve a shark management trial in accordance with a management plan. Trials can only be approved when the Minister is of the opinion that sharks pose a significant risk to the safety of swimmers in the area in which the trial is to be conducted. Management plans for shark management trials must specify the area in which the trial is to be conducted, the shark management measures to be used in the trial and an identified period of the trial, which must not exceed 12 months. The trial approval gives authority to carry out the shark management measures and other related activities, such as monitoring, reporting and research activities. The bill will be repealed automatically after five years.

The Government has been clear that it could consult with the community on the trials, the implementation of trials and ongoing management of trials. To date five beaches on the North Coast have been identified as sites for the shark net trial. These beaches are popular amongst surfers and swimmers, but probably not as popular as Shoalhaven beaches. Shark nets are installed near a beach based on prevailing conditions. They are generally installed parallel to the beach near surf clubs and patrolled swimming areas. Shark nets do not create an enclosed area. They are utilised as a deterrent potentially to stop dangerous sharks from aggregating near netted beaches, seeking to reduce the likelihood of shark interactions with surfers and swimmers.

Shark nets currently used across New South Wales are 150 metres long and six metres deep with a mesh size of 60 centimetres. They are bottom-set nets, set below about 10-12 metres within 500 metres of the shore. Shark nets are fitted with two "whale alarms" and three "dolphin pingers" set 25 metres apart to deter mammals from the netted area. I acknowledge that the community is somewhat divided regarding the use of shark nets along

New South Wales beaches. While we need to do what we can to protect surfers and swimmers who utilise many of our beautiful beaches, we must also be aware of the danger that nets can impose on marine life, including sharks, dolphins, whales and other sea creatures.

The Department of Primary Industries has undertaken targeted and extensive community consultation regarding shark management measures, including online surveys and independent random phone surveys as well as drop-in stands established on the North Coast to speak to and obtain feedback from beachgoers. The Christian Democratic Party notes that this is a trial that seeks to reduce the risk to surfers and swimmers, and that the trial seeks to minimise impacts on fauna in the areas that the nets are rolled out. These trials will contribute information to guide future decision-making in regards to shark management on the New South Wales coast. The Christian Democratic Party looks forward to the results from the trial and is optimistic that the nets, hopefully deployed prior to the Christmas break, will act as an effective deterrent so that surfers and swimmers are able to enjoy the upcoming summer season.

The Christian Democratic Party welcomes this initiative, given that tourism means so much to the New South Wales economy, especially in our coastal areas. Communities do not want to shut down for too long because of a shark attack, for instance, because many businesses rely on tourism for their income in the peak season to carry them through the winter season. Various opinions have been expressed in this House. Shark nets are not the complete solution. We know that we must be cautious, but the number of sharks is a sign that our marine areas are thriving. People are being attacked by sharks and some attacks are fatal. We expect to be able to go for a swim safely. The Minister has a responsibility to do what he can to address this matter with the sensitivities of the environmental needs together with a realistic expectation to do what is right for the people of New South Wales. I commend the bill to the House.

**The Hon. CATHERINE CUSACK (18:18):** I acknowledge those who have lost their lives due to shark attack on the North Coast—Paul Wilcox at Byron Bay in September 2014 and Tadashi Nakahara at Shelly Beach in Ballina Shire in February 2015. In addition to those relatively young men losing their lives a number of surfers have been attacked and have suffered serious or non-serious injuries. I live at Lennox Head on Seven Mile Beach, which will be subject to this trial. I cannot emphasise enough the impact of those shark attacks on our local community. They are horrifying events because living in and beside the water is so much a part of our lifestyle.

We are little bit disorganised about tourism on the North Coast. People often suggest to me that like the Gold Coast north of the border we could perhaps market ourselves as the Green Coast, making the Australian colours of green and gold for the Commonwealth Games. The concept of the Green Coast strongly resonates with our values south of the border in that we adore our environment. It is a privilege to live near the Byron Marine Park. The Ballina shire is home to an outstanding population of porpoises and dolphins that are dearly loved. Every now and then one of them loses its life due usually to boat strike. I was once on the water when some boys found one. Our marine life is so precious to where we live. That is the context in which our community has had to struggle with these tragedies and near tragedies.

The community has undertaken a journey. Today we heard from The Greens about their continued opposition to shark nets. They have always had and always will have that position. Many members of our North Coast community agree with it. I was initially not a fan of shark nets, but I have also been on a journey. The Hon. Walt Secord made a fairly reprehensible speech couching this in political terms and using the rhetoric of a politician wanting to exploit tragedy for his own self-interest and benefit. He stood in this Chamber saying those things as Labor's spokesperson for the North Coast. In my opinion he is an unfit person to hold that role. I was scandalised by that speech, but I will come back to that in a moment.

The Hon. Walt Secord's suggestion throughout this debate that the Baird Government and Mike Baird in particular have done nothing and have ignored this problem is outrageous. First of all, it does not reflect the complexity of the issue in the community and the enormous resources and efforts that we have put in. I acknowledge Minister Blair, who was really landed with responsibility for the implementation of this from day one. He immediately made the resources available. The next step was to try to understand what is going on in the North Coast, which is the vexed issue that is hurting our community. We do not understand these shark attacks. They are not normal.

People keep saying to me that you are still more likely to be killed in an car accident than by a shark. That is great for people to say, but these things are happening within a couple of kilometres of the mouth of the Richmond River and what is happening is not normal. The most recent shark attack on 25 September—my husband's birthday—occurred at 9 a.m. at Lighthouse Beach, where three of the attacks have taken place. The water is not murky at that time in the morning and the river was not in flood. The attack was by a great white shark, not a bull shark as we would normally expect. Lighthouse Beach is immediately next to the north wall of the mouth of the Richmond River. Many of us have become used to the idea of bull sharks at that beach, but a

great white shark attacking a surfer at nine in the morning was my breaking point on this issue. We have tried everything.

The Minister has invested heavily in research, more of which will become available over time. There is no amount of money that can get research results next week; it needs to be done over time. The research has been careful and the studies have been reviewed. The absolutely best minds are on this. We invited people from all around the world to attend the shark summit and give their best ideas. We discussed technologies and asked if they had been proven, could we invest in developing them further and we offered to trial things in many locations. No stone has been left unturned to avoid taking this step. Two years ago it would have been unacceptable to talk about shark nets on the North Coast. People would have said, "You've got to be kidding. That is not who we are."

Two years down the track there have been further attacks and fatalities. There has also been an acknowledgment that so much energy and effort has been invested by not only the Government but also the Department of Primary Industries and the local community. At every shark consultation meeting you will find 400 people attending. Everybody is there because we do not understand this. We have tried. We would love to understand it. It is distressing that we do not. It is because of the last attack at 9 a.m. when the river was not in flood that we have to take this step.

I acknowledge the efforts of Sharon Cadwallader, who has been working with the families of the shark attack victims. Sharon has contacted the Minister and me to say that we have reached the point where we have to take this step, which has always been seen as draconian and one that we would have preferred not to take. The fact is the Government will not shy away from taking tough action when it is necessary, although it is done with sadness. It gives us no joy at all to talk about introducing netting. We are anxious for the marine life that will be impacted. I have to say that I know it will be impacted, but every measure is being taken to minimise it because we do not want any loss of mammal life, in particular.

