



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 16 November 2016

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 16 November 2016

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

The PRESIDENT read the prayers.

Visitors

VISITORS

The PRESIDENT: I welcome into the public gallery a delegation from the Parliamentary Service Commission of the Parliament of Kenya, led by Ms Eunice Gichangi, Senior Deputy Clerk in the Senate, part of a study tour of Australia. The delegation is accompanied by Mr Wayne Tunnecliffe, former Clerk of the Legislative Council of Victoria.

Documents

WENTWORTH PARK SPORTING COMPLEX TRUST

Production of Documents: Order

The Hon. SHAOQUETT MOSELMANE (11:03): On behalf of the Hon. Lynda Voltz: I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Sport or the Wentworth Park Sporting Complex Trust, relating to the location or feasibility of an Indoor Sports Stadium in the central business district or near the Wentworth Park Sporting Complex Trust site:

- (a) all documents, including those in electronic form and those authored by consultants;
- (b) reports and presentations prepared by third parties;
- (c) information and brochures/packs from third parties;
- (d) submissions from external parties on any proposals for use of Wentworth Park;
- (e) any document relating or referring to asset and land lease or disposal of Wentworth Park; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

Motions

DIWALI FESTIVAL

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

- (1) That this House notes that:
 - (a) on Friday 21 October 2016, a celebration of the Festival of Diwali hosted by the Hon. John Ajaka, MLC, Minister for Multiculturalism, was held at the Museum of Contemporary Art, Sydney attended by several hundred members and friends of the Indian Australian community;
 - (b) those who attended as guests included:
 - (i) the Hon. Mike Baird, MP, Premier of New South Wales;
 - (ii) the Hon. Daniel Mookhey, MLC, representing Mr Luke Foley, MP, Leader of the Opposition;
 - (iii) Dr Geoff Lee, MP, member for Parramatta, and Parliamentary Secretary for Multiculturalism;
 - (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (v) the Hon. Matt Kean, MP, member for Hornsby, and Parliamentary Secretary for Treasury;
 - (vi) Ms Jodi McKay, MP, member for Strathfield, shadow Minister for Transport, shadow Minister for Roads, Maritime and Freight;
 - (vii) Mr Mark Coure, MP, member for Oatley, and Deputy Government Whip in the Legislative Assembly;
 - (viii) Mr Kevin Conolly, MP, member for Riverstone;
 - (ix) Ms Julia Finn, MP, member for Granville;

- (x) Mr Adam Crouch, MP, member for Terrigal, and Temporary Speaker of the Legislative Assembly;
 - (xi) Mr B. Vanlalvawna, Consul General of India in Sydney;
 - (xii) Consuls General from the following countries: Nepal, Pakistan, and Papua New Guinea;
 - (xiii) Dr G. K. Harinath, OAM, Chairman, Multicultural NSW, and Mrs G. Harinath;
 - (xiv) Mr Hakan Harman, CEO, Multicultural NSW;
 - (xv) Dr Eman Sharobeem, Advisory Board Member, Multicultural NSW;
 - (xvi) Mr Devpaal Singh, Youth Advisory Board Member, Multicultural NSW;
 - (xvii) representatives of numerous Indian Australian and Sri Lankan Australian community organisations; and
 - (xviii) representatives of various religious faith traditions.
- (c) at the Diwali celebration the following community elders were given recognition by the Hon. Mike Baird, MP, Premier, for their contribution to their respective communities and to the New South Wales community generally:
- (i) Professor Nihal Agar, AM;
 - (ii) Sant Ram Bajaj;
 - (iii) Mina W. Singh, AM;
 - (iv) Amjer Singh Gill;
 - (v) Ms Leela Gune;
 - (vi) Mrs Shubha Kumar;
 - (vii) Mr Jayaraman (Jay Raman) Guruswami, JP; and
 - (viii) Dr Purushottam (Peter) Sawricker.
- (2) That this House:
- (a) congratulates the following community elders who were recognised by the Premier for their contribution to their respective communities and to the New South Wales community generally:
 - (i) Professor Nihal Agar, AM;
 - (ii) Sant Ram Bajaj;
 - (iii) Mina W. Singh, AM;
 - (iv) Amjer Singh Gill;
 - (v) Ms Leela Gune;
 - (vi) Mrs Shubha Kumar;
 - (vii) Mr Jayaraman (Jay Raman) Guruswami, JP; and
 - (viii) Dr Purushottam (Peter) Sawricker.
 - (b) extends best wishes and greetings to the members of the Indian Australian community and to other ethnic and religious communities who are celebrating the 2016 Festival of Diwali.

Motion agreed to.

NSW ASSOCIATION OF JEWISH EX-SERVICEMEN AND WOMEN

The Hon. GREG DONNELLY (11:05): I move:

- (1) That this House notes:
 - (a) the NSW Association of Jewish Ex-Servicemen and Women [NAJEX] is one of the oldest Jewish organisations in Australia;
 - (b) NAJEX was founded in 1920 to perpetuate the memory and deeds of those Jews who served in Australia's armed forces from the time of the Sudan Campaign to the present; and
 - (c) the organisation is open to Jewish active and former service men and women, their families and friends and others, whether Jewish or not, who support the objectives of NAJEX.
- (2) That this House notes:
 - (a) the annual Communal Wreath Laying and Remembrance Day Service organised by NAJEX was held on Sunday, 6 November 2016 at the Sydney Jewish Museum and NSW Jewish War Memorial, Darlinghurst Road, Darlinghurst; and
 - (b) VIPs and special guests attending including:

- (i) His Excellency General the Hon. David Hurley, AC, DSC (Ret'd), Governor of New South Wales, and Mrs Hurley;
 - (ii) the Hon. Tanya Plibersek, MP, Deputy Leader of the Federal Opposition;
 - (iii) the Hon. Dr Mike Kelly, AM, MP, Federal member for Eden-Monaro;
 - (iv) the Hon. Jillian Skinner, MP, Minister for Health;
 - (v) the Hon. Gabrielle Upton, MP, Attorney-General, representing the Premier, the Hon. Mike Baird, MP, and the Minister for Emergency Services and Veterans Affairs, the Hon. David Elliott, MP;
 - (vi) the Hon. Greg Donnelly, MLC, representing the Leader of the Opposition, the Hon. Luke Foley, MP;
 - (vii) the Hon. Bruce Notley-Smith, MP, member for Coogee;
 - (viii) Councillor Leon Goltsman, representing the Mayor of Waverley Council, Ms Sally Betts;
 - (ix) Councillor Greg Levenston, representing the Mayor of Woollahra Council, Ms Toni Zeltzer;
 - (x) Colonel Darcy Rawlinson Head Quarters, Forces Command;
 - (xi) Acting Inspector Alison Brennan, Kings Cross Local Area Command;
 - (xii) Mr Gerry Byrnes, Acting Assistant Commissioner, Fire and Rescue NSW, representing the Commissioner of Fire and Rescue NSW, Commissioner Greg Mullins, AFSM;
 - (xiii) Legatee Paul Lane, President of Sydney Legacy;
 - (xiv) Mrs Saresa Andrews-Dunstan, representing the President of War Widows' Guild of Australia NSW, Mrs Meg Green;
 - (xv) Mr Glenn Kolomeitz, CEO and State Secretary, Returned Services League [NSW Branch]; and
 - (xvi) Mr George Sachse, Treasurer, NSW National Servicemen's Association.
- (3) That this House acknowledges and congratulates the work of NAJEX and encourages it to continue its outstanding community activities.

Motion agreed to.

EARLWOOD PUBLIC SCHOOL CENTENARY

The Hon. COURTNEY HOUSSOS (11:06): I move:

- (1) That this House notes that:
 - (a) Earlwood Public School was built in 1916;
 - (b) on 22 October 2016 Earlwood Public School celebrated its centenary; and
 - (c) the official centenary ceremony included:
 - (i) a welcome address by the 2016 school captains;
 - (ii) an Acknowledgment of Country by the Hon. Linda Burney, MP;
 - (iii) an address on the school's incredible milestone by the principal, Mrs Sandra Angel;
 - (iv) the unveiling of a time capsule by the principal, Mrs Angel; and
 - (v) an address by the former Prime Minister and student, the Hon. John Howard, OM, AC.
- (2) That this House congratulates:
 - (a) the Centenary Committee for its tireless work to celebrate Earlwood Public School's centenary including:
 - (i) a pop up museum showcasing the history of Earlwood Public School; and
 - (ii) a photographic display of class photos from 1916 to 2016.
 - (b) the school bands of Campsie Public School, Canterbury Boys High School, Earlwood Public School and Kingsgrove North High School for their fantastic performances; and
 - (c) the teachers and staff of Earlwood Public School and the principal, Mrs Sandra Angel.

Motion agreed to.

ANIMAL WELFARE

The Hon. MARK PEARSON (11:07): I move:

- (1) That this House commends Anna Ludvik, founder of Lucy's Project, for her work in raising awareness of the issue of animal abuse victims of domestic violence.

- (2) That this House notes that at the recent "Animal Abuse and Domestic Violence International Perspectives" conference held in Sydney hosted by Lucy's Project international guest speaker, Allie Phillips from Sheltering Animals and Pets Together [SAP-T], USA, spoke about the bond between companion animals and human victims of domestic violence, citing the example of Hank, a Great Dane who shielded his female guardian McKenzie from a brutal attack by her partner, noting that:
- (a) Hank was honoured for his courage and bravery by the Humane Society of the United States receiving the Valor Dog of the Year and People's Hero award at the Fifth Annual Dogs of Valor Awards;
 - (b) Hank threw himself on top of McKenzie when her partner began attacking her with a hammer, in order to protect McKenzie from the blows;
 - (c) the partner then began attacking Hank, beating the dog, throwing him from the porch by the neck;
 - (d) McKenzie escaped and called the police, who arrived to arrest the partner and found Hank still alive but suffering a broken hip and ribs;
 - (e) McKenzie sought refuge at the Rose Brooks Center but when she learned she could not bring Hank with her, she refused to go until the centre agreed to change its "no animals" policy;
 - (f) as a response to the story of Hank, the Rose Brooks Center shelter is building a wing that will house the companion animals of victims of domestic violence; and
 - (g) Susan Miller, CEO of Rose Brooks Center, has said, "Families need to have a safe place to escape to, a place that welcomes the entire family including pets".
- (3) That this House acknowledges that many human victims of domestic violence are unable to leave abusive partners and seek safety due to the difficulty in finding emergency shelters or rental accommodation that provide housing for companion animals.

Motion agreed to.

CATHOLIC ARCHDIOCESE OF SYDNEY AUXILIARY BISHOPS

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

- (1) That this House notes that:
- (a) on Wednesday 24 August 2016, the episcopal ordinations of Most Reverend Anthony Randazzo and Most Reverend Richard Umbers as the two new Auxiliary Bishops for the Catholic Archdiocese of Sydney were held at St Mary's Cathedral, Sydney before a capacity audience;
 - (b) the Archbishop of Sydney, Most Reverend Archbishop Anthony Fisher, OP, was the principal celebrant for the ordination mass, which was concelebrated by 30 bishops and more than 100 priests; and
 - (c) those who attended as guests included:
 - (i) Senator the Hon. Concetta Fierravanti-Wells, Minister for International Development and the Pacific, representing the Hon. Malcolm Turnbull, MP, Prime Minister;
 - (ii) Senator the Hon. Jacinta Collins, shadow Parliamentary Secretary to the Leader of the Opposition, representing the Hon. Bill Shorten, Leader of the Federal Opposition;
 - (iii) numerous Federal and State members of Parliament and civic leaders;
 - (iv) representatives of other Christian churches and other religious faith traditions; and
 - (v) representatives of numerous Catholic community organisations.
- (2) That this House:
- (a) extends its congratulations and best wishes to Most Reverend Anthony Randazzo and Most Reverend Richard Umbers on their ordination as Auxiliary Bishops for the Catholic Archdiocese of Sydney; and
 - (b) extends its regards and best wishes to the Catholic community of New South Wales.

Motion agreed to.

PALLIATIVE CARE NSW CONFERENCE

The Hon. GREG DONNELLY (11:08): I move:

- (1) That this House notes that:
- (a) Palliative Care NSW is the peak body in New South Wales representing palliative care providers and those with an interest in palliative care;
 - (b) it was established in 1981 when palliative care service networks were beginning to develop; and
 - (c) the organisation has, and continues, to lead policy development and community education on palliative care in New South Wales.
- (2) That this House notes that:

- (a) Palliative Care New South Wales recently conducted its Biennial State Conference in Broken Hill from 13 October 2016 to 15 October 2016;
 - (b) the theme of this year's conference was "Transforming our Landscape";
 - (c) the conference, once again, had a range of excellent keynote speakers from both overseas and Australia; and
 - (d) the conference this year had an extensive number of workshops, oral presentations, and art and photographic exhibitions.
- (3) That this House acknowledges and congratulates Ms Therese Smeal, President, Ms Linda Hansen, Executive Officer, and the Conference Organising Committee and Scientific Committee on their successful 2016 Palliative Care NSW Biennial State Conference and encourages them to continue the outstanding work that they are doing supporting and promoting palliative care in New South Wales.

Motion agreed to.

OXI DAY COMMEMORATION

The Hon. COURTNEY HOUSSOS (11:08): I move:

- (1) That this House notes that:
- (a) on Friday 28 October 2016, the Joint Committee for the Commemoration of the Battle of Crete and the Greek Campaign held a commemoration event to mark the seventy-sixth anniversary of Oxi Day at ANZAC Memorial, Hyde Park Sydney;
 - (b) the occasion was an opportunity to remember the courage of the Greek people in refusing and resisting the ultimatum of the Axis powers, and to honour the memory of the 17,000 Anzacs who defended democracy in its birthplace; and
 - (c) the celebrations included:
 - (i) a public flag raising;
 - (ii) a keynote address by the Hon. John Hatzistergos, Judge of the District Court of New South Wales;
 - (iii) the Ode of Remembrance recited by Mr Bill Kotsovolos, President of the Greek RSL sub-branch; and
 - (iv) a star ceremony to commemorate the gallantry and sacrifice of more than 17,000 Anzacs who served with distinction in the Battle of Crete and the Greek Campaign.
- (2) That this House notes that a number of special guests attended the commemoration event, including:
- (a) the Consul General of Greece, His Excellency Dr Stavros Kyrimis;
 - (b) Senator the Hon. Arthur Sinodinos, AO, representing the Prime Minister, the Hon Malcolm Turnbull, MP;
 - (c) the Hon. Matt Thistlethwaite, MP, representing the Leader of the Opposition, the Hon. Bill Shorten, MP;
 - (d) the Hon. John Hatzistergos, Judge of the District Court of New South Wales;
 - (e) the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism;
 - (f) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (g) the Hon. Robert Brown, MLC;
 - (h) the Hon. Courtney Houssos, MLC;
 - (i) Mr Jonathon O'Dea, MP, member for Davidson;
 - (j) the Hon. Amanda Fazio, former President of the Legislative Council of New South Wales; and
 - (k) Mr Alf Carpenter, the last surviving Anzac and veteran of the Crete campaign.
- (3) That this House congratulates the Joint Committee for the Commemoration of the Battle of Crete and the Greek Campaign, the Consulate General of Greece and the ANZAC Memorial on a moving commemoration event of the seventy-sixth anniversary of Oxi Day.

Motion agreed to.

RUSSIAN RESURRECTION FILM FESTIVAL

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

- (1) That this House notes that:
- (a) on Thursday 27 October 2016, the opening night of the 2016 Russian Resurrection Film Festival, Sydney, was held at Events Cinemas, Sydney, followed by an opening night after party at the Sydney Hilton Hotel attended by several hundred guests;
 - (b) the Russian Resurrection Film Festival Sydney, which is now in its thirteenth year, is recognised as the largest festival of Russian films outside the Russian Federation itself;

- (c) the director, organiser and founder of the Russian Resurrection Film Festival Sydney is Mr Nicholas Maksymow; and
- (d) those who attended the opening night of the festival included:
 - (i) the Hon. Bob Carr, former Premier and former Australian Foreign Affairs Minister, who officially opened the festival, and Mrs Carr;
 - (ii) His Excellency, Mr Grigory Logvinov, Ambassador of the Russian Federation;
 - (iii) the Consul General for the Russian Federation in Sydney, Mr Sergei Shipilov;
 - (iv) Ms Katerina Shpitsa, film actress who appears in the Russian film *Flight Crew*, which premiered at the festival opening;
 - (v) the Hon. Victor Dominello, MP, member for Ryde, and Minister for Innovation and Better Regulation;
 - (vi) the Hon. Walt Secord, MLC, shadow Minister for Health, shadow Minister for the Arts, shadow Minister for the North Coast, and Deputy Leader of the Opposition in the Legislative Council;
 - (vii) Mr John Sidoti, MP, member for Drummoynes, and Parliamentary Secretary for Transport, Roads, Industry, Resources and Energy;
 - (viii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (ix) Mr Laurie Ferguson, former Federal member for Werriwa;
 - (x) the Consuls General for Brazil, Czech Republic, Egypt, France, Germany; Kazakhstan, Poland, Romania, Serbia, Sierra Leone and Switzerland; and
 - (xi) representatives of numerous Russian Australian community organisations.
- (2) That this House:
 - (a) congratulates and commends Mr Nicholas Maksymow, the festival's director, organiser and founder, together with his organising committee, for the holding of the successful 2016 Russian Resurrection Film Festival Sydney, which has become a significant part of the cultural life of Australia; and
 - (b) extends its best wishes to the Russian Australian community for their ongoing and positive contribution to the cultural and social life of New South Wales.

Motion agreed to.

ECONOMIC AND SOCIAL DEVELOPMENT

Ms JAN BARHAM (11:09): I move:

That this House notes that:

- (a) in 2007, the European Commission, the European Parliament, the Club of Rome, the Organisation for Economic Co-operation and Development [OECD], and the World Wildlife Fund hosted a conference called "Beyond GDP" with an aim to define the most appropriate ways of measuring national progress;
- (b) the President of the European Commission, Jose Manuel Barroso, opened the conference by stating, "We cannot face the future with the tools of the past. It's time to go beyond GDP";
- (c) in 2008, French President Nicolas Sarkozy established the Commission on the Measurement of Economic Performance and Social Progress, which was led by Nobel Laureate, Joseph Stiglitz, with economists Amartya Sen and Jean-Paul Fitoussi;
- (d) in 2009, the Stiglitz-Sen-Fitoussi Commission published its report which recommended at least seven different measures to assess national quality of life: health, education, environment, employment, material wellbeing, interpersonal concerns and political engagement;
- (e) in 2011, the OECD launched its interactive "Better Life Initiative" website with 11 measures essential to wellbeing including health, education, environment, community and work-life balance, housing and employment;
- (f) in 2012, the United Nations granted natural capital equal status to the gross domestic product;
- (g) in 2013, the International Integrated Reporting Council [IIRC] published its online framework of business reporting titled "International Integrated Reporting Framework Version 1.0" that recognises and encourages the consideration of and accounting for a broader range of values that are able to be reported, and which includes the six capitals of financial capital, manufactured capital, intellectual capital, human capital, social and relationship capital and natural capital; and
- (h) IIRC partners include the Association of Chartered Certified Accountants, the International Federation of Accountants and the Chartered Institute of Management Accountants.

Motion agreed to.

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

That this House notes that:

- (a) on Monday 26 September 2016, Christian World View held a gathering at Parliament House to hear a presentation on the history and humanitarian work of Magen David Adom, Israel's Medical Emergency Service;
- (b) among the attendees were:
 - (i) Mr Roland Nagel, President, Friends of Magen David Adom (New South Wales Division);
 - (ii) Mrs Louise Southwell, representing Christian Friends of Magen David Adom
 - (iii) Mrs Judy Russell, Convenor, Christian World View;
 - (iv) the Hon. David Clarke, MLC, who acted as master of ceremonies;
 - (v) Mr Tony Zeigler and Mrs Zeigler, board members of Magen David Adom; and
 - (vi) Mrs Jacqi Bakker;
- (c) Magen David Adom was officially founded in 1930 in Palestine to operate as a voluntary prehospital emergency medical organisation and blood bank centre;
- (d) in 1950 Magen David Adom became Israel's National Red Cross Society to act in accordance with the Geneva Convention and to function as a privately funded emergency medical and ambulance service and national blood bank; and
- (e) Magen David Adom presently provides emergency assistance in more than 680,000 emergency medical situations a year through the operation of over 1,000 ambulances and blood mobiles by 1,850 personnel and 13,000 volunteers.

Motion agreed to.*Documents***TABLING OF PAPERS****The Hon. NIALL BLAIR:** I table the following papers:

- (1) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2016:
 - Department of Finance, Services and Innovation;
 - Fire and Rescue NSW;
 - Government Property NSW;
 - Office of the NSW State Emergency Service;
 - Office of the NSW Rural Fire Service;
 - Service NSW.
- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2016:
 - Board of Studies, Teaching and Educational Standards;
 - Building Insurers' Guarantee Corporation;
 - Cemeteries & Crematoria NSW;
 - Cobar Water Board;
 - Dams Safety Committee;
 - Local Land Services;
 - Mental Health Commission;
 - New South Wales Government Telecommunications Authority;
 - New South Wales Institute of Psychiatry;
 - New South Wales Rural Assistance Authority;
 - NSW Food Authority;
 - NSW Skills Board;
 - Rice Marketing Board;
 - State Records Authority;
 - Trustees of the Anzac Memorial Building;

- Veterinary Practitioners Board;
Wentworth Park Sporting Complex Trust.
- (3) Annual Reports (Statutory Bodies) Act 1984, NSW Aboriginal Land Rights Act 1983 and Public Finance and Audit Act 1983—Report of New South Wales Aboriginal Land Council for year ended 30 June 2016.
- (4) Annual Reports (Statutory Bodies) Act 1984 and State Insurance and Care Governance Act 2015 No 19—Report of Insurance and Care for year ended 30 June 2016 together with financial statements.
- (5) Crimes (Administration of Sentences) Act 1999—Reports for year ended 30 June 2016:
Serious Offenders Review Council;
State Parole Authority.
- (6) Mental Health Act 2007—Report of Mental Health Review Tribunal for year ended 30 June 2016.
- (7) New South Wales-Queensland Border Rivers Act 1947—Report of Dumaresq-Barwon Border Rivers Commission for year ended 30 June 2016.
- (8) Rice Marketing Act 1983 and Agricultural Industry Services Act 1998—Report of Department of Industry entitled "Annual Report on the Administration of Agricultural Statutory Authorities for year ended 30 June 2016".
- (9) State Owned Corporations Act 1989— Reports for year ended 30 June 2016:
Forestry Corporation;
Hunter Water Corporation;
Sydney Water Corporation (trading as Sydney Water);
Water NSW.
- (10) Water Industry Competition Act 2006—Report of Independent Pricing and Regulatory Tribunal entitled "Licence compliance under the Water Industry Competition Act 2006: Annual Report: Report to Minister-Water-Compliance Report", dated October 2015.

I move:

That the reports be printed.

Motion agreed to.

Petitions

TAFE FUNDING

Petition noting the consequences of cuts to TAFE funding in New South Wales and calling on the Government to stop cuts to TAFE funding and to support a plan to save TAFE, received from the **Hon. Mick Veitch**.

Business of the House

WITHDRAWAL OF BUSINESS

Reverend the Hon. FRED NILE: I withdraw Private Members Business item No. 1125 outside the Order of Precedence.

POSTPONEMENT OF BUSINESS

Mr DAVID SHOEBRIDGE: I move:

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

Motion agreed to.

Committees

SELECT COMMITTEE ON HUMAN TRAFFICKING

Membership

The PRESIDENT: I inform the House that on 15 November 2016 the Clerk received the following nominations for membership of the Select Committee on Human Trafficking from the Leader of the Government and the Leader of the Opposition:

Government members:	The Hon. Trevor Khan The Hon. Natasha Maclaren-Jones The Hon. Matthew Mason-Cox
Opposition members:	The Hon. Greg Donnelly

The Hon. Ernest Wong

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Membership

The PRESIDENT: I inform the House that on 15 November 2016 the Clerk received advice that Mr Justin Field would replace Ms Jan Barham as a crossbench member on General Purpose Standing Committee No. 3.

PROCEDURE COMMITTEE

Reference

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:20): I seek leave to amend Business of the House Notice of Motion No. 2 by omitting all words after "That" and inserting instead:

the following proposed variation to the rules applying to notices of motion be referred to the Procedure Committee for inquiry and report:

- (a) a notice of motion must not contain statements, quotations, lists of names or details or other matter not strictly necessary to make the proposed resolution or order intelligible;
- (b) a notice of motion must not contain argument or debating points;
- (c) a notice of motion must be clear in its purpose, concise and relate to a matter within the competency of the House;
- (d) a notice of motion should not exceed 250 words, unless it relates to the business of the House, matters of privilege, or the establishment of committees;
- (e) a member may not give more than three notices of motions each sitting day; and
- (f) a notice of motion which is contrary to these rules or the standing orders will be amended before it appears on the *Notice Paper*.

Leave granted.

The Hon. DUNCAN GAY: I move Business of the House Notice of Motion No. 2 as amended:

That the following proposed variation to the rules applying to notices of motion be referred to the Procedure Committee for inquiry and report:

- (a) a notice of motion must not contain statements, quotations, lists of names or details or other matter not strictly necessary to make the proposed resolution or order intelligible;
- (b) a notice of motion must not contain argument or debating points;
- (c) a notice of motion must be clear in its purpose, concise and relate to a matter within the competency of the House;
- (d) a notice of motion should not exceed 250 words, unless it relates to the business of the House, matters of privilege, or the establishment of committees;
- (e) a member may not give more than three notices of motions each sitting day; and
- (f) a notice of motion which is contrary to these rules or the standing orders will be amended before it appears on the *Notice Paper*.

Motion agreed to.

Disallowance

CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT (FEES) REGULATION 2016

The PRESIDENT: According to standing order the question is: That the motion of the Hon. Jan Barham proceed as business of the House.

Question resolved in the affirmative.

Ms JAN BARHAM: I move:

That the matter proceed forthwith.

Motion agreed to.

Ms JAN BARHAM: I move:

That, under section 41 of the Interpretation Act 1987, this House disallows item [3] of schedule 1 to the Civil and Administrative Tribunal Amendment (Fees) Regulation 2016, published on the NSW Legislation website on 1 July 2016.

I will keep my comments brief as this motion addresses a simple but important issue. The regulation this motion seeks to disallow has significantly increased the cost for pensioners to lodge general applications or external appeals with the NSW Civil and Administrative Tribunal [NCAT]. The Greens believe that access to justice is a fundamental right for all people, and it is especially important that we do not create barriers for the most vulnerable and disadvantaged to seek justice. For this reason, we are moving to disallow the new regulation and reverse the increase in NCAT fees for pensioners.

Under the previous regulation, pensioners and other concession cardholders paid a flat \$5 fee to lodge a general application or external appeal with NCAT. The clause in the amended regulation introduced on 1 July 2016, which this motion seeks to disallow, has changed the concessional fee to be 25 per cent of the corresponding non-concession amount. This change will result in the amount paid by pensioners and other concession cardholders to lodge an application to increase from \$5 to \$12, and any future increases in the non-pensioner fee will automatically flow on to pensioners as well. This may not sound like a large increase to many of us, but when we are talking about people on limited and fixed incomes whose full income goes to the essential expenses of living, it could make a significant difference.

A pensioner who is having difficulty—perhaps with a landlord or a residential park operator—should not have to weigh up whether attempting to get the tribunal to resolve an issue is worth missing out on a meal. There should not be a financial barrier for disadvantaged people to have access to justice. I note that some other States and Territories, such as Victoria and the Australian Capital Territory have set their corresponding fee for concession holders to zero. Ideally I would like to see the New South Wales Government take that approach, but because this is a matter of regulation at this stage all we can seek to do is disallow the present change and reinstate the \$5 concession fee.

I anticipate that in response to this motion there might be an argument that refers to the provisions available for applicants to request a fee waiver on the grounds of undue hardship. Some might be inclined to oppose this motion on the grounds that those for whom the \$12 fee might be a disincentive to seek justice will be able to apply for a waiver. In response to this possibility, I note that the hardship request requires the applicant to demonstrate that there are special reasons to grant a waiver of the fees. This is generally understood to imply that applicants must establish that they are facing uncommon or exceptional circumstances. The problem is that pensioners and concession cardholders in general face financial hardship. It is not uncommon or exceptional for pensioners to struggle to afford anything beyond fundamental living expenses. It is unclear what additional difficulties such an applicant would need to demonstrate in order to be granted a waiver.

What is more, financially disadvantaged people who hold concession cards, in recognition of that fact, should not need to make a special request for access to justice. They should be entitled to it as an ordinary right. On behalf of The Greens I urge all parties in this House to support this motion and ensure pensioners and concession cardholders retain the access to justice they deserve. I acknowledge the advice and support of the Tenants' Union of New South Wales, which shares The Greens' concerns about the impact of this change on access to justice for financially disadvantaged tenants. The union has provided a briefing paper that urges all parties to support this disallowance motion, and I appreciate all the work the union has done during my time in this Parliament to inform us about, and to advocate for, the rights of tenants and residential park residents across the State. I am also very aware that Christian Democratic Party members have been in discussions with the Government on this matter. I commend the motion to the House.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (11:27): The Government opposes the disallowance motion moved by Ms Jan Barham. Before the change to the regulation began on 1 July 2016, the NSW Civil and Administrative Tribunal [NCAT] had inconsistent concession fees across its four divisions and the appeals unit. The new concession model, while resulting in an increase in concession rates for some matters, now applies a consistent concession discount of 75 per cent across all the divisions of NCAT where fees are payable. For some matters, the fee increased by only \$1 or \$2. For example, the internal appeal fee increased from \$100 to \$101. The concession rate applies to eligible pensioners as defined in clause 4 of the Civil and Administrative Tribunal Regulation 2013, which includes pensioners, veterans and full-time students who are in receipt of Commonwealth benefits.

Importantly, the principal registrar of NCAT has power under the regulation to fully waive or postpone the payment of a fee. Special reasons include financial hardship and compassionate grounds. This safeguard ensures that applicants who are facing significant financial hardship are still able to access NCAT for dispute resolution. The new concession rate delivers a fair and consistent approach to low-cost civil dispute resolution services in New South Wales. The Department of Justice consulted with key legal stakeholders, including the Law Society and the Bar Association, when preparing the fee changes. As I indicated, the Government opposes the motion.

The Hon. ADAM SEARLE (11:28): For the reasons outlined by Ms Jan Barham, the Opposition will support her disallowance motion.

The Hon. PAUL GREEN (11:29): I appreciate the sentiments expressed by my colleague Ms Jan Barham in moving this disallowance motion. She has always fought for the most vulnerable in our State, and the motion before the House is no exception. It might be about a difference in fees of \$7, but highlighting that difference shows the depth of her concern and compassion for the most vulnerable in our community. We have to look at things from the worldview of the most vulnerable and not from our perspective of great advantage. For us a few bucks is nothing; we do not have to think about buying a coffee. But for someone who has lived through the Depression or other tough times, every buck counts. Some people turn off lights at home early or do not heat their homes because these actions will save them a buck. These are the people Ms Jan Barham is defending in her disallowance motion.

The Christian Democratic Party looked deeply into the purpose of this disallowance motion because we understand the plight of the people who would be affected by it. We wanted to make sure that we could do something to alleviate Ms Jan Barham's concerns about vulnerable people not being able to afford to pay for taking a tenancy dispute to the NSW Civil and Administrative Tribunal [NCAT]. The Government has told us that the NCAT was formed by consolidating 22 smaller tribunals into one body, with NCAT having four divisions—consumer and commercial, administrative and equal opportunity, occupational, and guardianship—as well as an appeals panel. When NCAT was established, concession fees were inconsistent across these four divisions and the appeals panel. There was a \$5 concession fee for all consumer and commercial matters, while the principal registrar had issued determinations for other divisions ranging from \$25 to \$100.

This disallowance motion is about introducing a fair flat fee for the most vulnerable. That led to the introduction a 75 per cent discount to concession fees. We believed Ms Jan Barham made a reasonable argument for concession fees to apply to vulnerable people approaching the NCAT. Therefore we approached the Government to ask it to consider full-fee waivers for applicants facing significant financial hardship. The Government agreed to amend the NCAT application form to include a fee waiver request form with the following link under the application fee provision on the application checklist:

If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the fee waiver request form.

I believe this is a reasonable amendment. For many of us the waiving of a fee of a few bucks would not be significant, but to some of the most vulnerable people in our community those few bucks make a difference. Members of the Legislative Council have worked together well to get this amendment, which will be known as the "Jan Barham Legacy" on the NCAT form. We do not support the disallowance motion.