The use of shark nets is not very well understood. The Minister is aware that I have suggested more community education is needed. As I said, I live on Seven Mile Beach at Lennox Head. It is a huge, open sand beach that goes literally for seven miles. It has many gutters, which is why there are so many sharks. We are proud to be part of the Byron Marine Park. Our beach is also Australia's first surfing reserve and we are world famous for our surfing, so this issue is very important to us. The idea that we will stretch a net from Lennox Head all the way to Broken Head is the overwhelming perception in my community. It is incorrect.

As the Minister described, the nets are up to 100 metres long. They do not go from the bottom of the ocean to the surface. As I understand it, they are designed to disrupt sharks from establishing hunting areas. This is why sharks will often be caught on the beach side of the net. That is not a problem; it is a success of the net in deterring the shark. There is no suggestion of a Nielsen Park-like net completely enclosing Seven Mile Beach. Shark nets have been proved to be very effective. For there to be no shark fatalities from Wollongong to Newcastle including at all Sydney beaches since nets have been in place is an advertisement that we have to try them.

I will refer briefly to the impact of these shark attacks on our local economy. Many surfers are virtually in tears about the effect they have had on their way of life. Surfing is everything to guys who surf. It is not my way of life, but it is in their DNA. Surfing is often handed down by fathers to their sons and daughters. The community of Ballina is not a high-income shire. It is a low-income area. Many young families and brilliant people deliberately halve or quarter their incomes to move to our area to enjoy the privilege of living in our community. Twenty to 50 per cent drops in tourism are an absolute disaster. This legislation sends a message that our entire community puts life and beach safety first. The reality is that some of our surf clubs are reporting a 50 per cent decline in their numbers of Nippers. Our economy and way of life are under threat. This is a big issue for our viability.

I cannot thank the Minister enough for his sensitivity. He has had a storm of people emailing and contacting him to put forward ideas. He has maintained a patient demeanour and worked his way through all of these issues completely empathetically. He is completely focused, including yesterday when two representatives from Ballina council turned up with ideas—and they are only ideas. The Hon. Walt Secord might want to do his research in the *Daily Telegraph* and say, "Fantastic, you support an ocean pool." That is not what happened at the meeting. Those two councillors made representations in response to the pain that is being felt in our community. They requested planning to support an ocean pool and everyone would be willing to do that. However, it is presently not a priority of Ballina Shire Council so the Hon. Ben Franklin and I have undertaken to talk to the council about looking at a bigger strategy. We want to look at a package for that shire, which is currently in extreme distress.

I will now make a few comments about the Hon. Walt Secord. I commence by saying I will not revisit the really sick jokes he made about sharks—some of which he apologised for in this Parliament. However, I remind him that at times in politics it is not only unhelpful but also positively destructive to seize the opportunity

to take some kind of advantage. The Hon. Walt Secord has repeatedly visited the North Coast. He is a bomb thrower for Labor. His background is media and he—

**The Hon. Walt Secord:** Point of order: I have been patient and respectful. If the Hon. Catherine Cusack wants to launch a sustained attack on me she should do so by way of substantive motion.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** In anticipation of this point of order I have checked the standing orders. I do not uphold the point of order but I remind the Hon. Catherine Cusack that if she wishes to reflect on another member she should do so by way of substantive motion. The Hon. Catherine Cusack has the call.

**The Hon. CATHERINE CUSACK:** There is an element of politics in the Hon. Walt Secord's pattern of behaviour. However, I urge him to consider that this difficult and specific issue ought to be separate from politics. I remind the member that people have died, businesses are failing, and the community is grieving. We live there; it is part of our life and our DNA. It is inappropriate to make a political speech seeking to exploit this as an opportunity for Labor, including personal attacks on the Premier. It has been very unhelpful but obviously the *Daily Telegraph* loves it. When the Hon. Walt Secord succumbs to the temptation to feed the *Daily Telegraph* I ask him to bear in mind the harm he is doing to this community. It is cheap. I urge the Labor Party to consider the efforts that have been made by other parties, including The Greens, the Christian Democratic Party, The Nationals and the Liberals. Labor should get with this program. This community does not need to be more divided than it is. It needs to move forward and we need solutions. I thank the Minister for his positive contribution to this issue.

**The Hon. PENNY SHARPE (18:33):** I contribute to debate on the Fisheries Management (Shark Management Trials) Bill 2016. I understand how we have come to this place, given the serious and fatal attacks on humans that have occurred in New South Wales in recent years and the impact they have had on North Coast communities. I acknowledge the contributions made by those members who live on the North Coast. No-one in this place is suggesting that they are trivialised or not important. I am concerned about the impact of shark nets on marine life. The objects of this bill are to reduce the risk to swimmers posed by sharks; to minimise the impact of shark management measures on fauna; and to inform future decision-making about shark management.

Recently Labor released a six-point plan of what it believes needs to occur to manage sharks on our coastline. While Labor acknowledges there are significant concerns about the impact of shark nets on other marine life, in particular dolphins, turtles, grey nurse and hammerhead sharks, and many more, Labor will support a trial if it is accompanied by resources and technology that provide alerts, when something is caught in the nets, and is supported by human patrols that can remove marine life that is caught. The other parts of our plan include more watchtowers; increased drone use for surveillance—supporting smart phone technology; more tagging of sharks; more support for local shark watch organisations; and further education for swimmers and surfers to reduce the likelihood of coming into contact with sharks. All members acknowledged that there is little debate about or dissent from that list of things.

The bill sets out a framework for the operation of shark management trials, with the development of a trial of shark management plans in certain geographic areas for a period no longer than six months within a 12-month window—if and only if the Minister is of the opinion that sharks pose a significant risk to the safety of swimmers. There is a great deal of consensus from the community, environment groups and even the political parties in this Chamber, on the non-lethal measures that could be included in the shark management plans. Indeed, we are all looking forward to seeing what comes out of the development of those plans. Where there is a divergence of view is the extension of the use of nets beyond their current operation on 51 beaches from Newcastle to Wollongong. It is worth understanding the shark net program that is seeking to be extended by this bill.

Shark nets have been used in New South Wales since 1937. They operate at 51 beaches between Newcastle and Wollongong and there has been only one fatal shark attack on a netted beach since 1937. The nets operate eight months of the year, from 1 September to 30 April, and they are in the water around 14 days each month. The nets are sunk below the surface, in about 10 to 12 metres of water, within 500 metres of the shore. They are fitted with acoustic warning devices, often referred to as pingers, to alert dolphins and whales and to try to deter them from coming near the nets. Since 2009 the program has operated under a joint management plan between the Fisheries Management Act and the Threatened Species Conservation Act. These nets are not barriers; they allow sharks to swim around, over and below the nets. While it is difficult to compare data on their use due to changes over time some important facts about these programs need to be understood.

The shark net process is far from perfect. It is listed as a key threatening process under both the Fisheries Management Act and the Threatened Species Conservation Act because of its impact on threatened species. The nets also impact on other protected species and non-target marine animals. In plain language, the nets catch the target sharks that are dangerous to humans—the great whites, bull, tiger and whaler sharks—but they also catch

critically endangered grey nurse sharks, dugongs, turtles, whales, seals, stingrays and even the odd penguin. Data from the Department of Primary Industries shows that from 1990-91 to 2007-08, 3,944 animals were caught in the nets. Of those 728, or 18 per cent, were great white, whaler or tiger sharks, and 3,216 of the animals caught were not target animals, including a penguin, four seals, 47 turtles, 15 grey nurse sharks and 1,292 hammerhead sharks. The 2014-15 report on the program that operates from Newcastle to Wollongong showed that 189 animals were caught in the nets. Of those 44, or 23 per cent, were target sharks and the remaining 145 animals included 50 non-target sharks, 86 stingrays, six turtles, and three dolphins, and 73 of the animals were released alive.

We know there are significant issues that impact on other marine life as a result of the use of nets. We also know that technology and active disentanglement, release and revival strategies have to be deployed to minimise this impact. If we look at what has been caught in the nets over time it can be seen that the bycatch kill has been reduced and the successful release of animals has been improved through active management. That is what needs to be done in this instance. We also know that there is no substitute for eyes on the beach, eyes on the water and active education to mitigate the risks of shark attack and to deal with any marine life caught in nets. This is recognised explicitly in the objects of the bill, which seek to minimise the impact of shark management measures on fauna. Indeed, we know that nets do have an impact.

We also recognise that there should be exemptions from current legislation, including the Environmental Planning and Assessment Act, the National Parks and Wildlife Act and the Protection of the Environment Operations Act. As I have indicated, Labor will be supporting this bill but as the shadow Minister for the Environment I seek a response from the Minister on a number of issues. I acknowledge that the Minister has mentioned some of them in his second reading speech. What additional resources will be provided to the communities that will have a shark management plan put in place beyond the current \$16 million in the shark strategy?

If we accept that other marine life will be helped we propose also to accept the need to trial nets. What is there and are there additional resources? Beyond the pingers that seek to deter sharks, whales and dolphins, what other technology will be on the nets to alert humans to any animals caught in the nets? There has been a reference by some members to this issue. I am particularly interested in the accepted time frame and window relating to human patrols that back that up—that get there and ensure that these animals are not drowning in the nets. What resources are available for human patrols who will then act to remove anything caught in the nets in a timely manner? It is critical in relation to this trial for us to understand that.

I welcome the information provided by the Minister relating to the collection of data and the public release of that data. I seek further information about how often the patrols will be collecting data. Will it be in real time? It is only a six-month trial but will it be every month? I know that people on the North Coast are particularly attached to the dolphins that live in the Richmond River and they will want to know quickly whether any of them are getting caught in the nets. I also want to know what marine rescue activity and agreements with local organisations will be put in place to deal with any marine life that is harmed in the nets. Will they receive additional resources to deal with the trial?

Beyond the rescue of whales, we know there is an active sea rescue on the North Coast. They deal particularly with turtles but also seabirds. I want to know whether they will have extra support. I am also concerned that yesterday the Minister was not able to tell the Parliament how many sharks have been detected in Bondi under the Clever Buoy trial because that information was commercial in confidence. I know it is not directly relevant to this bill but it worries me that if we are trialling these things and shark detections have been occurring off Bondi we are not able to share that information. If we are to educate the community they need to trust that we are sharing information with them. Alarm bells always ring with me if the reason we are not providing information is a commercial-in-confidence issue. I seek information from the Minister whether any other technology will be trialled that will not be providing public information because it is considered commercial in confidence.

As members can probably tell, I am uncomfortable about the impact of nets, but I accept that there is a real problem with saying that Newcastle to Wollongong can have nets but the North Coast cannot. We have witnessed the level of attacks. We are not sure scientifically what is happening but we know that the impact on that community is high. That is why it is important for Labor to support this trial, as uncomfortable as it makes me feel. This trial gives us a chance to study the trial and gives nets a chance to show their worth and their ability to protect surfers and swimmers. Labor will be watching the trial with interest.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** For the benefit of members and for history buffs, Hillary Clinton has now conceded defeat to Donald Trump in the United States elections. That was what the disturbance was during the debate.

**Ms JAN BARHAM (18:42):** I speak in debate on the Fisheries Management Amendment (Shark Management Trials) Bill 2016 and do so as a long-term resident of the North Coast. I want to correct some

information given by the Hon. Catherine Cusack when she spoke about the last shark attack. The last attack was only a couple of hundred metres from where I live. It was a minor attack compared to some of the other attacks, but it certainly struck home that it is more than just a Ballina-based issue. The attack also occurred on a beach that has always been very safe. So I appreciate the concerns that have been raised about the fear of the North Coast community. I also acknowledge the pain and suffering of families and friends and the loss of shark attack victims.

I join my colleague Mr Justin Field in opposing what has been presented in this debate. More importantly, I want to talk about some of the positive options that have been presented by the community. Before I do, I acknowledge the manner in which this issue has been handled by the Government, in particular, by the Minister. I think it has been handled sensitively. This process has sought to bring together expert information, particularly from people with knowledge that had not been sought before. What has not been recognised is the importance of science and data collection and how we need to understand our natural environment. I hope the Government recognises the importance of science when dealing with this range of natural resource issues and biodiversity management. If we do not understand the world we live in, we will not be able to live sustainably or coexist.

Shark management is one of the most emotionally charged issues in New South Wales. People living in the Northern Territory have to live with crocodiles. I remember visiting far north Queensland and hearing from a national coastal organisation about how at certain times of the year stingers in the water affect the way the community lives and the way the economy functions. Many issues can affect the economy but I think sharks evoke a particularly emotional reaction. People's response to a shark attack is unlike anything we have ever seen. The media deserves a bit of a lashing because of the way in which it has ramped up this issue and played on people's fears. The reporting is shocking and has caused emotional, psychological and economic pain in the community. The media, which should be informing and educating the community, is taking sides. I regret there are those who have engaged in political games; it is wrong to do so.

The outcome of the American presidential election should resonate across the world. People are sick of politics; they are sick of supposed representatives of the people playing games rather than doing their job and looking after the community. The Government is now in a position where it has to enforce this bill, but I will not dwell on that issue any longer. I am proud of my local community, which provided a response to this issue by establishing Shark Watch. I proudly attended the group's inaugural meeting on 19 June. They have come so far in such a short time. Those who met Shark Watch representatives in the Parkes Room yesterday would be aware of the group's positive responses. People were impressed with what they saw.

Mr Scot Macdonald and the Hon. Ben Franklin, who met members of Shark Watch and community members, were pleased that they took the time to establish what life is like on the North Coast. Some of those people are surfers or have children who surf. They formed this group because they care about their community and their families and they wanted to do something that they know will be sustainable—not a one-hit wonder that will get a media headline or a splash of government money only to fade away when the attacks stop. They have built on the work done in South Africa, which was recognised in the Carno report that the Department of Primary Industries commissioned in October 2015. That report acknowledges the Shark Spotter program, stating:

The short-list of shark detectors for potential trial on NSW beaches is limited to the shark spotter program but Smart drumline and Cleverbuoy systems would also be suitable for trial if the following issues can be overcome.