Ms JAN BARHAM (11:33): In reply: I acknowledge the work of the Christian Democratic Party on this important issue and the opportunities made available to me to work in collaboration with my colleagues in the Christian Democratic Party on our common goals to protect the most vulnerable in our community. I appreciate that members of the Christian Democratic Party are in a position to negotiate constructively with the Government on such issues. I welcome the amendment the Christian Democratic Party was able to negotiate to the NSW Civil and Administrative Tribunal [NCAT] application form to include a box for people to tick to apply for a fee waiver. However, I believe it is not enough that the NCAT "may consider waiving the fee fully or partially"; I believe the fee must be waived for those who are concession cardholders or pensioners. That should be enough to indicate they are experiencing financial hardship. That reality check needs to be considered.

The Government can be sure I will watch over the matter of NCAT fees, although I appreciate that we have worked together to find ways to support those who are most vulnerable. I would have liked this motion to pass, but I appreciate that the situation has been improved by the amendment to the application form. I thank the Christian Democratic Party for negotiating with the Government to achieve this outcome, and I thank the Government for agreeing to it. As the Chair of the Legislative Council Select Committee on Social, Public and Affordable Housing, on which I served as deputy chair, the Hon. Paul Green heard testimony of financial hardship from witnesses appearing before the committee, as did all committee members.

I would be remiss not to mention that some of the hardship we heard about related to elderly people who had felt the impact of the global financial crisis, particularly those living in residential parks. They told us about the pressure of their daily lives. Many were very proud people who had lost their homes and their savings, forcing them to live in parks where they were vulnerable to threats from park managers who wield a lot of power over their lives. These were crushing times for them, and they found it hard to put up their hands and say, "I cannot afford to do that", or "I need special consideration." I hope that what the Christian Democratic Party has negotiated with the Government will be sufficient to allow people to tick a box and be recognised as being in financial need

and respected. If this does not work out, I will knock on the doors of the Christian Democratic Party and the Government to say they must show more compassion and do better for the most vulnerable people in our society.

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

Motion negatived.

BIOFUELS REGULATION (NO 2) 2016

The PRESIDENT: According to standing order the question is: That the motion of Mr Jeremy Buckingham proceed as business of the House.

Question resolved in the affirmative.

Mr JEREMY BUCKINGHAM: I move:

That the matter proceed on the first sitting day of 2017.

Motion agreed to.

FAIR TRADING AMENDMENT (FUEL) REGULATION 2016

The PRESIDENT: According to standing order the question is: That the motion of Mr Jeremy Buckingham proceed as business of the House.

Question resolved in the affirmative.

Mr JEREMY BUCKINGHAM: I move:

That the matter proceed on the first sitting day of 2017.

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. DUNCAN GAY: I move:

That on Thursday 17 November 2016 proceedings be interrupted at approximately 12.30 p.m., but not so as to interrupt a member speaking, to enable Ms Jan Barham to give her valedictory speech without any question before the Chair.

Motion agreed to.

POSTPONEMENT OF BUSINESS

The Hon. DUNCAN GAY: I move:

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

Motion agreed to.

Bills

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2016

Second Reading

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:39): I move:

That this bill be now read a second time.

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

Leave not granted.

This Government is resolute in its commitment to integrity in public administration. We will not tolerate corruption in this State. Ensuring that the Independent Commission Against Corruption [ICAC] is properly equipped to fight corruption is a priority for this Government. In May 2015, following the High Court's decision in *ICAC v Cunneen*, the Government commissioned an independent panel of distinguished legal minds, a former Chief Justice of the High Court, the Hon. Murray Gleeson, AC, and Mr Bruce McClintock, SC, to review the ICAC's jurisdiction and powers. I commend them for that work. The panel's terms of reference required the panel to take into account any report of the Inspector of the ICAC in relation to these issues.

In June 2015 the Inspector of the ICAC published an initial report which helped inform the recommendations made by the panel in July 2015, all of which the Government accepted and implemented. In

December 2015 the Inspector of the ICAC published a report about Operation Hale, an investigation into Ms Margaret Cunneen and others. In May 2016 the Inspector of the ICAC published a further report entitled "Report to the Premier: The Inspector's Review of the ICAC". The ICAC committee conducted an inquiry examining these two reports from the inspector. The committee also considered the work of the independent panel. The committee's report was tabled in the Parliament on 27 October 2016. The committee produced a unanimous bipartisan report containing 35 recommendations, which are designed to improve the structure and governance, decision-making and oversight of the ICAC. I seek leave to incorporate the remainder of my second reading speech in *Hansard*.

Leave granted.

The recommendations are consistent with the independent panel's 2015 report and represent a balanced set of reforms that will deliver a stronger and fairer ICAC. The Government supports in principle all of the committee's recommendations. This bill includes legislative change required to implement these recommendations. The Opposition has provided feedback on this bill and the bill reflects an almost completely bipartisan position, consistent with the bipartisan committee report. Sadly, despite the Government's flexibility on a range of key provisions, we have been unable to achieve a completely bipartisan outcome as a result of the Opposition insisting that Commissioner Latham be automatically appointed Chief Commissioner under the new structure. In addition, the Opposition insists that the appointment of commissioners be approved by the Chief Commissioner. The Government believes that consultation is more appropriate. We believe that it would weaken the ICAC for the Government to concede on these two matters.

Consistent with the committee's recommendations, the bill focuses on three areas of reform:

- The structure and governance of the ICAC;
- The ICAC's powers and procedures; and
- Oversight arrangements for the ICAC.

The first of the committee's recommendations regarding the ICAC's structure and governance was that a panel of three commissioners should be established. The bill implements this recommendation in schedule 1 by amending section 5 of the Independent Commission Against Corruption Act 1988 to provide for a Chief Commissioner and two other commissioners appointed by the Governor. Together, the three commissioners will comprise the commission. The panel of commissioners will bring a more diverse set of skills and experiences to bear on the ICAC's deliberations and will strengthen its decision-making. A panel of commissioners may also assist in alleviating or avoiding tensions that can arise between a single commissioner and the Inspector of the ICAC. The bill makes minor consequential amendments to ensure that provisions in the Act referring to the current commissioner are amended to refer to a commissioner or the Chief Commissioner of the new three member commission, as appropriate.

The bill also amends section 6 of the Act to provide that a decision of the ICAC to conduct a public inquiry must be authorised by the Chief Commissioner and at least one other commissioner. This is consistent with the committee's recommendation that the use of the ICAC's extraordinary powers should be authorised by majority agreement of the three commissioners. Whilst the committee also made reference to the decision to conduct a compulsory examination, compulsory examinations do not involve the same potential for reputational damage as public inquiries. It is therefore appropriate that the power to commence a public inquiry is subject to additional oversight. Requiring the Chief Commissioner and at least one other commissioner to authorise a decision to conduct a public inquiry will balance concerns expressed by the inspector about the potential for public inquiries to cause reputational damage to affected individuals with the benefits of public inquiries in exposing and preventing corruption.

The committee has made a number of recommendations to support the proposed three member commission structure, including recommending that:

- the Chief Commissioner be appointed full time for a term of up to five years; and
- the other commissioners be appointed part time for a term of up to three years with the option of extension for up to two years.

The bill addresses these recommendations in clauses 4 and 5 of a new schedule 1 to the Act. The Chief Commissioner will be appointed full-time for a term of up to 5 years, and the two other commissioners will be appointed part time for a term of up to five years. A nominations panel will be convened to select candidates suitable for appointment as a commissioner. The Chief Commissioner will be consulted on the persons to be appointed as the other commissioners. Appointments would be made by the Governor and would be subject to veto by the committee.

The current commissioner, whose current term of appointment expires on 27 January 2019, will be invited by the nominations panel to express interest in being appointed as a commissioner of the new three-member commission. In accordance with the Independent Commission Against Corruption (Commissioner) Act 1994, if the current commissioner declines this invitation, or is unsuccessful in being re-appointed, her commission as a Supreme Court judge will revive. We recognise that this is where the Opposition differs from the Government. The Government believes that this newly reconstituted commission should be selected on an entirely merit based criteria to which the current commissioner has been invited to apply.

Other recommendations to support the proposed three-member commission structure include that:

- the Act should continue to provide for the ability to appoint assistant commissioners to assist the commissioners in their work, as required;
- the remuneration of the commissioners should reflect their respective workloads;
- the committee should have a power of veto over proposed appointments of people to the three-member commission; and

- to be appointed as a commissioner, or to act in that role, a person must be qualified to be appointed as, or have formerly been, a judge or justice of a superior court.

These recommendations are addressed in the bill as follows. The bill introduces a new section 6A of the Act which provides for assistant commissioners to be appointed by the Governor, with the concurrence of the Chief Commissioner. Clause 5 of the new schedule 1 provides that a person may not hold the office of an assistant commissioner for terms totalling more than five years, rather than nine years. This is in line with the maximum terms of office of the Chief Commissioner and other commissioners in the Act, and the approach taken by the committee. Clause 6 provides that a commissioner or an assistant commissioner will be entitled to be paid such remuneration (including travelling and subsistence allowances) as may be specified in the instrument of appointment or as may be afterwards determined by the Governor from time to time.

Clause 2 of the proposed new schedule 1 to the Act provides that a person is not to be appointed as a commissioner until the proposed appointment has been referred to the committee and the committee has not exercised its veto power in the time specified, or the committee notifies the Minister that it has decided not to veto the proposed appointment. This is consistent with the committee's current power of veto over a proposed appointment of a commissioner. And lastly, clause 1 of the proposed new schedule 1 to the Act extends the current eligibility requirements for the commissioner, assistant commissioners and any person acting in that office to all commissioners.

The bill also establishes the role of a chief executive officer to manage the day-to-day affairs of the ICAC. The bill amends section 104(1) of the Act to give the Chief Commissioner power to appoint a chief executive officer and such other staff of the ICAC as may be necessary to enable the ICAC to exercise its functions. The Chief Commissioner will be required to consult the other commissioners about the proposed appointment of a chief executive officer. A new section 6B of the Act will give responsibility to the chief executive officer for the day-to-day management of the affairs of the ICAC and for the implementation of the decisions of the commissioners and assistant commissioners. Amendments to section 104 (5) of the Act will allow the chief executive officer to be appointed for a term of up to seven years. The introduction of a chief executive officer will allow the commissioners to focus on matters other than the day to day management of the ICAC.

The bill also includes a number of reforms focused on procedural fairness in the exercise of the ICAC's powers and procedures. The bill inserts a new section 31B in the Act requiring the commissioners to issue procedural guidelines relating to the conduct of public inquiries of the ICAC to members of staff of the ICAC and counsel appointed to assist the ICAC. The guidelines are to provide guidance on:

- the investigation of evidence that might exculpate affected persons;
- the disclosure of relevant evidence to affected persons;
- the opportunity to cross-examine witnesses as to their credibility;
- providing affected persons and other witnesses with access to relevant documents and a reasonable time to prepare before giving evidence; and
- any other matter the ICAC considers necessary to ensure procedural fairness.

The ICAC will be required to arrange for the guidelines to be tabled in both Houses of Parliament and to be published on the ICAC's website. This proposal is consistent with the recommendations of the committee and is intended to make existing procedural fairness obligations clearer and more accessible for ICAC staff and counsel assisting the ICAC.

The bill also introduces a new section 79A in the Act which provides that the ICAC is not authorised to make an adverse finding against a person in a report under section 74, unless the ICAC has first given the person a reasonable opportunity to respond. Where the person requests to have it included within the time specified by the ICAC, a summary of the person's response must be included in the report. Section 79A also requires that the ICAC must not include in the report any information in the person's response that would identify any person who is not the subject of an adverse finding, except for in limited circumstances. These measures were recommended by the committee and will help to ensure that persons against whom an adverse finding is made have the opportunity to respond to claims made against them. Section 79A applies to the inspector in essentially the same way as it applies to the commission.

The bill also inserts a new section 112 (1B) into the Act to provide that a restriction on publication of evidence direction given by the ICAC does not apply to the disclosure of information, documents or other things by a law enforcement officer to the Director of Public Prosecutions under section 15A of the Director of Public Prosecutions Act 1986. Amendments have recently been made by the Law Enforcement Conduct Commission Act 2016 to section 15A of the Director of Public Prosecutions Act 1988 to provide that the duty of disclosure in section 15A applies to summary offences as well as indictable offences. Amendments have also been made to schedule 6.17 of the Director of Public Prosecutions Regulation 2015 which provide that a disclosure certificate completed by an ICAC staff member will need to certify that the staff member has disclosed to the DPP all relevant material obtained during a particular investigation that might reasonably be expected to assist the case for the prosecution, or the case for the accused person.

Together with section 112(1B) of the ICAC Act, these amendments address the committee's recommendation that ICAC officers investigating alleged summary offences should have a duty to provide all disclosable evidence to the DPP and that non-publication orders made by an ICAC Commissioner should not prevent the ICAC from providing all disclosable evidence to the DPP. The bill also gives the ICAC express power to gather and assemble evidence that may be admissible in a criminal prosecution after the ICAC's investigations have been completed.

The bill introduces a new section 52A to the ICAC Act which will allow the ICAC to exercise evidence gathering powers under sections 21, 22, 23 and 40 of the ICAC Act after the ICAC has completed its investigations into a matter if the Director of Public Prosecutions or the Electoral Commission requests the ICAC to do so. These powers may only be exercised for the function under section 14 of the ICAC Act of gathering and assembling evidence that may be admissible in the prosecution of a person for a criminal offence and of furnishing that evidence to the Director of Public Prosecutions or to the Electoral Commission. This amendment will allow the ICAC to obtain evidence in response to requests from the Director of Public Prosecutions and the Electoral Commission for additional evidence, such as bank documents or telephone records.

The third area of reform concerns the oversight arrangements for the ICAC. The bill makes amendments to provide that a person may complain to the Inspector of the ICAC regardless of any restriction on publication of evidence direction issued by the ICAC under section 112 of the ICAC Act. Section 112 of the ICAC Act gives power to the ICAC to direct that certain information not be published or only be published in a specific manner. The bill inserts a new section 112 (1B) (a) to provide that a direction under section 112 does not apply to the making of a complaint to the inspector or the disclosure of information, documents or other things to the inspector. This will provide for more effective oversight of the ICAC as it removes limitations on information that may be provided to the inspector.

Schedule 2 to the bill makes consequential amendments to the Independent Commission Against Corruption (Commissioner) Act 1994. Schedule 3 to the bill makes a number of consequential amendments to other Acts and instruments.

Once again, can I say, ensuring that the Independent Commission Against Corruption is properly equipped to fight corruption is a priority for this Government. That is why we are undertaking the most significant reform to the ICAC since its inception in 1988. This Government is resolute in its commitment to integrity in public administration. We will not tolerate corruption in this State. This bill ensures that the ICAC will be even better equipped to fight and prevent corruption with the full support of this Government. I commend the Bill to the House.

The Hon. ADAM SEARLE (11:43): I lead for the Opposition in debate on the Independent Commission Against Corruption Amendment Bill 2016. I say at the outset we will be opposing this appalling legislation and I foreshadow we will move amendments in Committee. There are two significant flaws in the legislation. The first flaw, which is fatal to the Opposition's support for the legislation and, unfortunately, potentially fatal to the effectiveness of the institution of the Independent Commission Against Corruption [ICAC], is the dismissal of the current ICAC commissioner, which is what passage of this legislation will effect.

That is a theme to which I will return. The second flaw is the provision that requires merely consultation with the chief commissioner in relation to the appointment of the other two commissioners rather than concurrence. This stands in complete contrast with the model put forward by this Government and adopted by this Parliament in the recently enacted Law Enforcement Conduct Commission [LECC] legislation. The Government has given no reason or rationale as to why the three-commissioner model with those safeguards is appropriate for the LECC but not appropriate for the Independent Commission Against Corruption. That is very worrying.

I note at the outset the Leader of the Government in this place and the Premier in the other place attempted to set out a stall about how pro-ICAC the Government is and how it is really in favour of an effective corruption-fighting body. But unfortunately, they speak with forked tongue, because the measures contained in this bill are guaranteed to undermine not only the effectiveness of but also public confidence in the institution. The Premier and Minister said that many aspects of the bill have their genesis in the report of the Joint Parliamentary Committee on the Independent Commission Against Corruption, handed down in October 2016. A number of the ideas referred to that committee were, frankly, harebrained and dangerous. There is a history of bipartisanship offered to government by the Labor Party, both when it was in opposition in the 1990s and now, and there have been efforts in the past by major parties to be bipartisan around issues to do with the ICAC. Opposition members of this committee, of whom I was not one, worked diligently to achieve a cross-party consensus.