The report referred to some issues that the Government has looked at—drum lines and Clever Buoys. The report goes on to state:

Of the shark detectors, the shark spotter program ranked the highest although the cost of labour for the program would need to be closely scrutinised and there are issues associated with its effectiveness on longer beaches, as well as uncertainties regarding the effectiveness at reliably detecting bull and tiger sharks.

Shark Watch is a community-based program that is modelled on surf lifesaving. It is a strong example of North Coast resilience and cooperation. Discussions are being held between Shark Watch and Surf Life Saving NSW about the complementary nature of their programs and how they can work together. I am very proud that the North Coast has such a high level of volunteering and community caring and sharing.

**The Hon. Niall Blair:** My office came down.

**Ms JAN BARHAM:** I was not there at the time but I acknowledge that the Minister's staffer James also came to see the Shark Watch presentation. Last Friday, footage filmed from a drone was shown at the launch of the funded program in Byron shire. The launch was held at Cosy Corner Beach, just south of Cape Byron. The local council put money on the table to set up the program and buy equipment. Living on the North Coast, I value the way in which local people protect, support and care for their community. It is probably why I have a close relationship with The Nationals members: country and regional folk know about community and understand not to rely on big government to do everything for them. We understand that we cannot always rely on continued

government funding for programs. However, government support will be necessary in the initial stage of setting up, buying equipment and getting drones in the air.

The drones, at 35 metres above the waves, provide amazing footage where we can see the sharks and everything else that is going on in the ocean. The data from the aerial footage is valuable. The Government should be part of it and the community would appreciate government support. In 1992 someone was taken by sharks, the first time in 50 years. People are beginning to wonder why shark attacks are increasing. Because of the ecology of the North Coast and the subtropical waters that lie at the junction between the tropical waters of the east Australian current and the warm temperate waters of the Tasman Sea, that convergence gives the biodiversity that makes the North Coast such an amazing place for diving. People enjoy the water and love the environment. The conditions there support both the migratory and the endemic species of the area. Shark Watch will provide important information about that wildlife so that 10 years from now we will not be wondering about the reason for shark attacks. We need the collection of data on our marine life.

I am proud that the people of the North Coast have initiated this program in response to a terrible situation that affects their community. I hope that the Government will support their efforts. The Greens spokesperson on this issue, Mr Justin Field, mentioned the six-point program that has been put forward for non-lethal responses. The first on the list is the need for support for the Shark Watch program. The Hon. Catherine Cusack made a good point about the misinformation in the community, despite the Government's advertisements in the local paper. I am concerned that people have developed an expectation of safety from shark nets. Shark nets will not necessarily deliver that safety.

At the Cosy Corner Beach Shark Watch launch on Friday, the drones were in the air as people surfed. One of the surfers came out of the water and said that it was the safest he had felt surfing for months. He knew it was a real-time monitoring system and that if a shark was present he would know about it quickly. The project organisers told me that drones will soon be so robust that if a shark is sighted and someone is at risk the drone will have the capacity to lift them from the water. The Shark Watch program is an important technological and community-based response. It is a sustainable program that is supported by the community. I hope that the Government will support it. I understand the Government's commitment to look at all other options and to deliver the best possible ecological outcome. It is unfortunate that we were not able to find a solution that did not require the use of nets.

**Mr JEREMY BUCKINGHAM (18:59):** I speak to the Fisheries Management Amendment (Shark Management Trials) Bill 2016. I concur with the contributions made by Ms Tamara Smith in the other place, Mr Justin Field and Ms Jan Barham.

**The Hon. Niall Blair:** The bill was introduced here; it has not been there yet.

**Mr JEREMY BUCKINGHAM:** I am well aware of that. Those members have been courageous in the face of a very emotive and emotionally charged campaign by conservative parts of the media and some people in the community. I respect their stoic and reasoned position in the debate. I have a phobia of sharks; I am not on my own there. I grew up in Tasmania and was attracted to surfing, scuba diving and skindiving, all the activities people who live on an island routinely do. But I was always scared of sharks and I remain very scared of sharks. I have struggled with that fear all my life.

That fear is primordial in humans. The reason that humans left the water eons ago is because we were not the dominant species in the oceans. There were higher order predators in the water. They are part of our evolution. If members want to feel insignificant in the world, they should go out beyond the horizon and jump in the ocean. They will realise they are in an ecosystem that belongs to other species. Thank God that on this planet there are still wild places; I love that. I love the ocean because it is a place free from no standing signs and safety rails and I see dolphins and turtles. When I surf I am more likely to die from a heart attack or a hit to the head from my surfboard than from a shark attack.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** According to sessional orders proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

**The House continued to sit.**

**Mr JEREMY BUCKINGHAM:** It is magnificent to be out there surfing and to see a pod of dolphins swim past. The Minister is in the same position as Chief Brody in *Jaws*: the community is demanding that he fix the problem but he is as likely to fix the problem with a thin veil of netting as he is stopping the eruption of a volcano. Sharks are a part of nature. When surfing at Cloudy Bay, Tasmania, a fisherman waved to me. At first I thought he was being friendly but when he continued waving I paddled over to him. He told me he had seen a thresher shark go out in a rip. I said, "Thank you very much for that". He said to me, "Do you know how to tell if there are sharks in the water?" I said, "No". And he said, "If it is salty there are sharks in the water."

The idea that the proposal from the Government will address this issue defies logic. Any surfer knows that the proposal is about perception, not the science. It is about a political fix, not the science. If it were about the science, the Government would develop a plan of our coexistence with the animals, one that is not to the detriment of the wildlife. The Government would support the Shark Spotters program. That is the solution. Dragging sharks out of the water and indiscriminately killing dolphins and turtles will not make people safer or address the issue in the long term. The sharks will come back one way or the other.

Recently I watched a program on ABC television that showed a sperm whale carcass off the coast of New South Wales being consumed by five large sharks: a tiger shark and white sharks. It was a frightful thing to see, and it made me fearful. I thought, "Where is that?" The report went on to say that it was off the beach where I surf. Did that make me think I want our 100 kilometres of coast netted knowing that the animals are in the water? No. Did it make me think that I will surf at an appropriate time and with my friends? Yes. Will I make sure that my son understands triage and first aid? Yes. Does it mean we speak to other surfers? Yes. Does it mean that I will surf the Urunga River mouth? No, I will not surf at a bull shark rookery. Will I surf at dusk? No. Will I surf before first light? I might if the waves are good. You manage the risk and make decisions based on science.

The safety of a shark net is one of perception. It is like the sheriff at Amity Island in *Jaws* saying, "The nets are up and that will solve the problem." It will not. We must live with sharks as we do with other wild animals. They are a beautiful part of our beautiful planet. Indiscriminately killing a few sharks and wiping out other wildlife ultimately will be unpopular. The first footage of dolphins caught in the nets will cause a community reaction and when there is another shark encounter the community will say, "The nets did not work." The Government is in a difficult position. I commend its actions up to this point. This is a significant departure from its published plan. The people at Shark Watch have the technology, the plan and the process to identify sharks, to collect data and to understand behaviours so we can learn to coexist with them.

The indiscriminate killing of those animals and other species will not work. If members asked me whether I would prefer to surf with my kids at Lighthouse Beach with the nets or where there are Shark Watch patrols, I would choose Shark Watch, no doubt about it. I want eyes on the water, not a net that covers part of the beach. Many sharks are caught inside the nets. At Bondi Beach, it is the surf lifesavers, not the nets, who protect people from sharks. The surf lifesavers, patrolling on jetskis, spot a shark, get people out of the water and save lives. We need a community response. I understand the difficult position that the Minister is in but this is the wrong strategy. The Greens believe the community and the planet are better served by maintaining the wildness of the ocean. That is what people want in their otherwise controlled lives. I do not believe that the Government's proposal will solve the problem. I join with my colleagues in calling on the Government to put the Shark Watch program at the front of its thinking.

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (19:09):** In reply: I thank all honourable members for their contribution to the debate on the Fisheries Management Amendment (Shark Management Trials) Bill 2017. In particular, I thank the Hon. Mick Veitch, Mr Justin Field, the Hon. Ben Franklin, the Hon. Walt Secord, the Hon Paul Green, the Hon. Catherine Cusack, Ms Jan Barham, the Hon. Penny Sharpe and Mr Jeremy Buckingham. As I noted in my second reading speech, this bill amends the Fisheries Management Act by enabling shark net trials to be implemented in New South Wales in time for the 2016-17 summer school holidays. I will not repeat what I said in my second reading speech other than to say the purpose of the bill is to ensure that we minimise shark attacks where possible.

It is time to trial additional measures to minimise shark attacks this summer. This bill will allow for that. The bill allows for the rapid deployment of nets in water on the North Coast. It streamlines the approvals process to implement the trial of these nets. This trial will help to determine the effectiveness of nets in deterring and capturing white, tiger and bull shark species. I acknowledge the concerns of all members about the impacts of the nets on marine life. This is an issue that the community of the North Coast has also been concerned about. By ensuring that the nets are effective, the trial will also seek to minimise harm to the targeted shark species and other marine fauna. During the trial, environmental impacts will be minimised and closely monitored. Shark nets will be fitted with whale alarms and dolphin pingers to deter marine mammals from entering the netted area. The nets will be removed at night, when marine life is more active. Importantly, the nets will be regularly checked and any fauna will be released.

This bill allows another measure to be trialled on the North Coast, mesh netting, which will complement the other measures deployed under our strategy. The Government knows that there is no single solution to reducing the risk of shark bites and no combination of approaches will guarantee that all interactions are prevented. I note the concerns raised by Mr Justin Field about the level of community support on the North Coast for traditional mesh nets. We understand that there are a variety of opinions on this matter on the North Coast. However, the results of our community surveys, undertaken in the past fortnight through a variety of means, confirm that there has been a shift in community sentiment. We will continue our consultation on the North Coast throughout the

implementation of this bill. That has already begun. Six hundred people participated in a random phone poll. More than 5,400 people participated in an online survey, and around 1,000 people visited community stands in Ballina, Lennox head and Evans Head.

The data from the surveys support this bill and the Government's decision to trial mesh nets. The phone poll of 600 residents of Ballina and Evans Head had strong results. Fifty-seven per cent were extremely concerned or very concerned about shark bites. Fifty-four per cent felt the trial would have a positive impact on the community, compared with 12 per cent who felt it would have a negative impact. Sixty-three per cent of surfers surveyed felt the trial would have a positive impact. The Government acknowledges that educating the community about the management of shark risks is important. That is why we have increased our investment in our SharkSmart education program, which is a pillar of our shark management strategy.

I acknowledge the point raised by the Hon. Mick Veitch about education on the role of tagging and the interactions that that may bring about. It is a process that we are continuing to work on with the community. In answer to the blunt observation made by the Hon. Walt Secord, I can say that the Government has been acting deliberately and decisively on this issue. Whereas the Hon. Walt Secord has sought to divide the community on this matter, we have brought the North Coast community with us every step of the way. Labor's so-called six-point plan that honourable member referred to is nothing but a pale imitation of the New South Wales Government's scientific, funded and evidence-based strategy. Labor's strategy is a glossy brochure designed for a media stunt down at Bondi. Our strategy is about better protecting the people of New South Wales.

In response to the ocean pool proposed by Ballina Shire Council, as I said to the council and as was reiterated by the Hon. Catherine Cusack and the Hon. Ben Franklin in this debate, I have no problem with the project in principle. The funding source could be a potential issue, particularly when a council that has just invested \$12 million in its own pools is requesting that money that has been put aside for shark mitigation up and down the New South Wales coast be redirected towards this project. I raised that issue yesterday. As I said, I have no problems with the project in principle. The issue is finding the right funding source. The Hon. Ben Franklin and the Hon. Catherine Cusack have committed to working with the council to identify potential funding sources for a feasibility study for that project.

The Hon. Walt Secord's comments on observation towers were also typically wide of the mark. The New South Wales Government has made \$30,000 available under that program every year since 2011 for up to 10 towers to be built per year. It is a great program that we remain committed to continuing. I welcome the commitment of the Hon. Mick Veitch to a bipartisan approach to shark management. I welcome the support for nonlethal measures in our \$16 million shark management strategy, which is a scientifically driven program integrating a range of innovative approaches to mitigate the risk of shark attack. The Hon. Penny Sharpe raised a number of issues.

I spoke about the technology that would be attached to the nets in my second reading speech. That includes trialling on the nets some of the technology from our smart drum lines. Response times and reporting measures will be part of the management plans that will be drafted. Those plans will be publicly available for everyone to scrutinise. The data from the trial will also be made publicly available. This bill is an important step towards helping to minimise shark attacks on the North Coast. We need to test a variety of options to see what works and what does not work in shark deterrence and shark attack mitigation. The shark net trials will be shaped by the views of the community. We have already started engaging with the community on how to implement this legislation. That will continue.

The engagement with the North Coast community has been led by the Department of Primary Industries [DPI]. I take this opportunity to acknowledge the staff involved in all the measures that we have been rolling out over the past 12 months. I acknowledge the role that DPI has played, led by Director General Scott Hansen and Deputy Director General Dr Geoff Allen and a number of highly professional and technically skilled team members within the department. They have challenged the thinking. They have challenged the way that we have done things. They have raised the bar on community consultation. They have also attended to and addressed many difficult situations. We in this House should remember that when there is a shark attack in this State it is the DPI staff who are deployed to speak to the victim, to identify the shark and to speak to witnesses. It is the DPI staff who attend at the front of community meetings. It is the DPI staff who talk to the local councils.

The DPI staff go above and beyond on a day-to-day basis on this important and emotive issue. I acknowledge the role that they have played. They have been outstanding. I believe they are world leaders in this field. I will not name all the individuals involved because I might miss someone, but they have all played an exceptional role, from the drafting of legislation right through to the strategies. There is no doubt that the department has been ridden hard on this issue over the past 12 months. The staff have been stretched and they have met every challenge. I am proud to be the Minister who represents that agency in the Parliament and on behalf of the people of New South Wales. We need to make sure that everyone can enjoy our world-class beaches

with as little risk as possible of being injured by sharks. That is what this bill seeks to do. We acknowledge the importance of marine life, but human life must be our first priority. 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.