The basic new structure proposed for the ICAC—a three-commissioner model—is not opposed by the Labor Opposition. A number of views reached by the parliamentary committee were supported by the Labor Opposition members—for example, that the ICAC staff should not be brought under the government sector employment framework because that would compromise the operational integrity of the institution. That there should be no exoneration protocol and no merit review of ICAC findings because that fundamentally confuses the role of ICAC compared to law enforcement, and criminal law enforcement bodies in particular, were matters pushed by right-wing members of the Liberal Party and elements of the media as things vital to civilise the ICAC. The committee very sensibly did not embrace those measures and they are not in this bill. That is a good thing.

The committee also found that ICAC must follow the rules of procedural fairness during inquiries and before publishing adverse findings against a person. Lawyers will say that that already applies to the Independent Commission Against Corruption, but we do not oppose spelling it out more explicitly in the legislation in measures such as proposed new section 79A at page 6, item [10]. There are elements listed from the committee report with which, again, we do not take issue. In relation to issuing procedural guidelines relating to public inquiries to promote more fairness, we do not oppose those measures either in the committee report or in the legislation. Of course, the bar rules that apply to barristers who are counsel assisting the ICAC bind them to do those things, so we do not think there is a legislative need but, nevertheless, for more abundant caution, if the Government wishes to spell that out in legislation we do not oppose those measures.

All the ingredients were there for uncontroversial cross-party consensus about changing the Independent Commission Against Corruption [ICAC] structure, implementing a range of measures designed to promote public confidence in the institution, and enhancing its operations. The seeds were planted in the committee report, and the elements are in the legislation before the House. However, of course, this Government could not help itself. It is still smarting from the findings of Operation Spicer. The venality and spite that infects the right wing of the

Liberal Party has led to the inclusion of provisions that strike at the integrity of the body, its independence, and its future effectiveness.

I will briefly deal with two provisions of the bill. Proposed schedule 1 [4] deals with existing part 2 of the ICAC legislation and its replacement with a new part 2. It deals with the abolition of the current office of commissioner and its replacement with the new office of chief commissioner and the addition of two other commissioners who will be appointed by the Governor. That change will allow the Government to bypass mechanisms already in the legislation that enable Parliament to remove an ICAC commissioner. I will come back to that. When enacting the ICAC legislation, the Parliament wanted to give the commissioner the same independence as a judicial officer. The legislation provides that during the period of up to five years an ICAC commissioner holds office he or she has the same protections as a judge, and can be removed by the Governor only after an address by each House of the Parliament.

That provision was included to ensure that Executive Government, whose workings would, of course, be the subject of ICAC's scrutiny, did not act arbitrarily. That scrutiny would often be uncomfortable and painful. However, the legislation is designed to ensure that venal governments that find the operations of ICAC inconvenient or politically dangerous do not try to remove the commissioner. Of course, to do so the Government would have to come armed with chapter and verse of the commissioner's wrongdoings. The Government would have to make its case in this place, in the other place, and in the court of public opinion that the commissioner had somehow been involved in misconduct in office, and had done things that were wrong and/or improper. Of course, the Government has not come to this Parliament prepared to make that case, because there is no such case to be made. Instead, it has taken the extremely dishonest approach of saying, "We are just doing a restructure. We are just abolishing the office."

Of course, if enacted this legislation would allow the Government simply to throw the current commissioner out of office at the stroke of a pen, even though she was appointed by Premier O'Farrell and despite that fact that her term of office runs until January 2019. This Government will get to appoint the next ICAC commissioner no matter what happens to this legislation. However, it cannot wait because it is still reeling and smarting from the fact that she has simply done her job. We are not required to like what independent statutory officers do. I am sure that no government likes what the Auditor-General does, and I am sure that at times they have found the operations of the Ombudsman difficult or inconvenient. Of course, that is also true of ICAC. However, this Government has achieved a new low in seeking to take this route to remove a thorn from its side. We have an ICAC commissioner who is vigorous and fearless in pursuing her statutory duty as she sees it.

If the Government were serious about wanting to make the case that somehow she had done something wrong, it would come in through the front door. Instead, it has resorted to dishonesty. It is hiding its true motivation under the guise of a restructure. It is pandering to the extreme right wing of the Liberal Party, many of whose members have lost their seats in Parliament and their careers in the ministry as a result of the ICAC's work. The Government is also pandering to extreme elements of the Murdoch press, which has been baying for the blood of ICAC for the past five years. The Government cannot get over the fact that ICAC is its creation, and that in seeking to do their job successive commissioners have exposed wrongdoing in the Liberal Party and by Liberal Party members, not only individually but also as emerged from Operation Spicer at an administrative and systemic level. There was systematic rotting of the electoral laws. The fact is that this Government has sought—

The Hon. Shaoquett Moselmane: Point of order: Interjections are disorderly at all times. I ask that the Hon. Dr Peter Phelps be directed not to interject.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): Order! The Hon. Dr Peter Phelps knows that interjections are disorderly. He will allow the member to continue his speech on this important bill.

The Hon. ADAM SEARLE: The Government did seek bipartisanship on this bill. As I have indicated, many aspects of the bill could be the subject of bipartisan support. Members on this side of the House cooperated fully with the Government in the wake of the High Court ruling in *Independent Commission Against Corruption v Cunneen*. We were cognisant, as was the Government, of the report produced by former Chief Justice of the Supreme Court and the High Court the Hon. Murray Gleeson, and Bruce McClintock, Senior Counsel. The Opposition cooperated with the Government in the implementation of revised ICAC legislation because it saw the importance of ensuring not only that it kept to the law but also that it was appropriately configured.

However, as I indicated, the legislation now before the House, with its sting in the tail of abolishing the office of the commissioner, is a tawdry and disgraceful exercise being undertaken simply to sack the current commissioner. The Opposition will not be a part of that. The Government is trying to sneak through this legislation at the fag end of the parliamentary sitting year. It is instructive that it has chosen this week to deal with this legislation. It was only on Saturday that The Nationals achieved their worst electoral result in a safe seat. It is a blow to the conservative side of politics more generally. However, rather than accepting that perhaps it was

getting something wrong and, as people have suggested, it has been high-handed, arrogant, and out of touch, instead of being cognisant of the judgement of the community—particularly a community that has resolutely supported that side of politics since 1947, sending only Country Party and Nationals members to this place—it has doubled down on its arrogance by introducing this legislation and seeking to rush it through Parliament.

Given the significance of this legislation, the Government should have allowed it to sit on the table so that it could be subjected to broad-ranging consultation, which is what it did with the Law Enforcement Conduct Commission Bill. Whatever that bill's ultimate shortcomings, we could not fault the Government on its consultation. The Opposition had two or three briefings on draft bills, and there was intensive consultation with the Police Association of NSW, the Law Society, the Bar Association, and other stakeholders. That did not happen with this legislation because it is not about proper public administration or protecting or enhancing the Independent Commission Against Corruption. It is simply about saying "Gotcha!" to the institution and to the commissioner, who has caused the Government—

The Hon. Dr Peter Phelps: But you are supporting the legislation.

The Hon. ADAM SEARLE: No, we are not supporting this legislation. I will be very clear about that. The Opposition cannot support this bill because of this Government's over-reach in seeking to throw the commissioner out of office for no justifiable reason. ICAC has inquired into and reported on the activities of people in my party, and I do not shy from that. The difference between members on this side of the House and members opposite is that we do not seek to attack the law enforcement body. ICAC found members of our party to be corrupt and to have shortcomings in their conduct. Our response is, "Fair enough. We will try to lift our game and root out these people from our party." What do members opposite do? They attack the messenger and cut off the head of the body that caused them so much grief before the last election. ICAC's inquiry has cost the Liberal Party a great deal in public funding, and it still causes grief to this day because of the internal ructions in the Liberal Party.

It is not only what we are saying about this legislation. Let us see what other ICAC commissioners have said. Former Commissioner David Ipp said that this legislation would weaken the ICAC and water down its powers, and that it seems designed to get rid of Ms Latham because she had been too independent. He said:

I think it is a scandalous move. I don't accept for one moment it makes a stronger ICAC. I think it will be much weaker and make it much more difficult to operate. There will be an inability for it to make quick, strong decisions and there's simply no need for it, the ICAC has never been stronger.

A former assistant commissioner of the ICAC, former judge and, in fact, the current chair of Transparency International Australia, Anthony Whealy, said that the legislation would effectively result in the sacking of the commissioner in the middle of her tenure. He stated:

It's absolutely stunning that this has happened and there seems to be no justification for it whatsoever. I think it's very wrong and very harmful and should be very damaging to the Baird Government.

Mr Ipp also said:

This has come about after 11 Members of Parliament—

Liberal members of Parliament—

have been forced to resign and after the Obeid inquiry and the Doyles Creek inquiry when corruption involving many, many millions of dollars was uncovered.

... one can only see this—

by which he means the legislation—

as an attempt to protect politicians.

An attempt to protect Liberal Party politicians, that is the real agenda. Mr Whealy noticed that the move in this legislation has followed ICAC's Operation Spicer investigation into Liberal Party fundraising before the 2011 State election, which ended the political careers of a number of Liberal MPs and the ministerial career of at least one of our colleagues in this Chamber. Mr Whealy said:

The perception will arise immediately in the community's mind that there's a very direct link between the two. It will look like payback from a vengeful government.

If we read about this in a third world country—a public inquiry into politicians behaving badly, donations being made illegally and secretly, a report published and then the government brings forward legislation to get rid of the head of the organisation which published the report and tries to dilute the powers of that person, you'd say ... well, same old, same old, it's corrupt.

... I'm suggesting the perception in there that is done to weaken ICAC's power and bring Megan Latham into line so that she doesn't step in again and offend the politicians. That's the perception. And it's a very bad perception.

It is not only the Labor Opposition saying this is a fundamental attack on the institution as well as the current commissioner, but also two esteemed former judges who have been associated with the ICAC in the past. It is not good enough. The current commissioner has also made a public statement. Her blistering statement is on the ICAC website, and says:

... the bill represents an unprecedented attack on the independence and effectiveness of the commission as a leading anti-corruption agency.

She also said:

The most significant practical consequences of the provisions were not the subject of any discussion or submission before the ICAC Parliamentary Committee (or in any other forum) and find no expression in the Committee's report.

That is important because of all the many issues that were referred by the Premier to the parliamentary joint committee on ICAC and in all the hundreds of thousands of words expended in this report, not once was the termination of the tenure of the current ICAC commissioner ever raised. It is not that the report is silent on the matter—it was never put. Now the Government is disingenuous in saying that of course her position has to be terminated because there will be a restructure, but we would welcome an application from her. That is false; it would not. The truth is, if the Government was serious about her finishing her existing tenure, there would be a transitional provision in the legislation that allows her to serve out the balance of her current term as Chief Commissioner until January 2019. That is the effective and appropriate course of action, and that is the course of action we will be urging on this House in the Committee stage when we discuss amendments. If the Government is serious about bipartisanship that is what we will insist upon.

The ICAC commissioner also says that the bill should provide that the person holding office as the commissioner immediately before the commencement of the amending legislation is taken to have been appointed for the balance of his or her term as chief commissioner. That is what we think would be the fair and appropriate course of action. The tenure and independence of the current commissioner is not about her; it is about the institution. The Executive Government has been on the receiving end of painful and inconvenient news about scores of its political operatives in Parliament and its party administration who were being called into public question, public opprobrium, and it has led to the loss of their careers. If the Executive Government can get away with simply cutting down the messenger, it will mean that future ICAC commissioners are likely to not do their job properly because the consequences of doing so will be this kind of authoritarian intervention that is not usually seen outside other parts of the world controlled by petty dictators and with whom we would not usually want to associate ourselves. This is not only our view. The Hon. Nick Greiner, the former Liberal Premier, who was ultimately a victim of the ICAC, said it well in his second reading speech on 26 May 1988 in the other place:

I made it clear in my statements before the election that the proposed Independent Commission Against Corruption would be responsible to Parliament and not to the executive Government. The commission can be removed only by the Governor on the address by both Houses of Parliament.

Greiner's commitment, when he created the body with the support of the Labor Opposition, was that the commissioner would have the authority, unimpeded by the politics of the day, to inquire into allegations of corruption wherever it occurred and that has been the case—an article of faith in New South Wales politics—for the past 28 years. Bob Carr gave unconditional support to Premier Greiner when he created the body. We have continued to do so during our term in Opposition. It is this Government and the actions of this Government alone that are ending that cross-party consensus.

On 30 August this year, the ICAC released its report on the Operation Spicer investigation, which exposed prohibited donations and the channelling of funds and non-disclosure during the 2011 State election campaign. The ICAC's findings were adverse with regard to a significant number of Liberal Party members in finding that they acted with the intention of evading provisions of the Election Funding, Expenditure and Disclosures Act relating to the disclosure of political donations and the ban on donations from property developers. The ICAC found that during November and December 2010, the Free Enterprise Foundation was used to channel donations to the Liberal Party for the 2011 election campaign so that the true identity of the donors was disguised. A substantial portion of the money that was provided by the foundation and used by the Liberal Party in its election campaign originated from donors who were property developers, and therefore prohibited donors, and the Premier resigned.

The New South Wales Electoral Commission reviewed the matters investigated by ICAC, and the Liberal Party's failure to disclose a series of political donations received by the party in 2010 and 2011 resulted in the Electoral Commission ruling that the Liberal Party was ineligible to receive \$4.4 million in public funding. After further disclosures from the Liberal Party in 2016, the commission decided that the party was eligible to receive \$5.8 million in public funding, but it withheld almost \$600,000, being the amount of the donations that the party had accepted illegally. ICAC's work cost the Liberal Party \$600,000, delayed the payment of millions of dollars

and ended the careers of many Liberal members and parliamentarians. The only conclusion that one can fairly draw from this legislation that terminates the commissioner's term of office is that it is political payback.

Let us look at what the current Premier has said about those matters. The findings show that, at the time, the finance director of the Liberal Party, Simon McInnes, was complicit in seeking to disguise payments from prohibited donors and that the party's fundraising body, the Millennium Forum, was used to launder banned donations. When he took office in 2014, the current Premier said that he was appalled by the things that had been seen in the ICAC proceedings. He said:

I don't care what political badge you have. If you have done wrong and if ICAC has shown you have done wrong then I'm your worst nightmare.

The Hon. Walt Secord: Who said that?

The Hon. ADAM SEARLE: Premier Baird said that. Today, rather than standing up for a strong anticorruption body, he is actively seeking to knobble it. Anthony Whealy, QC, and others have said that there is a strong perception that these actions by the Government are corrupt. How else can you interpret the nobbling of the anticorruption body by a government seeking to cover up the actions of its party as being anything else? It is simply payback. We see the exposure of the rotten activities in the New South Wales Liberal Party. This Premier simply seeks to take on the commissioner and to terminate her commission, rather than stand up to the corrupt elements in his own party. Either the Government is corrupt or it simply lacks the spine to stand up to those corrupt elements. Whichever is the truth, it brings no credit to the Premier or the Government. They will be judged severely and found wanting in the court of public opinion.

It is contrary to what the Premier said when he took office, but it is consistent with the inaction of the Premier. In the wake of Operation Spicer uncovering the systematic rotting of electoral funding disclosure laws by Liberal Party members and the party administration, because of the small two-year window in which those offences could be prosecuted everyone who was found to have done wrong got off the hook. When legislation went through this Parliament to provide not only for increased penalties but also longer time frames for the enforcement body—the Electoral Commission—to bring them to justice, we see that a time period is not a substantive part of the law, it is simply a time to bring the prosecution. In the wake of Operation Spicer let us make those acts fall within that expanded time frame. If there is evidence to sustain a prosecution against these people, let them be brought to justice, as the Premier said they would be when he took office in 2014. But members opposite—both here and in the other place—acted to let their buddies off the hook by making sure that the extended time frame did not apply to their wrong conduct.

The Hon. Dr Peter Phelps: A retrospective clause.

The Hon. ADAM SEARLE: It is not retrospective. A time period is not a substantive element of the law.

The Hon. Dr Peter Phelps: Extending a time is retrospective.

The Hon. ADAM SEARLE: It is not a substantive part of the law. You acted to cover up for your mates in this place and in the other place, and it is a low point of public administration as is this attempt to silence the Opposition on this matter.