**The House divided.**

Ayes .....32  
Noes .....5  
Majority.....27

**AYES**

Amato, Mr L	Blair, Mr N	Brown, Mr R
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Donnelly, Mr G	Farlow, Mr S	Franklin, Mr B
Gay, Mr D	Graham, Mr J	Green, Mr P
Houssos, Ms C	Khan, Mr T	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Mason-Cox, Mr M
Mitchell, Ms S	Mookhey, Mr D	Moselmane, Mr S (teller)
Nile, Reverend F	Pearce, Mr G	Phelps, Dr P
Primrose, Mr P	Searle, Mr A	Secord, Mr W
Sharpe, Ms P	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Wong, Mr E	

**NOES**

Barham, Ms J	Buckingham, Mr J	Faruqi, Dr M
Field, Mr J (teller)	Shoebridge, Mr D (teller)	

**Motion agreed to.**

**Third Reading**

**The Hon. NIALL BLAIR:** I move:

That this bill be now read a third time.

**Motion agreed to.**

*Adjournment Debate*

**ADJOURNMENT**

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

That this House do now adjourn.

**UNIVERSITIES RESEARCH AND INNOVATION**

**The Hon. COURTNEY HOUSSOS (19:29):** Tonight I speak about the value of universities as centres of research and innovation, providing and sustaining a range of jobs on their campuses and shaping and developing minds—often young minds but also more mature ones as well. Although they are set up by New South Wales legislation, universities often fall through the cracks in State government policy or consideration in spite of the many benefits they provide to the economy both directly and indirectly. The University of NSW [UNSW] last year commissioned a Deloitte Access Economics report that showed the explicit economic value of universities and their research to the Australian economy.

The report showed that 10 per cent of the nation's gross domestic product [GDP] in 2014 was attributed to the impact of university research and that \$160 billion was generated by knowledge and technology from university research. It also showed that every dollar invested in university research produces between a \$5 and \$10 return to the economy, not to mention the \$140 billion that was added to the Australian economy in 2014 by skilled graduates. More specifically, in 2014 UNSW contributed \$1.76 billion to the Australian economy through

its operations and student and visitor spending, which created 11,700 full-time jobs. UNSW added \$15 billion to the Australian GDP as a result of its research, and an additional \$204 million was added in 2014 from its graduating class of 2013.

It is not just the quantifiable and direct economic benefits that come from our universities through patentable research; it is also the more intangible benefits of critical thinking and the pursuit of knowledge since ancient times. Today a university education can provide an unparalleled opportunity for a young person to not only develop themselves personally but also improve their job prospects. I am an ardent advocate that tertiary education—not just universities—must be accessible for everyone no matter where they live, how much they earn or who their parents are. If someone wishes to better themselves it is a fundamental responsibility of government to support that pursuit.

I believe it was one of the finest achievements of the Hawke-Keating Government to dramatically expand our university system in the 1980s to give more young people access to a tertiary education, not just those whose parents could afford it. It is one of the worst indictments on this Baird-Grant Government that there are 1,200 fewer students enrolled in TAFE now than in 2012 and those who are there are paying exorbitantly higher fees. At a time when there are no longer jobs for life, we should be encouraging retraining and lifetime learning. It is a disgrace. We need a strong and innovative university sector and also a thriving and well-funded vocational education and training [VET] sector that trains young people as well as provides alternative pathways for students to undertake further study.

I recently had the opportunity to hear about some of the partnerships my alma mater, the University of New South Wales, is undertaking at its Annual Town and Gown Dinner. I pay tribute to Chancellor David Gonski, AC, and Vice-Chancellor Professor Ian Jacobs, who are leading UNSW to strive for excellence and innovation in its academic pursuits and within the broader community. From Mr Laurie Pearcey, the Executive Director International, we heard about the innovation and collaboration that UNSW is undertaking in China through the TORCH initiative by attracting individual undergraduate and postgraduate students and also by partnering with industry. Ms Sophie Johnston, President of the UNSW Student Representative Council, spoke about the collaboration of the university and the student body to implement the "Respect. Now. Always" program, which provides best-case policies and procedures to address gendered violence and sexual assault.

Mr Kim Ellis, Director and Chief Executive of the Centennial Park and Moore Park Trust, explained how the GLAM alliance, which is a consortium of gardens, galleries, libraries and museums, is being coordinated through UNSW to connect creative art and design talents across Sydney. Professor Emma Johnston, Pro Vice-Chancellor of Research, described the PLuS Alliance between UNSW, Arizona State University and the Kings College London to collaborate and build research strengths and education outcomes addressing global challenges such as climate change, migration and refugees and the prevention of global disruptions of the future.

#### **TYLER WRIGHT WORLD SURFING CHAMPION**

**The Hon. PAUL GREEN (19:34):** On behalf of the Christian Democratic Party I speak about the young and amazing 22-year-old Tyler Wright, who has won the World Surfing League at the Roxy Pro in France. The title is an immense achievement to someone of her age. Australian professional surfer Tyler Wright was born in Culburra Beach on 31 March 1994 in the picturesque Shoalhaven—or, as we know it, God's country. She grew up with a love for the Aussie sport of surfing and got out on the waves any time she could. As she became more confident with her surfing, she started to enter competitions. Tyler has always found comfort and confidence every step of the way through the support of her father, Robert, and mother, Fiona, and her , Owen, Kirby and Michael. Together with her friends, fans and coach Glenn Hall, they gave her the courage she needed to take on this title. I note that Tyler is a kindred spirit of her brother Owen, who is often her inspiration.

Tyler has said that she did not need to win the Roxy Pro to know that linking with coach Glenn Hall was one of the best decisions she has made. Glenn Hall is a former world tour surfer who runs Micro Surfing Academy, which has been operating for a couple of years and has had many successes. An Australian-born Irish surfer, Glenn grew up in the small town of Umina in New South Wales. He started surfing at the age of nine, having a similar passion to Tyler's. Tyler is grateful for Glenn Hall, as she credits him for taking her surfing to another level. The Aussie surfer said:

It's actually been an easy transition because with Micro (Glenn Hall Academy), it's such a balance between having fun and going out there and doing what you're best at.

She thanks Glenn for his constant support. Tyler's brother Owen is also a legendary professional surfer who has helped her along the way. He has recently suffered a brain injury from a concussion and had minor bleeding on the brain. From the sidelines he has supported Tyler wherever he can and however he can. Over the past year he has been recovering and getting back out there, which shows the brilliant Aussie spirit of this family. Tyler's future is looking bright after winning. She announced her return to Australia and is heading to the Sydney International

Women's Pro Qualifying Series 6,000 event in Cronulla to check out her competition for the next year's championship tour.