The Hon. Dr Peter Phelps: Point of order: The honourable member said: "You attempted to cover up for your mates". Given that all debate goes through the Chair, that is a reflection on you, Mr Assistant President, and it should be withdrawn.

The Hon. ADAM SEARLE: Mr Assistant President, I in no way intended to reflect upon you. I was reflecting instead on Government members collectively. Let it be clear what I was saying.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): Order! There is no point of order.

The Hon. ADAM SEARLE: We simply cannot support legislation that seeks to turf out the commissioner mid term for no stated reason but simply for doing her job. Those opposite might not like the job she has done, they might be critical but they should be prepared to bring a dismissal motion before the Parliament. They should set out exactly—and in public—what she has done that they disagree with. Instead, they whisper behind their hands in meeting rooms and in cabals in other parts of this building. The Government should level the charge against the commissioner and set out in the light of day—openly and honestly, chapter and verse—what they say she has done wrong. Then let us have a vote of the kind we have had in this place when the removal of judicial officers has come before the House and that is not a party vote or a bound Government versus Opposition vote. Whenever the fate of judicial officers has come before this Chamber, a free vote of the members has always been taken.

The Hon. Dr Peter Phelps: And how did you vote?

The Hon. ADAM SEARLE: I voted not to dismiss previously. But the point is that it should be a free vote of the members of Parliament, if you are serious about levelling charges against the commissioner.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): Order! Objections and interruptions will cease.

The Hon. ADAM SEARLE: This Government does not have the courage of its convictions. It is hiding its true motives—its malign, potentially corrupt, but certainly improper, motives—behind the rubric of a restructure. The second flaw relates to the concurrence of the chief commissioner in the appointment of the other commissioners. We were told the three-commissioner model was based upon a provision in the Law Enforcement Conduct Commission Bill, which provides that commissioners can be appointed only with the concurrence of the chief commissioner. But this legislation does not do that; it requires only consultation, not concurrence. That is because the Government wants to keep as a tool in its back pocket the option that, if it does not like the chief commissioner, it can stack the cards against the chief commissioner by surrounding him or her with what the Government considers to be more suitable commissioners who will overbear the chief commissioner's will. That is not proper and it is not part of the original intention of ICAC. At page 675 of *Hansard* on 26 May 1988 the Hon. Nick Greiner said this about the ICAC legislation:

The commissioner will have total direction and control of the commission. He or she can be appointed only for a term or terms totalling five years and can be removed from office only by the Governor on address of both Houses of this Parliament. This is one way in which the independence of the commission from the Executive is safeguarded.

But this legislation does not do that. Another way in which it seeks to undermine that independence is by making sure that the chief commissioner is not in control. Of course, there is the chief executive to be appointed but the more insidious element is the surrounding by other commissioners who are to be more compliant. We think the simple answer to that is to reflect fully the Law Enforcement Conduct Commission [LECC] model, to simply say: You can have the other two commissioners and you can divide the work up, but only with the concurrence of the chief commissioner. The original proposal that operations had to be conducted only by unanimous decision of the three commissioners has been changed to a majority decision. We acknowledge the Government has taken on board the Opposition's suggestion that the chief commissioner has to be part of the majority, something that was not in the Government's original draft. However, it would seem that the Government has only accepted the Opposition's suggestion because its ultimate and true objective is to attack the present commissioner.

It is the inevitable conclusion of the Opposition that Government members are pursuing this model not because of its merits, but to achieve the removal of the Hon. Megan Latham from office. That is an outcome that will do great damage to anticorruption forces in this State. The commissioner cannot be removed during her term of office when no allegations of wrongdoing against her have been made, without fatally injuring ICAC. The Government does not make a case against the commissioner because it does not have a case. The commissioner has done nothing wrong. Those opposite simply disagree politically with what she has done and want to get rid of her. That is why they are seeking to ram a bill of this significance through both Houses of Parliament in a little over 24 hours. The Government wants to strike while the iron is hot. It hopes that everyone will forget about it over the summer break. That is an improper and unprecedented attack on ICAC by the Liberal Government.

The Hon. Greg Donnelly: It is hubris.

The Hon. ADAM SEARLE: It is hubris, it is arrogant and it is out of touch. More than that, it is dangerous because it encourages people who want to do wrong in public administration in the State that, if you are an ally of this Government, it will intervene to protect you. I note that, on having her office terminated, the Hon. Megan Latham would have her commission as a Supreme Court judge restored. The point of this legislation is to quarantine the Liberal Party from ICAC and the consequences of its wrongdoing. I think that this is perhaps the lowest point in the fight against corruption in my 28 years in public life. The legislation has been brought to the other Chamber by Premier Baird and his Government. It really puts the mockers on what he said about being the worst enemy of corrupt elements when he took office in 2014.

People—those in the community and in the media—who took him at his word will be deeply disappointed, not to say shattered. It is wrong as a matter of principle to attack the messenger because the message is inconvenient and has caused pain to the ruling party. The Opposition will not support the legislation unless the Government comes to its senses and adopts our sensible and balanced amendments. I have also indicated in my contribution to this second reading debate that Opposition members do not think legislation of this significance should be rammed through the Parliament in just over 24 hours. We think there should have been much more consultation with the law bodies and with the wider community, as there was with the LECC. Consequent on that view, I move:

That the question before the House be amended by omitting "now" and inserting instead "this day six months".

I think that the community should have the opportunity to become fully aware of this legislation, and to have its merits debated in the wider community. It should not be quickly rammed through ahead of the summer break, with the Government hoping that everyone will forget about its appalling actions. I will conclude on this point: I have referred to the statement made by the ICAC Commissioner, the Hon. Megan Latham, which is on the ICAC website. I could read it all onto the record, but I will read this one bit, which says:

The ICAC Act currently provides that a commissioner can only be removed on particular grounds, none of which apply in the present circumstances. This Bill introduces a mechanism whereby any commissioner may be removed from office on the basis of amending legislation which purports to re-structure the Commission.

The Bill provides that upon commencement of the amending legislation, I would cease to hold office as Commissioner. There is no justification for this and none has been suggested. This is a significant matter that was not raised with the Commission by the Parliamentary Committee and has never been raised with me by the Premier.

This Government simply does not like the job that the commissioner has done. We do not cavil with the right of Executive Government to say, "Let's restructure and improve the body." As I have said, we are prepared to embrace, with some misgivings, its model, because Labor members on the parliamentary committee worked very hard to achieve that cross-party consensus. But it is clear that that is not the Government's true objective. Its true objective is to shoot the messenger—to remove the Hon. Megan Latham from office simply because she interrupted the careers of 10 or 11 Liberal members of Parliament and revealed, for all to see, the systematic rotting by the Liberal Party administration of the electoral funding and disclosure laws.

This is a brutal political payback. We earnestly ask the Parliament not to allow this to occur, because it would be bad—it would be bad for ICAC and for the fight against corruption—and because it would be a low point. Members opposite should think very hard before associating their names with such measures for all time. The Opposition will be proposing that amendment so that the Government can be saved from itself and, more importantly, so that the community can be saved from the malice of the actions of this Government.

The Hon. WALT SECORD (12:23): As the Deputy Leader of the Opposition, I make a contribution on the Independent Commission Against Corruption Amendment Bill 2016. Twenty-eight years ago, the then-Premier Nick Greiner introduced the Independent Commission Against Corruption to New South Wales. The then Opposition leader, Bob Carr, supported the creation of that body, and Labor has done so ever since. The commission has had bipartisan support. However, this is a disappointing day—and unfortunately, it is an historic day for the wrong and unpleasant reasons. I am very disappointed that I have to speak on the Independent Commission Against Corruption Amendment Bill 2016. I did not intend to, because I thought that it would be a bill that had bipartisan support. However, the Premier has forced the Labor Opposition to take this position.

As the Opposition leader Luke Foley indicated yesterday in the Legislative Assembly and in the public arena, we will be opposing the bill. Sadly, this bill is a tawdry and disgraceful exercise from the Premier, Mike Baird. It is about the Liberal-Nationals Government trying to sack the Independent Commission Against Corruption [ICAC] Commissioner, Megan Latham. The Labor Opposition will not be part of it. Last night, in a statement, Commissioner Megan Latham said:

... the Bill represents an unprecedented attack on the independence and effectiveness of the Commission as a leading anti-corruption agency.

She also said:

The most significant practical consequences of the provisions were not the subject of any discussion or submission before the ICAC Parliamentary Committee (or in any other forum) and find no expression in the Committee's report.

This bill is akin to the Liberal-Nationals Government saying it will sack the Commissioner of Police because he dared to investigate criminal activity within the Liberal Party. While Premier Mike Baird smiles like an angel and plays the Sunday school boy routine—the Christian surfer—his actions do not match the image. We have seen this in his attitude toward this bill. The Premier tells the community that he is listening—that he feels their pain and understands their concerns—but he does otherwise, and we can see that through his actions with respect to the bill.

The Premier says he is against corruption and he supports a strong ICAC, but he wants to sack its commissioner in an act of revenge because it dared to expose systematic corruption involving the Liberal Party. Make no mistake, this is about the Premier railroading the Hon. Megan Latham, the current Commissioner of the Independent Commission Against Corruption, out of a job for one reason: She dared to inquire into corruption in the ranks of the Liberal Party. Ms Latham dared to poke a stick into the Liberal Party hornet's nest, and now the Premier is using his power to get rid of her. We see that in the bill. Unfortunately, the Premier lacks the character to stand up to the corrupt elements in his own party. Rather than stand up to them, he assists them. Premier Mike Baird is the Neville Chamberlain of New South Wales politics. Premier Mike Baird appeases corruption in his

own party because he is too weak to stand up to his members and is too beholden to extreme right-wing elements in his own party.

By way of background, parliamentary committee members worked hard to create a bipartisan report. There were many areas where there was agreement, but there was no mention in the report, or in any of its deliberations, of forcing the ICAC Commissioner, the Hon. Megan Latham, to reapply for her job. That was put into the bill by the Government; it does not have cross-party support. This morning at 7.20 the Premier called into the ABC Radio's *Breakfast with Robbie Buck* program and claimed that the legislation had bipartisan agreement. The Premier misled the listeners. It was—I am using the past tense—a bipartisan report, but at no stage did Labor support the removal of ICAC Commissioner Megan Latham. That was not in the parliamentary report. The Premier told ABC Radio:

We are implementing the recommendations of a bipartisan committee that was unanimous in its recommendations, that was supported by Labor, and that's exactly what this is. They have conveniently forgot they were the ones that actually supported this.

That is an absolute lie by the Premier—a man who said, on 1 May 2014:

If you have done wrong and if ICAC has shown you have done wrong, then I am your worst nightmare.

Unfortunately, this week will be the lowest point in the fight against corruption in New South Wales in the past 28 years—and it was brought to you by Premier Mike Baird. I thank the House for its consideration. Labor will be opposing the bill.

The Hon. TREVOR KHAN (12:28): As members of this House would know, I was a member of the committee that reported to the Parliament on the restructuring of the Independent Commission Against Corruption [ICAC]. As they would know, the last two years have been what one could describe as an interesting journey for the Independent Commission Against Corruption. It has been interesting to watch the commission over that period of time. This is not a matter that I come to simply with a prurient interest that arose in the past two years of my appointment to the ICAC committee; I previously was a member of the committee some years ago. Being a person of over 59 years of age, I have watched the development of the Independent Commission Against Corruption over its entire existence. Notwithstanding what some would like to say, I have been enamoured with some of the work that ICAC has undertaken over the years. It has been, is, and will be into the future a fundamental tool in the fight against corruption in this State. It is a fundamentally important organ of government in this State. Mr Assistant President, I am sure that, given all the years you have served on the committee, you would share those views.

In recent times ICAC has been scrutinised over the way it went about certain investigations and for its handling of matters that were being prosecuted. When there is cause for scrutiny of a body such as ICAC, as parliamentarians we have an obligation to pay attention to those concerns. Irrespective of who was involved—Cunneen, Murray Kear or some other person—clearly there have been issues of concern raised with regard to how ICAC has dealt with certain of those matters. When the commission itself becomes distracted by how it does something, rather than being preoccupied with doing what it is meant to do, it opens itself and the good name of ICAC to derogating from the sole purpose for which it exists, which is to investigate and expose corruption.

There is no doubt that ICAC has extraordinary powers. It was set up to have extraordinary powers, and that was for good reason. Corruption is corrosive on public administration and the body investigating corruption must be able to target it, and target it well. However, that does not mean and it cannot mean that basic standards derived from natural justice should be abrogated. If that were the case, what we would be doing is simply replacing one evil with another—a more foundational evil that goes against every aspect of the rule of law and natural justice that we in this State all hold so dear and that is spoken of so often in this House. Members now have before them a bill that clearly reforms ICAC. I suggest that those reforms are crucial because they will ensure that ICAC remains a strong body in the fight against corruption in this State. I believe it is a good bill not only because of its content but also because of the way in which the bill itself was arrived at.

As members well know, notwithstanding what the Hon. Adam Searle has said, the bill's gestation has been extraordinarily long. We have had a large number of hearings and an enormous number of deliberative meetings involving members from across this Chamber, who have sought to arrive at a common position. Generally speaking, that demonstrated how a committee can do good work—by taking submissions, conducting public hearings, and engaging in thoughtful and open consideration of the matters as they arise. In many ways the work of the committee was the culmination of events relating to actions of ICAC itself. The Premier asked the Inspector of ICAC, the Hon. David Levine, to develop a proposal for reforms. The committee of which I was a member had the pleasure of considering that inspector's report. It is very clear that all members, when considering that report, applied their independent minds to the conclusion.

It would have been quite easy for members of the committee to have simply wrapped their arms around Inspector Levine's report and said, "That's the way to go." If the committee had adopted that proposition, that would have involved the abandonment, for instance, of public hearings. That is what he proposed, but that is not

what the committee recommended because all the members of the committee were unanimously of the view that the existence of public hearings is of fundamental importance in exposing corruption. All of us came to that view and all of us rejected those parts of Inspector Levine's reports that sought to simply turn ICAC into what would be the equivalent of the Hong Kong model.

As I have said repeatedly, the committee produced a unanimous report and those recommendations are reflected in the bill. While there is much contained in the reforms—I think there are 23 recommendations encapsulated by the bill—there are three points I make. First, ICAC must promote fairness in the exercise of its powers by following rules of procedural fairness in public inquiries and before publishing adverse findings in reports. Part of that would be that ICAC will develop guidelines concerning procedural fairness that its staff and counsel assisting will be obliged to follow.

I am reminded of the comments of Mr David Shoebridge when he spoke at the Committee stage of the Law Enforcement Conduct Commission [LECC] Bill 2016. He reflected on the gotcha moments and the need for procedural fairness at public hearings of the ICAC and the former Police Integrity Commission. Mr David Shoebridge sympathised with people who were the subject of those gotcha moments. The levels of procedural fairness that apply in court are not wanted or appropriate for a body such as ICAC. That is the position I adopt and that is the position adopted by the committee. ICAC has a particular role to play and that is to expose corruption. Where public hearings are the right forum in which to do that, certain strategies are to be employed by the commission and counsel assisting to be able to conduct a thorough investigation. I think we all want ICAC to continue to effectively expose corruption, but in public hearings that must be done in a manifestly fair manner. Chief Justice Gleeson in *Ex parte Lam* laconically encapsulated that concept of procedural fairness when he said:

Fairness is not an abstract concept. It is essentially practical. Whether one talks in terms of procedural fairness or natural justice, the concern of the law is to avoid practical injustice.

This concept is in stark contrast—I emphasise the word "stark"—to the words of Commissioner Latham. It will no longer be possible to pull the wings off butterflies. The second point of reform I wish to address is improvement in the structure and governance of ICAC. The restructuring of the commission to a three-member commission will strengthen the decision-making processes of the ICAC and bring a more diverse set of skills and experience to bear on ICAC's deliberations. In a sense it is that breakdown of the silo and the lack of ability to enervate intellectual energy at the very top that we saw exposed in the decision-making process that applied in, for instance, the Cunneen matter and—regrettably, I have to say—repeatedly exposed in the Kear matter until the last few weeks when a letter to the editor appeared in the august publication known as the *Temora Independent*.

One has to wonder about the reasoning processes and come to the view that there needs to be a re-energising of the intellectual depth that runs the organisation. There needs to be balance at the top. During the hearings of the ICAC committee what struck me was my experience before the Wood royal commission. In my time as what is so frequently described in this place as my performance as a solicitor in the Tamworth traffic court, I had the pleasure of having a number of clients being called before the Wood royal commission. As we would all know, the Wood royal commission investigated the police, and a number of those police officers were in the north-west of the State.