I thank Tyler and congratulate her on her representation of Australia all over the world and on having the pride and respect of her nation. Her passion and dedication to the Aussie sport of surfing is to be admired, particularly by other young women trying to replicate her accolades. Finally, I thank Tyler for her contribution to all the communities she is involved with. When I became Shoalhaven mayor, Tyler was only a young lass of about 14. I became friends with her family when I worked as a general practice nurse and Tyler and Owen often took part in our youth group. As mayor, I invited her to open the skate park we built for Shoalhaven youth. She was very popular and well known even then. The other day someone told me that Tyler remembers the time that the mayor asked her to open the skate park. That she remembers early times when people tried to give her a hand up shows her calibre. She acknowledges all those who have supported her and gives credit to all of her team. That is the type of girl she is. We wish her well and know that this win is probably the first of many world titles. We look forward to congratulating her again in the future.

### WENTWORTH SHIRE

**The Hon. GREG PEARCE (19:39):** Last week I had the opportunity to visit the Wentworth shire in the south-east corner of this State, a number of adjoining towns along the New South Wales side of the Murray River, and the larger city of Mildura across the river in Victoria. Indeed, this area is pretty much integrated into one centre in that region. I was impressed by the facilities. I had not been to that area of New South Wales, although I have been to most others. I was welcomed by the mayor of the Wentworth Shire Council, Councillor Melissa Hederics, and several other councillors, including Deputy Mayor Tim Elstone, Councillor Susan Nichols, Councillor Don McKinnon, and former mayor Councillor Bill Wheeldon. I was also welcomed by officers of the shire council, in particular general manager Peter Kozlowski, and Ken Ross, the director of health and planning.

I have had a strong interest in supporting our regional areas, particularly since I have been a member of Parliament. As Sydney and Newcastle continue to grow, it is imperative that we adopt measures to ensure that the existing communities, facilities, infrastructure particularly across the Great Dividing Range are encouraged and supported, as well as industry. The Wentworth shire is massive. It is more than 26,000 square kilometres, or more than 2.6 million hectares, and it takes in the entire south-east corner adjoining Victoria and South Australia. The Murray River is the border and the great Darling River joins the Murray at Wentworth. I was privileged to take a flight in a small plane and see the amount of water currently in the system.

It was an amazing sight to see the water building up along the rivers—one I had never seen before. That brought home to me how important it is for people like the councillors and officers I have mentioned to be there with their skill and experience to manage those sorts of issues, including flood and water issues, in the planning of their towns and the development of those sorts of facilities. Wentworth was founded in 1879, which was also a bit of a surprise to me. The towns of Wentworth and Mildura are an interesting contrast to some of the other border conglomerates such as Albury-Wodonga. The Wentworth is dominated by the Mildura grouping and the Victorian city, which comprises the largest part of the 60,000 people who live there—7,000 live in Wentworth and the balance live across the river. Planning and development in those areas is a difficult and unique exercise.

The State Development Committee, of which I am chair, is currently conducting an inquiry into regional issues. The committee has taken evidence from the NSW Cross Border Commissioner, among others, and good work is being done to ensure that there is proper coordination between the States. In the Wentworth-Mildura area an enormous amount of agricultural activity is being conducted but they face significant difficulties, not the least being that in order to get government input they have to go to five or six agencies that are involved in consenting and helping with planning issues. A regional plan is very important for those areas and it must be a regional plan developed with the local people. I commend the current Minister for his work on developing regional plans and I look forward to seeing how that develops for the Wentworth-Mildura area. [*Time expired.*]

### ASYLUM SEEKER LIFETIME BAN

**The Hon. SHAOQUETT MOSELMANE (19:44):** Tonight I speak on the recent policy that was announced by the Federal Coalition Government imposing a lifetime ban on all asylum seekers who have attempted to reach our shores by boat from entering Australia. The ban will also apply to those found to be genuine refugees, even if in future they seek entry as tourists. This is an outrageous policy. I echo the words of the Federal Leader of the Opposition, the Hon. Bill Shorten, who has described this proposal as "a desperate measure by a desperate government aping One Nation." Others were just as critical, including the member for Macarthur, Dr Mike Freelander, who said:

I think it's very sick to use people's lives to play party politics and ... Malcolm Turnbull has stooped even lower than I thought it was possible to do.

The member for Wills, Peter Khalil, said:

Once again, Dutton drags a pained and morally bankrupt Turnbull with him to blow a loud dog whistle as a sop to Pauline Hanson.

The member for Moreton, Graham Perrett, tweeted:

Evil wedge with veneer of racism, Hanson holding it & Turnbull ... disgracefully swinging cruel hammer.

The Chalis Chair of International Law at the University of Sydney, and Chair of Australian Studies at Harvard University, Professor Ben Saul, tweeted:

Disgracefully, punishing refugees has become second nature in Australia.

With those comments in mind, yesterday Federal Labor proudly voted to unanimously oppose this lifetime ban. In contrast, Senator Pauline Hanson said that the Government should stop Australia's refugee intake altogether. She said that "refugees are not welcome here." This policy not only flies in the face of our standing as a global citizen but it also erodes confidence in our international standing. Mr Thomas Albrecht, the United Nations High Commissioner for Refugees [UNHCR] Regional Representative for Refugees, said this ban appeared to breach Article 31 of the United Nations Refugee Convention, which has been the law of Australia since 1954.

Under this law Australia cannot prohibit refugees or penalise asylum seekers for seeking protection in an irregular manner. A dangerous agenda is at work here, one of xenophobia and cruelty that threatens community harmony. It is a terrible day for all of us when Pauline Hanson can comfortably claim that the Government is "taking cues from One Nation". One can see history repeating itself. The current Liberal Prime Minister often expresses admiration for John Howard as a mentor and, according to Ms Hanson, they are "all policies of mine adopted by John Howard and the Liberals". John Howard said in the launch of the 2001 election campaign for the Liberal Party:

We will decide who comes to this country and the circumstances in which they come.

That reminds me of the words Pauline Hanson used in her inaugural speech when first elected to Parliament:

I should have the right to have a say in who comes into my country.

The Hon. Kevin Rudd said on this issue:

This is both bad policy ... the far right in Australia represent the worst of the xenophobic, nationalist and protectionist wave ...

This is what lies at the heart of Turnbull's latest proposal ... the politics of symbols, designed to throw red meat at the right, including the Hansonite insurgency, and to grovel to the broad politics of xenophobia ...

Sadly, Donald Trump has been elected on an anti-black, anti-Muslim, anti-Hispanic and anti-immigration hysteria, and his election has been celebrated by xenophobes such as Pauline Hanson. Australia, except for the First Australians, is a nation of migrants. Each of us hails from one heritage or another. It is a shame that political leaders such as Howard, Abbot and now Turnbull are whittling away the goodwill and great work of generations of Australians to create a unique, diverse and a harmonious Australia.

#### NORTH COAST STATE FOREST MANAGEMENT

**Ms JAN BARHAM (19:49):** Tonight I speak about forestry issues and some of the concerns that I have raised in this place over the past five years about the management of State forests on the North Coast. I have been fortunate to be able to visit some of our State forests with botanists and ecologists and members of the North East Forest Alliance [NEFA] and to see firsthand some of the breaches and lack of adherence to forest protocols. I have raised these matters and have put questions on notice. The North East Forest Alliance is a unique organisation formed in 1989. It is an alliance of groups and individuals from throughout the north-east of New South Wales and its principal aim is protecting rainforest, old growth wilderness and threatened species. NEFA has pursued these goals through forest blockades, rallies, court cases, submissions, lobbying and protracted negotiations and it continues to do so to this day.

It has been of great concern that the poor management of these public lands is impacting on threatened and endangered species, both flora and fauna. Even the iconic koala is one of the species that is too often at risk without proper adherence to the inspections and the protocols that require the protection of habitat trees. A recent study for the Environment Protection Authority [EPA] found that koalas have a significant preference for larger trees and more mature forest, with populations collapsing in recently logged areas, which NEFA considers proves that logging is very bad for koalas. The EPA assessed koala populations in four North Coast State forests, finding that: higher koala activity is "positively correlated with greater abundance and diversity of local koala feed trees, trees and forest structure of a more mature size class, and areas of least disturbance"; because of the limited recent logging, Royal Camp and Carwong State forests have high koala occupancy and are source areas where koalas are increasing; and because of heavy logging and burning potential, high-quality koala habitat in Clouds Creek and Maria River State forests have a low occupancy and is now sink habitat where koalas are declining.

The EPA found that its attempts to map koala habitat are not working. Its most significant finding was "areas of higher activity positively correlated with greater abundance and diversity of local koala feed trees, trees and forest structure of a more mature size class, and areas of least disturbance". These are important factors that lead to the protection of the koala species. Koalas clearly have preferences for larger trees, preferring trees more than 30 centimetres in diameter. It is further noted that in relation to some of these forests the structural component of a forest needs trees of different sizes, and both size and structural diversity of forests correlate with a higher koala occupancy.

NEFA has been successful in stopping some of the operations that threatened and put at risk koala populations. I and my colleague Mr David Shoebridge went to a forest area where it had been determined that there were no koalas in that population area, but we found koala habitats very quickly and very easily. This is of great concern. Very often we hear that the Forestry Corporation is undertaking fine work in the forest, but I contend that what happens is that very often when members of the Government go to State forests they do not see what is really happening. This has been proven over and over again throughout different governments.

I appeal to the Government to recognise that these matters are of great importance, particularly for our iconic koala. It is all very well when foreign dignitaries come here to have them cuddle a koala, but if we are not protecting koalas on public land and doing everything we can to ensure that they are protected now and into the future that will bring shame on this Government and on future governments for not doing so. The koala is an iconic species loved and recognised throughout the world. We should be protecting them; it is our responsibility and it is our duty.

### **REGIONAL JOBS GROWTH AND BUSINESS CONFIDENCE**

**The Hon. BEN FRANKLIN (19:54):** This year has been another amazing year to live and work in regional New South Wales and has seen an incredible upsurge in the area of jobs growth and generation. As we know, the New South Wales Government is currently undertaking a strong rebuilding New South Wales plan with \$6 billion being allocated to regional New South Wales over the coming years. In my area of the North Coast the population is expected to grow by 97,000 to almost 640,000 over the next 20 years, so this investment will be very welcome indeed.

As part of this ongoing development of regional New South Wales and expanding populations, jobs are a key focal point. I am delighted to report that this year regional jobs creation is extraordinarily strong, with 44,100 new jobs created in the 12 months to August. That is part of the ongoing incredibly positive trend for regional jobs in New South Wales. Jobs growth in regional New South Wales was 60 per cent of the total regional jobs growth across Australia and an increase of 3.6 per cent, which is an incredibly positive rate. These are excellent results for regional New South Wales, and in my area of the North Coast there were 7,500 new jobs created in the Richmond Tweed area, which shows yet again how successful the Government has been, how committed and energetic our regional communities are and how innovative new businesses are increasingly the bedrock of such areas.

An example of this jobs creation is the new hires for the Lismore Hospital upgrade. Up to 200 skilled workers, apprentices and trainees will be able to work on the ongoing upgrade to the hospital as the New South Wales Government continues its implementation of the Infrastructure Skills Legacy Plan across New South Wales. The stage 3B redevelopment of the Lismore Hospital will employ an average of 70 tradespeople each year, with up to 14 new apprenticeships for young people in the North Coast region. These placements for young people in my region will be a lasting legacy of this Government's vision to assist in the creation of regional jobs for people of all skill levels. The experience that those young people will receive from work on the Lismore Hospital project will give them exceptional training and education to be carried on in other projects in the Lismore area and its surrounds.

In addition to the New South Wales Government's \$12 million Boost Program to develop a statewide innovation network to grow employment, the Government is also introducing a program of High Impact Teams [HIT], which will provide liaison in the coordination of support to regional businesses. The HIT initiative is a new coordinated service model to bring together services currently provided by the Department of Industry's agencies, including the Office of Regional Development, Small Business Operations, Industry Development, and Training Services NSW. Bringing these resources under the HIT plan will provide businesses with the full range of support services to help start a business or to grow a business or company promoting a product, thereby creating jobs in regional New South Wales. This will include a toolkit of business support services, a business support phone line and an upgraded information website for small businesses. This is an exciting development for further building employment in regional New South Wales and will complement the already terrific strategies in place for business owners and employees across the State.

This Government is not resting on its regional growth laurels there, with just this week the announcement of the launch of the Regional Jobs Now package to drive further jobs creation across regional New South Wales. An initiative of Jobs for NSW, the objective is to assist businesses and fuel jobs creation across regional areas by offering products that provide financial help to support companies growing their businesses, thereby creating jobs in the local community. To this end, the Government is providing \$57 million from the \$190 million Jobs for NSW fund to be invested over four years in projects that create jobs in regional New South Wales. Specifically, the Regional Jobs Now package includes five different financial products that are designed to meet the needs of businesses at various stages of their growth and development. Expressions of interest for this support opened this week and close on 9 December this year. Businesses in regional New South Wales can seize this opportunity to take advantage of this fantastic initiative to create and solidify further their regional business success.

Such programs by this Government are having amazing tangible results not only in regional jobs numbers but also in business confidence. The latest Sensis Business Confidence Index, released last month, showed businesses in regional New South Wales remain the most confident in Australia. The Sensis Index is a quarterly survey of Australia's small and medium enterprises, which started in 1993 to measure and track this degree of business activity. This latest Sensis report shows clearly that for a second consecutive quarter New South Wales regional areas are experiencing the highest business confidence in the country—a clear indicator that the current jobs creation policy, such as the Boost Program, is working and the additional programs such as the High Impact Teams Initiative and the Regional Jobs Now program will further create a sense of support, stability and viability for businesses across regional New South Wales. I am delighted to see the results of all these great government jobs creation programs firsthand in my area, such as the apprenticeships for the Lismore Hospital upgrade. Well may these productive and innovative programs continue far into the future.

*[Business interrupted.]*

*Bills*

**CROWN LAND MANAGEMENT BILL 2016**

**Returned**

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

*Adjournment Debate*

**ADJOURNMENT**

*[Business resumed.]*

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

**Motion agreed to.**

**The House adjourned at 20.00 until Thursday 10 November 2016 at 10:00.**