Mr David Shoebridge: Not Chook Fowler, though.

The Hon. TREVOR KHAN: Luckily I was not given that little pearl to deal with. What was very clear during the Wood royal commission was that the commissioner himself, counsel assisting and the staff assisting them were capable of applying a subtle and forensic use of the powers of that royal commission. Cases were built during what we now know as private examinations, so that by the time the public hearings occurred the case against the person had essentially already been made. Indeed, Mr David Shoebridge referred to one of the grand examples of that in Chook Fowler and his activities and the activities of his associates in Kings Cross.

No-one will forget the effective use of various electronic intercepts and the use of the famous green door. This involved calling a witness before the public hearing to affirm the evidence that had been given in the compulsory examination, the private hearings, to confirm what would often seem to be a line of lies. That witness would then be stood down and one of his or her associates would be brought through the green door after that associate had rolled some days, weeks or perhaps even hours before. One saw both the theatre of the exposure of lies and corruption within New South Wales police and, in regard to any witnesses that followed, the fear factor that applied because anyone who was being called before that royal commission could expect that somebody else had already rolled; somebody else had already dobbed. It was an extraordinary use of royal commission powers and an extraordinary use of subtle forensic investigation. That was repeated in the Queensland royal commission.

The forensic skills we saw used in the Wood and Queensland royal commissions I believe were translated in large part to bodies such as the Crime Commission in New South Wales. However, the lessons learned from the Wood royal commission were entrenched into the way that ICAC has carried on its work, particularly of late.

But the use of private examinations or compulsory examinations by ICAC has not been nearly as effective. Indeed, in the evidence that Commissioner Latham has given before the Committee on the Independent Commission Against Corruption, we have heard that her expectation is that in the holding of the public examination things will somehow develop and gather momentum. That is a return to the way royal commissions were run in the past, for instance the Wood royal commission and earlier ones. But ICAC's public examinations were not as effective because essentially they involved—

Mr David Shoebridge: Trials.

The Hon. TREVOR KHAN: —running a trial. That did not work in the exposure of corruption. Yet that seems to have been the model that has become the norm in the way that ICAC has operated of late. I think the pre-Wood royal commission model is wrong. It shows the lack of intellectual depth in what ICAC is currently doing to fight corruption. I acknowledge that public inquiries and public hearings serve an important purpose in exposing and preventing corruption, but they also cause significant reputational damage to individuals. That is why this bill requires a majority of the three commissioners to consider carefully whether it is appropriate to proceed by way of a public examination. This is an important step. It is not procedural; it is about ensuring that by the time people get to the public hearing, first, they have a proper case to present and, secondly, they take proper steps to avoid reputational damage that will be inflicted upon the individuals involved. Perhaps that reputational damage is deserved, but the balance has to be right and ICAC has to believe that it is worthwhile inflicting that reputational damage.

My final point is that the forms will provide enhanced evidence-gathering powers for criminal prosecutions and improved oversight arrangements for ICAC. Mr Assistant President Nile, I know you, as a member of the ICAC committee, along with every other member of the committee, have been concerned about the failure of so many criminal prosecutions and the failure to proceed to criminal prosecutions in so many instances. The bill introduces a new section 52A to make clear that ICAC may use certain evidence-gathering powers after ICAC has completed its investigations. If the Director of Public Prosecutions [DPP] or the Electoral Commission requests ICAC to do so, ICAC may exercise certain powers to gather and assemble evidence that may be admissible in the prosecution of a person for a criminal offence and to furnish the evidence to the Director of Public Prosecutions or the Electoral Commission.

This amendment will allow ICAC to obtain evidence in response to requests from the DPP and the Electoral Commission for additional evidence, such as bank documents or telephone records, and furnish that evidence to the DPP or the Electoral Commission. I again observe that the Murray Kear matter was an unfortunate way for this issue to come to light. ICAC now has a costs order against it as a result of the failure to disclose evidence to the DPP. The bill also inserts a new section 112 (1B) into the Act to provide that a non-publication order made by ICAC will not prevent the disclosure of material by a member of the staff of ICAC to the Director of Public Prosecutions in accordance with the duty of disclosure under section 15A of the Director of Public Prosecutions Act.

This new requirement to disclose evidence will not only aid the work of the DPP but also form part of the new procedural fairness requirements. This bill is a product of the work of the members of the ICAC committee. We worked in a bipartisan way to produce the committee report. We all made a series of compromises on what we thought were the ways forward. I urge all members of the House to show courtesy to the members of the committee and recognise that the shadow Attorney in this State did his best as a member of that committee, as I did, to come up with a unanimous report. We did that so as to make the State better. [*Time expired.*]

Mr JEREMY BUCKINGHAM (12:48): I lead for The Greens in debate on the Independent Commission Against Corruption Amendment Bill 2016 and I state at the outset that this bill represents Sydney Incorporated. It shows the very worst of Sydney. We would expect to see legislation such as this in *Sin City*, a Frank Miller comic. Sydney elites, mining magnates, political insiders, property developers, corrupt politicians and their associates are getting together to gut an institution that has had public support in fighting corruption for more than 20 years, and to execute a commissioner who has been doing her job because she had the temerity to go after those elites. She had the temerity to stand up to the shiny-arsed lawyers—wigs on, driving around in their Maseratis—whom the people do not trust, the corrupt politicians whom the people do not trust and the mining magnates because they have been shown to be corrupt.

How did this witch-hunt with Levine and the parliamentary inquiry start? Did it start after Operation Tunic? Did it start after Operation Sonet? Did it start after Operation Vika? Did it start after Operation Misto? Did it start after Operation Jarah? I could go on. What precipitated this witch-hunt? Was it the Government's faux concern about the integrity, operation and independence of the Independent Commission Against Corruption? No. It started because the ICAC came after the political insiders and the Government paid the price. Operation Spicer precipitated this witch-hunt, because those insiders got caught breaking the law. The commission—an independent statutory standing royal commission—did its job and exposed the corruption, the malfeasance and

the rottenness in the elites of Sydney and the Liberal Party, and it did it in Operation Spicer. The community applauded that. What did the political insiders like the Hon. Trevor Khan do then? They went after the head of ICAC. It is shameful that a man like the Hon. Trevor Khan would come into this Chamber and not mention—

The Hon. Duncan Gay: Point of order: The member has left—

Mr JEREMY BUCKINGHAM: Didn't like it, did you, mate?

The Hon. Duncan Gay: No, I did not like it because I thought it was a totally inappropriate action against the Hon. Trevor Khan. It is one thing to address the bill, issues and possible views of political parties but another thing to centre on particular persons and to paint them in a certain way. That needs to be done by way of substantive motion, not in such a contribution to debate on a bill.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I uphold that point of order. Mr Jeremy Buckingham knows the procedure: If he wishes to attack a member personally on honesty it has to be done by way of substantive motion and not be included in a speech.

Mr JEREMY BUCKINGHAM: The one thing that the Hon. Trevor Khan did not mention in his contribution was the fact that the Government is executing the Hon. Megan Latham. There are 35 recommendations some of which have merit regarding the improved operation of ICAC, but the Hon. Trevor Khan did not mention the fact that, with no justification, this will execute the commissioner. Why? That was the only way this disgusting rotten bill, introduced in the dying days of this parliamentary session, would get through the Liberal party room. We all know there was uproar in that party room. I put on the record the information I have received: The Liberal party room moved that the only way it would support the bill is if the bill were to sack the commissioner. It wanted blood. The Liberal Party wanted the commissioner's blood on the floor because she had the temerity and courage to go after those political insiders and those elites.

I will list those insiders: former Liberal MP for The Entrance, Chris Spence; former Liberal MP for Newcastle, Tim Owen; former Liberal MP for Swansea, Garry Edwards; former Liberal MP for Port Stephens, Craig Baumann; former Liberal MP for Wyong, Darren Webber; former Newcastle Lord Mayor Jeff McCloy; and solicitor Nick Di Girolamo. Most importantly, there was the Premier's mate, the person the Premier loved, that good bloke Andrew Cornwell—the bloke who sat in the back of the Bentley and took thousands in a brown paper bag. He was a disgrace to this Parliament and a man who should never have taken office. He got in because he is a cheat, corrupt and a good mate of the Premier. I asked the Premier about this at budget estimates. I asked him what he thought about Andrew Cornwell and Mike Gallacher. This is what he had to say:

They have all done wrong; there is no doubt about that. But do you not think that they have paid a heavy price personally, professionally and from a family point of view? ... I would argue ... that every one of them has paid an incredibly high price for what they have done. They have done wrong—I am not trying to dispute that—but I think that they have paid a heavy price.

That is the Premier lamenting the fall of his mates, particularly the fall of his mate Andrew Cornwell, a rotten, corrupt member who should never have got into this place because he got here through corruption, scandal and bribery. That was exposed by the ICAC doing its job in Operation Spicer. The Government did not come to office and say, "We'll have a reform of the ICAC. It can do so much better." This review came about because the ICAC came after those Sydney elites and insiders. It is an absolute disgrace that this bill is being snuck through this place. I put on record that the committee that reported on the functions of ICAC did not have any Greens members on it. It was a shameful committee—a witch-hunt—which put forward a number of recommendations.

The most abhorrent of those was the stacking of the commission, with two commissioners being appointed by the Government to stop the commission from doing its work. The people of New South Wales should take note: This bill has been rushed through Parliament. It has had no exposure in the community. It has taken no submissions from eminent members of the community and the legal profession. The Government is enabling a stacking of the ICAC. It does not operate like the Law Enforcement Conduct Commission. We recognise and support the Opposition amendments to make appointments with the concurrence of the commissioner, but we do not support a stack such as the Government has put forward—two people put into ICAC to nobble any future inquiries. I join the Hon. Adam Searle in noting the contribution of Mr Anthony Whealy, who was reported in the *Sydney Morning Herald* as blasting these proposals. He said:

If we read about this in a third world country—a public inquiry into politicians behaving badly, donations being made illegally and secretly, a report published and then the government brings forward legislation to get rid of the head of the organisation which published the report and tries to dilute the powers of that person, you'd say ... well, same old, same old, it's corrupt.

This legislation is a farce—an absolute joke, plain as day. The people in the community understand it. It is symptomatic of an arrogant, disconnected, out-of-touch government being smashed at the ballot box in Orange, the National Party heartland, and facing electoral oblivion. This is an arrogant, disconnected, patronising Premier. He gets a bad report from ICAC and he goes after ICAC full throttle. The Commissioner, Ms Latham, said in response:

... the bill represents an unprecedented attack on the independence and effectiveness of the commission as a leading anti-corruption agency ...

That is what the commissioner said about the effectiveness of the commission and the process of stacking it with government appointees. She said that it "represents an unprecedented attack on the independence and effectiveness of the commission as a leading anti-corruption agency". The article went on to say that the bill raised "questions about ICAC's ability to deliver a final report in Operation Credo, the investigation of Australian Water Holdings involving the Obeid family and now Senator Arthur Sinodinos", the bad men of the Liberal Party, operating in the shadows, working with the rotten quasi-autonomous non-government organisations working with the mining magnates, stitching up government contracts, funnelling money through backdoors to the Free Enterprise Foundation and laughing at the people of New South Wales. The Government is saying, "We'll make laws for you, but the laws we make for ourselves will mean that we bust up and nobble the people who try to hold us to account." This is an absolute disgrace. It is as bad as it gets. It is Sydney Incorporated.

It is an absolute disgrace. We are witnessing political insiders looking after themselves. The Greens will not support this legislation, but we will consider the Opposition's amendments. However, this will be front and centre of a public campaign. The Greens support the Opposition's proposal to delay this debate for six months. If the Government intends to execute a commissioner and to stack the commission, The Greens will ensure that it is held to account. The Government should have the courage to take this proposal to the community and to argue its case. The Hon. Trevor Khan certainly could not; he did not mention those things. He said that it would invigorate intellectual rigour. What garbage!

This legislation will ensure that someone can pick up the phone and say, "Kill this off, mate. We don't want the rocks to be flipped over on this issue. I went to school with him." That is how Sydney works. It should not, because it is unfair and it is not good government. We should hold the Executive to account, and this legislation will not do that. It is absolutely disgusting. Former Greens members of this place Ian Cohen, Lee Rhiannon, and John Kaye led the charge to root out corruption for a generation. David Shoebridge, our fellow Greens members in this place, the member for Balmain, Jamie Parker, and I will continue to fight against corruption. That is one of our key jobs in this place. We were not part of the Government's witch-hunt and we did not sign on for this. The community is also not a part of it. It is an absolute disgrace. The Greens will fight the Government tooth and nail on this issue.

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

Visitors

VISITORS

The PRESIDENT: I welcome to the public gallery Mr Robert and Mrs Margaret Blair, the aunt and uncle of the Hon. Niall Blair, MLC, Deputy Leader of the National Party, Minister for Primary Industries, and Minister for Lands and Water. Mr and Mrs Blair are visiting from Northern Ireland and are in Australia for the first time. They are here to celebrate Mr Blair's seventieth birthday and that of his twin brother, John Blair, the Minister's father. Welcome and I hope you are enjoying your visit to Parliament House and that your nephew entertains you during question time.

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

Questions Without Notice

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. ADAM SEARLE (14:30): My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Given the National Disability Insurance Scheme [NDIS] client registrations are only a third of what was anticipated, will the Minister admit that the New South Wales Government has bungled the rollout of the NDIS?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:31): First, one cannot accept anything that comes from the other side of the House when it comes to facts and figures.

The Hon. Adam Searle: Point of order: The Minister is debating the question. I ask you to call him to order.

The Hon. Duncan Gay: To the point of order: The Minister is not debating the question; he is stating the truth. Stating the truth is not debating.

The PRESIDENT: Order! Other than the original intervention, there was some validity to everything that followed, but the Minister was in order.

The Hon. JOHN AJAKA: Let us first look at the numbers of those who are obtaining their plans under the NDIS and having choice and control in their lives. In the three-year trial period, we met the numbers that we were required to meet in this State. In fact, we were so far ahead of every other State, we were the only State that was allowed to commence its rollout 12 months early in the Nepean-Blue Mountains area, where an additional 2,000 young people entered their NDIS claims. Where every other State and Territory was falling behind, the Commonwealth was acknowledging that New South Wales was the number one State in meeting the requirements of the NDIS. In fact, the other States started seeking the assistance of my wonderful agency, Ageing, Disability and Home Care [ADHC]. That is what happened—the other States and Territories came knocking on our door asking for assistance. As we then commenced the rollout on 1 July 2016, in accordance with the bilateral agreement, the NDIS was required to ensure that it signed—

The PRESIDENT: Order! There is far too much interjection coming from government members.

The Hon. JOHN AJAKA: The NDIS was required to enter into plans in accordance with the numbers of our bilateral agreement. That is what it was required to do in the first quarter of the 2016 bilateral agreement. It was also required to meet the quota of the number of plans to be entered into in the second quarter.

The PRESIDENT: Order! I call the Hon. Daniel Mookhey to order for first time. I call the Hon. Penny Sharpe to order for the first time. I call the Hon. Adam Searle to order for the first time. I call the Hon. Walt Secord to order for the first time.

The Hon. JOHN AJAKA: To his credit the Federal Minister, Christian Porter, admitted that the NDIS Myplace Participant Portal had failed. Christian Porter made it clear that the Federal Government failed to deliver what it was required to deliver under our bilateral agreement.

The Hon. Walt Secord: Point of order: For simplicity, is not the answer then "yes"?

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

The Hon. JOHN AJAKA: The Federal Government, through its agency the NDIS, failed to deliver what it was required to deliver with the Myplace portal. Put simply, the computer failed to take in the extra clients that were being taken in with their plans. At the Council of Australian Governments meeting the Federal Minister accepted the fact that there was a problem and he commissioned the independent experts to come up with an immediate solution. All the state Ministers accepted that. [*Time expired.*]

ILLAWARRA ROADS INFRASTRUCTURE

The Hon. MATTHEW MASON-COX (14:36): My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the New South Wales Government's historic level of investment in roads across the Illawarra region?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:36): I thank the honourable member for his question. The New South Wales Liberal-Nationals Government has invested more than \$38 billion to build, upgrade and maintain roads, bridges and maritime freight assets. This is the highest level of funding for roads and freight in the State's history. We are getting on with the job of building road infrastructure right across the Illawarra and the South Coast, and it is a game-changer for the communities in this region. One only has to look at the work currently underway along the length of the Princes Highway. Our major projects—

The PRESIDENT: Order! I remind the Hon. Walt Secord that he is on two calls to order. It would be a record for him if he were tossed out before he asked his question.

The Hon. DUNCAN GAY: Our major projects are not only improving safety but are also boosting the local economy and providing jobs. The Government has invested more than any Government in the Princes Highway, following years of Labor neglect that left this region on a road to ruin. The facts speak for themselves. Since coming to office the Government has invested in road infrastructure to the tune of \$1.4 billion. This is a 110 per cent increase on the Labor Government's \$650 million in its last five years in office. To make a comparison, five years on five years—\$1.4 from this Government; \$650 million from Labor when it was in government. This is in an area where Labor holds the electorates—that is an indication of the neglect Labor shows to the people they represent. It is a good reminder—and I am sure The Greens will take this on board—that Labor has always taken the people of the South Coast and the Illawarra for granted. This record investment includes \$15 million this year to start work on Dignams Creek; \$58 million to build the Burrill Lake Bridge; and \$580 million for the Foxground and Berry bypass.

The good news does not end there. The Government is planning for additional lanes on the Princes Highway at Mount Ousley Road between Picton Road and Bulli Tops. The New South Wales and Federal Liberal-Nationals governments are investing \$42 million each in those roads. I thank the sensible, benevolent Government in Canberra. It is a bit different to when Mr Albanese and the forces of evil were in Government. Let us also not forget the \$1 million this financial year for the planning of the Mount Ousley interchange. I also remind the House of the recently opened \$14 million Bemboka bridge that the honourable member asked me about yesterday. The Hon. Matthew Mason-Cox is on top of things that are happening in the southern part of the State.

The Hon. Greg Donnelly: But he doesn't know where this electorate is.

The Hon. DUNCAN GAY: He did know which electorate. He knew which electorate it was before the redistribution—that is how on top if it he is. The \$340 million Princes Highway upgrade at Gerringong is improving safety and journey times for motorists. As I said yesterday, completion of the Bemboka bridge is absolutely vital for the communities on the South Coast.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. WALT SECORD (14:40): My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is his response to community concerns that there is a back-door effort by the New South Wales Government to find ways to discourage people with disabilities from participating in the National Disability Insurance Scheme [NDIS]?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:41): What an outrageous question. That is an insult to every person with disability in this State. That is an insult to their families and carers. That is an insult to all of the workers—government and non-government—who work in the disability sector. That is the greatest insult to the great public servants who offer all of their time and energy—

The Hon. Walt Secord: Point of order—

The PRESIDENT: Order!

The Hon. Walt Secord: Confected outrage; confected outrage.

The Hon. JOHN AJAKA: That is outrageous. Shame on you!

The PRESIDENT: Both honourable members will sit down. The Minister will direct his remarks through the Chair. If the honourable member wants to take a point of order he should wait to be called and not start hurling abuse over the table towards the other side of the Chamber. I remind him a second time that he has been called to order twice.

The Hon. Walt Secord: My point of order goes to relevance. I would like to restate the question; the member has obviously misunderstood—

The PRESIDENT: It is unnecessary. I have heard the question and I do not require the Hon. Walt Secord to repeat it in order to make a ruling. There is no point of order. The Minister has the call.

The Hon. JOHN AJAKA: For the past 3½ years I have had the honour to travel this entire State, working with people with disability, their families and their carers. I have been working with the great public service workers from Ageing, Disability and Home Care [ADHC], the great workers from the non-government sector, and those wonderful workers from the National Disability Insurance Agency [NDIA] and the Commonwealth. The honourable member can be absolutely assured that every possible action to give people with disability the best choices—the best opportunities—to enter into the NDIA is occurring each and every day. Earlier I mentioned that this State leads the way. This is the only State that came up with the ability linkers to help open doors for people with disability, to help them to know what choices they have and to help them sit with planners from the NDIA to ensure that they enter into the best possible plans.

Earlier I also mentioned that there was an error with the Commonwealth computer system—the portal. To the credit of Minister Christian Porter, he immediately allocated 100 more employees, following an undertaking he gave at our Council of Australian Governments [COAG] meeting. Every Minister from every State and Territory accepted that undertaking, and it was fulfilled: An additional 100 employees were brought in so that more plans could be entered into in accordance with the respective bilateral agreements that we entered into with the Commonwealth. That is what is occurring.

We are still a bit behind schedule because of what occurred with the Commonwealth computer system but we are now tracking ahead, ensuring that the numbers are coming. Christian Porter, the NDIA, families and people with disability have made it clear that they do not want to be rushed and forced into a plan that they have

not accepted and that they are not ready for. The whole purpose is to ensure that they have the right options and the right plans. That is why these plans are being entered into appropriately. No-one is being forced to enter into a plan before they are ready. That is what is occurring, and that is what should occur. That is why we talk about giving choice and control to people with disability. What do the Labor members want? They just want to ram it through. That is not going to happen, because this State is leading the way to ensuring that all the appropriate action is being taken. That is what is occurring.

When I met with the Assistant Minister for the NDIS this morning in this Parliament—Jane Prentice—we covered that aspect. We pointed out to her that there were still some issues with the NDIA that needed to be tweaked and rectified. She guaranteed me that this is occurring and that it will continue to occur. As I travel the State I am continually encouraged by what people with disability, their families and their carers are saying to me. I am encouraged by what the service providers are saying to me. They are thanking us for leading the way in Australia. They are thanking us for the wonderful work that we have undertaken over the last three years.

The Hon. WALT SECORD (14:46): I ask a supplementary question. Will the Minister elucidate his answer with regard to the exact number of so-called linkers that he referred to in his answer. How many are working in New South Wales as of this week?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:46): First, the honourable member does not even understand how Ability Links works. If he understood anything about linkers he would ask whether we are talking about Aboriginal linkers—linkers that I started—or whether we are talking about linkers in the culturally and linguistically diverse [CALD] communities? What regions are we talking about? We have linkers across all of New South Wales.

The Hon. Walt Secord: Point of order: My point of order goes to relevance. To assist the Minister the question was about the exact number of linkers in New South Wales.

The PRESIDENT: Order! I have warned the member twice. He is now making a debating point.

The Hon. Lynda Voltz: Point of order: The Minister is debating the supplementary question. I ask that he be brought back to the question.

The PRESIDENT: There is no point of order.

The Hon. JOHN AJAKA: The Hon. Walt Secord asked the question, but he does not want to hear the answer. It is extraordinary. Let us look at the figures with respect to Ability Links—something that I am very proud of as the Minister. I devised the Ability Links that every other State and the Commonwealth now wants to model. Look at the numbers. Ability Links has been fully operational across New South Wales since July 2014, with 268 linkers and 79 early linkers. We also have 47 Aboriginal linkers and 27 Aboriginal early linkers. As at 30 June 2016, Ability Links has supported more than 58,000 people with disability. Does any other State have the links? No. Does any other Territory? No. Does the Commonwealth definitely want this? Yes. That is what is happening. As I go around the State and I meet people with disability linkers the one thing they tell me is that they see no-one from the Labor Party. Where is the shadow Minister? No-one has seen her. Yet Opposition members want to criticise me.

The Hon. Duncan Gay: Who is it?

The Hon. JOHN AJAKA: I have no idea who the shadow Minister is. To be honest, I do not know who the shadow Minister is anymore. Opposition members do not care. They have absolutely no desire to look after people with disability. *[Time expired.]*

The Hon. Walt Secord: Get ready for the ministerial carpet, boys.

The Hon. JOHN AJAKA: That is three—has to be.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the third time. I ask the Usher of the Black Rod to escort the Hon. Walt Secord from the Chamber. The Hon. Walt Secord is suspended from the service of the House until the conclusion of question time.

[Pursuant to standing order the Hon. Walt Secord left the Chamber, accompanied by the Usher of the Black Rod.]

OUT-OF-HOME CARE

The Hon. PAUL GREEN (14:50): My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for Family and Community Services, on behalf of out-of-home care recipient Janaya Hennessey. Given the ABC *Four Corners* program on Monday night, will the Minister indicate to the House what the Government is actively doing to support and improve circumstances for children leaving out-of-home care after the age of 18? Furthermore, does

the Government have any intention to support and extend care programs into the future to ensure a smooth transition from out-of-home care to independent living beyond 18 years of age?

The Hon. Greg Donnelly: Good question.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:51): It is a good question. I thank the Hon. Paul Green for his question. At the outset I congratulate the Hon. Brad Hazzard on the extraordinary work he is doing as the Minister for Family and Community Services, and Minister for Social Housing.

The Hon. Greg Donnelly: Give us a break.

The Hon. JOHN AJAKA: The Hon. Brad Hazzard is a Minister who has real concern and is taking appropriate action to look after the needs of vulnerable people and our youth who require assistance, particularly out-of-home care. As the Hon. Paul Green sought specific information in response to his question, I will refer the question to the Minister for Family and Community Services, and Minister for Social Housing and come back with an answer.

SENIORS CONCESSIONS

The Hon. GREG PEARCE (14:51): My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will he update the House on the Government's election commitments to deliver more savings for seniors?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:52): I thank the Hon. Greg Pearce for his question and for his continued assistance with the State's seniors. I know he has a real passion for and takes a keen interest in our seniors. As members are aware, at the 2015 election this Government committed \$2 million to expand the New South Wales Seniors Card program with more discounts and deals to deliver more savings for seniors. This Government is delivering on that promise, as it delivers on all its promises—unlike Labor members, who have never delivered on a promise.

The PRESIDENT: Order! There is far too much chatter on the Government back bench. The Minister cannot be heard.

The Hon. JOHN AJAKA: The Government is working hard to assist older people with the cost of living and supporting them to stay active, healthy and socially connected. The New South Wales Seniors Card is one of the most commonly used services for New South Wales residents over the age of 60 years who work fewer than 20 hours a week. To support the Government's commitment of delivering even more deals, Seniors Card is running a business acquisition campaign that has welcomed a further 1,200 new businesses into the program since the campaign was launched on 18 October. The campaign will run until mid-December and aims to further increase the number of businesses in the program. This big new recruitment push will significantly boost the number of businesses in the program. Put simply, this will give our seniors more choice and control, as well as more discounts.

I am happy to report that the response has been very positive with businesses from right across the spectrum that are choosing to offer a discount to our Seniors Card members. The businesses joining the scheme range from lawyers and accountants to clothing stores, restaurants, fitness centres and electricians, plumbers and pharmacies. Seniors Card members can receive discounts of 10 per cent, 15 per cent, 25 per cent and even 50 per cent on goods and services simply by presenting their Seniors Card. The key to the seniors card success is the participation of New South Wales businesses, which I commend for their commitment to their local communities.

Businesses that join the Seniors Card program recognise that older people in New South Wales make up one of our largest consumer groups. There are almost 1.5 million Seniors Card members in New South Wales. The Government knows that they prefer to shop with businesses that accept the card, so this is a great boost for business and for the community. Among the more than 3,000 businesses that participate in the Seniors Card program, Seniors Card members can take up great offers from any of our major corporate partners.

Mr Jeremy Buckingham: Time!

The Hon. JOHN AJAKA: I am sorry that Mr Jeremy Buckingham is not interested in our seniors. I know that The Greens really do not care about anyone but themselves. But, seriously, Mr Jeremy Buckingham should just listen.

The PRESIDENT: Order! The Minister will address his comments through the Chair.

Mr Jeremy Buckingham: Point of order: The Minister has made a heinous allegation. He said that I do not care about seniors, which is an imputation I entirely reject. I care about Minister Ajaka and Duncan Gay, and what will happen to them when they lose their jobs in a couple of months.

The PRESIDENT: Order! Mr Jeremy Buckingham will resume his seat. I call Mr Jeremy Buckingham to order for the first time.

The Hon. Catherine Cusack: Point of order: I simply ask that members be reminded that interjections are disorderly at all times. The Minister has faced a barrage of interjections as he attempts to inform the House of his answer.

The PRESIDENT: Order! Indeed, the Minister has, and mainly from the chatter on the Government back bench, which has been at a totally unacceptable level. The Minister has the call.

The Hon. JOHN AJAKA: Since the election, the Government has announced a number of new and exciting partnerships, including discounted broadband internet with Telstra and discounts on gas and energy options with AGL and Powershop, to name a few. In October this year I was happy to announce Seniors Card's latest partnership with telecommunication provider Vodafone. The offer gives Seniors Card members one month free when they switch over or upgrade to any of Vodafone's \$40 or above handset plans or SIM-only plans in store. Vodafone also will be holding six in-store workshops for Seniors Card members from November 2016. I congratulate those businesses.

CRANKY ROCK DAM

Mr JEREMY BUCKINGHAM (14:57): My question is directed to the Deputy Leader of the Nationals and Minister for Primary Industries, and Minister for Lands and Water. Given the record swings against The Nationals candidate and the Government in the Orange by-election, will the Government now abandon its plans for the Cranky Rock Dam?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:58): I thank Mr Jeremy Buckingham for his question. The long and the short answer is no. When this Government makes a commitment, it honours that commitment. That is what this Government has done with all of its infrastructure projects. In particular, this Government put record amounts of money on the table for regional water infrastructure projects. I remind Mr Jeremy Buckingham that he stood in the way of those projects, particularly for the people of the Far West of New South Wales. This Government honours its commitments. The Government said that it would fund the feasibility study into a dam on the Belubula River, and that is what the Government is doing. When we said that we would progress that project, we meant it and that is exactly what we are doing. We honour our commitments. This Government has delivered record investment into regional water infrastructure. We are setting up our regional communities for the next century. This is the only Government with a plan—

The Hon. Penny Sharpe: Pre-empted the feasibility—

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

The Hon. NIALL BLAIR: This is the only Government with a plan for regional New South Wales in the past 20 years because—

The Hon. Penny Sharpe: How did that go at the weekend?

The PRESIDENT: Order! I warn the Hon. Penny Sharpe.

The Hon. NIALL BLAIR: This Government understands what these types of infrastructure projects can mean for the lives of people in regional New South Wales and also the economies of those communities. Those opposite, particularly the member who asked the question, stood in the way of those plans. This Government came to the last election not only with a plan to deliver infrastructure but also with the means to fund that infrastructure. The difference is that we are delivering the plans for the future and we are funding and building the infrastructure of the future. Those opposite want to play politics with the lives of the people of New South Wales, particularly those living in regional New South Wales. We will not stand for that. We honour our commitments, we continue to deliver for regional New South Wales, and we will continue to do that well and truly into the future.

Mr JEREMY BUCKINGHAM (15:00): I ask a supplementary question. Could the Minister elucidate his answer regarding dams on the Belubula River by informing the House about how many other dams already exist on the Belubula River?

The PRESIDENT: Order! I rule that that is a new question.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. PETER PRIMROSE (15:01): My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Given that local National Disability Insurance Scheme [NDIS] coordinators are conducting over-the-telephone client interviews and information collection for clients with intellectual and other disabilities, rather than conducting face-to-face interviews, is the Minister concerned that this practice is contributing to the lower registrations by failing to appropriately assist those who are seeking this much-needed support?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:01): As the Hon. Peter Primrose is well aware, the National Disability Insurance Scheme [NDIS] coordinators are part of the National Disability Insurance Agency [NDIA], which is the Commonwealth agency with responsibility for the scheme. The member fails to realise that formulating a plan is not simply a matter of one agency or one person dealing with the person with disability. A number of steps are taken in formulating a plan. The first contact steps are followed by the first interview steps. These are followed by meetings to obtain information, which in turn are followed by plan preparation. In many cases preparing a plan involves many drafts as more information is obtained at each step. The final plan is entered into when persons with disability, their family and their carers are happy with the plan.

Sometimes information is obtained by speaking to the person with disability, if that person is able to communicate the necessary information. Sometimes that information is obtained with the assistance of family members or carers. Sometimes that information is obtained with the assistance of a service provider involved in the care of the person with disability. Sometimes that information is obtained with the assistance of ability linkers that I have mentioned on numerous occasions. Sometimes that information is obtained with the assistance of workers from the agency who provide assistance. Sometimes that information is obtained when the person with disability speaks to agencies such as Health, Mental Health or, in some cases, Justice. A plan is never entered into following just one phone call. If the member honestly believes that is what happens, he should study the situation. If those opposite could find the shadow Minister for Disability, he or she might assist in informing the member about what happens on the ground.

Clearly, those opposite do not know what happens in developing these plans. My agency is working with the NDIA to ensure that appropriate information is obtained in drafting care plans. My agency was required to transfer information to the NDIA by a certain date, as were agencies in all States and Territories. The only State that provided all the information by the due date was New South Wales because it had put in place appropriate steps to ensure the smooth transition of people with disability from our system based on Action on Disability within Ethnic Communities to the NDIS. We have ensured that the transition has occurred in the smoothest possible way, with only one priority: Ensuring that people with disability either maintain their existing services or obtain better services under their plan. No-one will be worse off under the NDIS. As I have often said, people with disability have a right to enter into the plan that they want. It is their right to determine what goes into their plan. The drafting of some plans takes longer than others: Each person with a disability has different needs and different circumstances. [*Time expired.*]

PRIMARY INDUSTRY SECTOR ACHIEVEMENTS

The Hon. RICK COLLESS (15:06): My question is addressed to the Deputy Leader of The Nationals, Minister for Primary Industries, and Minister for Lands and Water. Will the Minister provide the House with an overview of the New South Wales Government's achievements in the primary industry sector?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:06): As I touched on briefly yesterday, the primary industry sector underpins the economic, social and cultural fabric of our regional communities. That is why, as the party that best represents regional New South Wales, The Nationals are committed to continuing to deliver for our primary industry sector. We have committed to increasing the value of our primary industry sector by 30 per cent by 2020. I am pleased to inform the House that we are on track to meet that commitment, with the sector currently valued at a record high of \$13.9 billion, a 19 per cent increase over the past two years.

Obviously, seasonal conditions and global commodity prices play a big part in the value of the industry, but in government The Nationals are getting on with the job of making life easier for our primary producers. This year's New South Wales budget delivered more than \$1.4 billion to support the primary industry, lands and water sectors, and this is indicative of this Government's commitment to supporting our primary producers. We have also delivered on a number of important commitments. First, we are delivering our \$300 million NSW Drought Strategy, which includes \$250 million for the Farm Innovation Fund and \$2.5 million to work with the Bureau of Meteorology to develop a better network of weather stations.

We have taken the Biosecurity Bill through the New South Wales Parliament, delivering on a commitment to also establish the NSW Biosecurity Advisory Committee. The first alkaloid poppy crops are expected to be in the ground next year, following the successful passage of the Poppy Industry Bill 2016 through this Parliament. This will give our growers an opportunity to be part of a new high-value rural industry with strong prospects for future growth. We hosted a summit to look at multi-peril crop insurance and are now investigating how the Government can assist to grow this new market and help croppers to manage risk. We have implemented Australia's first Right to Farm Policy. We are investing more than \$1 billion to improve water security in regional New South Wales, including the investigation of a new dam on the Belubula River in the Lachlan Valley and playing a critical role in increasing the capacity of Chaffey Dam at Tamworth.

We have had the Natural Resources Commission conduct a comprehensive review of pest animal management. Our farmers bear the brunt of the devastating impacts of pest animals, which cost the New South Wales economy at least \$170 million a year in lost production, and we are now carefully considering the Natural Resources Commission recommendations. The Department of Primary Industries has released investment in research and development, and we are focused on bedding down the local land model for farmers to provide better agricultural service delivery. I was pleased to confirm recently that the NSW Department of Primary Industries will stay in Orange until at least 2040.

Our food and fibre industries are a huge part of the State's economy and the lifeblood of regional New South Wales. The New South Wales Government has a clear strategy to grow our primary industry sector for future generations and to ensure the industries within the sector are best placed to capitalise on the ever-increasing global demand for our high-quality, clean and safe produce. Those on this side of the House remain committed to growing the primary industries sector by 30 per cent by 2020. The New South Wales Government will continue to deliver on its commitments to ensure the primary industries sector realises its enormous potential for future growth.

ILLEGAL LAND CLEARING

Dr MEHREEN FARUQI (15:10): My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for the Environment. Given this week's revelations on *Lateline* which showed that the Government dropped investigations into illegal native vegetation clearing following intervention from the member for Barwon, how many other investigations into land clearing have been dropped at the behest of Government members?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:10): I will refer the member's question to the Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning and come back with an answer.

COMMERCIAL FISHERIES BUSINESS ADJUSTMENT PROGRAM

The Hon. MICK VEITCH (15:10): My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given that we have only 16 days until many fishers have to make significant decisions on whether or not they sell their businesses, when will the results of the preview share market trial be made available to commercial fishers in New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:11): I am sure the Hon. Mick Veitch is aware that other members of this House have been meeting with representatives of the fishing industry. I too have continued to meet with representatives of the commercial fishing sector, and I believe that moves are afoot to conduct an inquiry into the commercial fishing sector in New South Wales. I make this commitment: While we will continue to talk about that inquiry, to which people will be able to make submissions, and its terms of reference, this Government is clearly getting on with making sure that it supports our commercial fishers in New South Wales.

This industry has been under enormous strain for many years. One of the biggest impacts on the sector was a decision of the Labor Government in 2007 which, with one stroke of a pen, took away the catch history of many hardworking businesses in New South Wales and levelled it out across the sector. That set in train a series of events so that in 2016 we see a sector that is hurting and grieving and that needs to reset and restructure to be sustainable in the future. We are committed to making sure that we perform this transition and complete shares in a way that takes the industry along with us. For too long too many governments have made decisions about the future of commercial fishers in this State that were not in the best interests of those fishers. Those decisions, poorly thought through and hastily implemented, have meant that the sector now is unsustainable economically, and there are questions in some of our industries about the sustainability of the resource that the sector relies upon as well.

The Hon. Mick Veitch: Point of order: My point of order relates to the relevance of the answer. I appreciate the Minister's introductory remarks to the response, but the question was, "When will the results of the preview share market trial be made available to fishers?"

The PRESIDENT: The Minister has been providing generally relevant information and therefore is in order, but I would direct the Minister to the terms of the question.

The Hon. NIALL BLAIR: We will not compound the problems that this industry is facing. It is difficult to traverse the mess that has been left, and it is something that many in the sector do not want to go through. Unfortunately, some are choosing to leave the sector as a result. We brought forward the preview round to make sure we could provide as much information and comfort to the sector as possible. We announced that we were going down the path of linkages in May this year. We did not crash this through and we have made a number of adjustments along the way. We are analysing the results of the preview round and will be meeting with fishers to communicate the lessons learned from that preview round. One of those lessons is that the share trading platform does work. We know it is easy for fishers to use, even though those opposite ran the line that the system had crashed, which was incorrect. We continue to meet with industry to explain this complicated reform process. We will be with the industry shoulder to shoulder through this difficult time.

The Hon. MICK VEITCH (15:16): I ask a supplementary question. Will the Minister elucidate that part of his answer relating to providing information to fishers about the results of the preview share market trial he spoke about?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:16): We are analysing the data and the lessons from that preview round and working out the best way to communicate that to fishers. The sector is fearful that people may be gaming the system or using the information for personal gain, and there have been accusations of this behaviour. That is not lost on me. I do not want to add to the uncertainty or mistrust in the sector by releasing a lot of information that may be used for others to potentially gain advantage in the share trading program we are commencing early next year. We will analyse what has come out of that, make sure that we receive the appropriate probity advice and then look at the type of information we can disseminate to the sector.

There are more than 1,000 different case studies in the commercial fishing industry in New South Wales. They are all different. They are structured differently, they are in different regions, they have different share classes—it is complicated. I will not add to the mistrust. I will not just put information out there, particularly if it is confidential information pertaining to individual businesses. We are analysing what we can do to share with the industry so that we can help it make informed decisions about its future. We are not crashing this through. It is bloody difficult, but we have to take fishers with us. We are trying to get this right because there are a lot of wrongs we need to fix.

APPIN ROAD UPGRADE

The Hon. SHAYNE MALLARD (15:18): My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the progress of upgrades along Appin Road?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:18): I get all the good questions! I thank the member for that most important question. I am surprised that question was not asked by the Opposition, but those opposite do not care. The Government is committed to improving road safety along Appin Road for residents and other motorists who travel along this corridor regularly. In fact, since 2011 the Government has invested about \$20 million in projects to improve safety on the road. Last week, we marked the completion of a \$6.35 million safety upgrade on Appin Road four months ahead of schedule.

This upgrade is providing a major boost for local motorists and travellers heading to places such as the Illawarra and Campbelltown. The work to realign two bends for about 1.2 kilometres at Cataract started in January this year and was not due to be completed until early next year. However, due to favourable working conditions that resulted in increased productivity, and the project being managed so well by the great guys at Roads and Maritime Services, this new section has been completed months ahead of schedule. About 10,000 motorists use this section of Appin Road daily, and with summer approaching and more people poised to use the road to travel to and from the coast, completing this project well ahead of schedule is fantastic news.

This section of Appin Road has a crash history and was identified for an upgrade as part of a detailed safety review of the road between Bulli Tops and Rosemeadow. That is why this project was so important to the community. Two crash clusters were identified on the two bends that have now been realigned. This project aims to reduce the number and severity of crashes, particularly head-on and run-off-road crashes, at this location. Work included removing the two bends and replacing them with one larger bend, installing a median safety barrier, and

providing wider road shoulders to give motorists whose vehicles leave the road more room to recover before they hit something immovable and solid.

There are multiple roadside memorials in the area, and it is tragic to see them when driving by. Another important aspect of this project involved liaising with families and friends to relocate the memorials to allow work to progress. One large memorial was relocated during the work. Roads and Maritime personnel will contact families again to give them the opportunity to reinstate memorials at a new location along the upgraded section of Appin Road. These memorials are important to the victims' families. The Government will support and assist those families to deal with the memorials because they will not only help them while they grieve their loved ones but also will stand as a stark reminder to those of us who may not be doing the right thing that someone lost a loved one on that road. The Government continues to work with key stakeholders, including the NSW Police Force, councils and community members— *[Time expired.]*

SHARK MANAGEMENT STRATEGY

Mr JUSTIN FIELD (15:22): I direct my question to the Minister for Primary Industries. The last joint management agreement [JMA] and management plan in relation to the Government's Shark Meshing (Bather Protection) Program was completed in 2009. The agreement and plan were due to be reviewed in 2014, but no such review seems to have been undertaken or published. Will the Minister advise the House on the status of the review? If it has not been undertaken, why not and when will it be completed?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:23): As the member knows, the Government not only has those review points; each year it also provides a report on some of the findings, and particularly the numbers, resulting from bather protection and shark meshing programs. Issues such as by-catch and types of species are reported regularly. The review of the joint management agreement commenced in late 2004 in accordance with the JMA, and was prepared by representatives from the Department of Primary Industries and the Office of Environment and Heritage. The Government wanted to ensure that the review was thorough and informative so that it could underpin and justify any potential changes to the JMA.

The review is not late, but the Government acknowledges that its publication has been delayed slightly while it focused on related matters in 2015. Those matters include, but are not limited to, responding to numerous shark incidents—one of which was fatal; conducting an independent review of emerging bather protection technologies; holding the Scientific Shark Summit, which was attended by more than 70 experts from around the world; starting trials of some of those emerging technologies; preventing the extinction of the Bellinger River turtle following an outbreak of an aquatic virus; investing \$250,000 in shark tagging on the North Coast; and developing and fast-tracking implementation of the \$16 million NSW Shark Management Strategy. We have a fantastic team within the Department of Primary Industries, but it is not huge, and we do not have many shark experts.

The people who have been doing some of the work on the latest strategies, the legislation that we have debated in this place in recent weeks, and new technology are the same people who must undertake this work. That is the reason for the delay in publication, but we are continuing to work on it. It is extremely difficult to get marine experts, and particularly anyone specialising in New South Wales waters and some of the species that we have off the shelf. That is why the Government has funded three extra post-doctorate positions that will be involved in analysing some of the information and data that has been collected as part of the \$16 million shark mitigation strategy. I will keep the member informed as we go through the review process.

Speaking of family, I ask for the indulgence of the House in acknowledging members of my family in the gallery. My dad's twin brother, Robert, and his wonderful wife are in Australia to celebrate his and my father's seventieth birthday. It is the first time Uncle Robert has been to this country. It is a privilege and an honour to have them here. Those members who are first-generation Australians know that we miss out on seeing family at different times while growing up. To have them here is not only special but also something that my family and I will treasure. I love you and thank you.

REGIONAL ROADS FUNDING

The Hon. JOHN GRAHAM (15:27): I direct my question to the Minister for Roads, Maritime and Freight. Given the recent local road damage that occurred around Forbes and the Minister's statement that "it is the local council that has to pay additionally for these local roads, and hopefully get the money back from us", will the Government honour that \$13 million commitment despite The Nationals' loss at the Orange by-election?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:27): It is fabulous that the last question today is a full toss. I am happy to speak for a minute and a half about this topic. The member asked whether the Government will honour its commitment into

the future. My response is, no, we will not, because we have already done it. They have their money and they can do what they want with it. The member is new to this place, and I am sure he will be a very good member as long as he does not take questions from our dear departed friend. I remember my shadow Ministers; and I remember Robert Furolo warmly because he was outstanding; he was the best.

Then there was Mr Park. He was a lot better as well. I will return to the important question. The councils needed that money. We needed to move quickly and we have moved quickly. Regarding the Federal funding, the Hon. John Graham's question was nearly accurate. However, he did say that we would endeavour to pay them. We have an obligation. If they fulfil the requirements under the Act that ensures that that money has to go to the bad bit—I see the member's colleague with experience is nodding—we then have to get it back from the Feds, which is not always as quick as it could be.

The Hon. John Ajaka: Not as quick as us paying the councils.

The Hon. DUNCAN GAY: No, not as quick as us. There are rules, but our guys are working with them to smooth it out. One of the great things about having the money up front is that they can make decisions quickly on how they can best spend that money to look after their own. I thank the Hon. John Graham for his question. It was a good question and I hope he keeps up the standard.

The Hon. JOHN GRAHAM (15:30:3): I ask a supplementary question. I appreciate the Minister's answer and the tone in which he gave it. I ask the Minister to elucidate his answer in respect to when is the council getting the money?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:30:5): I do not understand which part the Hon. John Graham did not understand. They have already got the money. Let us be clear. I am informed that this money has already gone to the council. I have individually signed letters to each of the mayors. I have to pay them credit; they are not all my colour—most of them are. They came back very quickly and with appreciation, which was decent and indicated how important it was going to be for their communities. I thank the Hon. John Graham for his question, which was a genuinely important question.

It is with genuine regret that I advise the time for questions is over. If members have further questions, they can be placed on notice.

Documents

TABLING OF PAPERS

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

- (1) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2016:
Department of Industry, Skills and Regional Development;
Ministry of Health, together with financial statements, volumes 1, 2 and 3.
- (2) Annual Reports (Statutory Bodies) Act 1984—
Report of Mine Subsidence Board for year ended 30 June 2015, together with a statement of reasons for lateness;
Report of Mine Subsidence Board for year ended 30 June 2016.
- (3) Coal Innovation Administration Act 2008—Report of Coal Innovation NSW Fund for year ended 30 June 2016.

I move:

That the reports be printed.

Motion agreed to.

Bills

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2016

Second Reading

Debate resumed from an earlier hour.

The Hon. JOHN GRAHAM (15:32): The Independent Commission Against Corruption Amendment Bill 2016 is an extraordinary bill, which has created an extraordinary reaction. It is fair to say that the Opposition is genuinely surprised that the Government has introduced this bill. The bill marks the end of 28 years of what I would describe as careful bipartisanship on corruption matters and it marks the end of courage on both sides of the Chamber to confront corruption. Two substantive issues have been addressed in detail by the Leader of the

Opposition and the Deputy Leader of the Opposition—the status of the current commissioner and the issue of concurrence on the appointment of assistant commissioners.

Concerning the issue of the current commissioner and her ability to complete her term, I make some additional observations. We are talking about a short period—until January 2019. There is also a parliamentary process to be followed should the Parliament choose to dismiss a sitting commissioner. To do otherwise is to breach the division between the Executive and the Parliament, which was originally envisaged. In his second reading speech, former Premier Greiner spelt out the path to put a case against a sitting commissioner. Premier Greiner said:

The commission can be removed only by the Governor on the address by both Houses of Parliament.

This is one way in which to safeguard the independence of the commission from the Executive. The Government has declined to take that path. This path was not spelled out in the committee report and there was no adverse reflection on the commissioner in the submission from the Department of Premier and Cabinet. It was not pursued in the Legislative Council and the Government has declined to take those matters further. We would encourage it to do so if it wishes to raise issues with the commissioner's performance.

On the second issue concerning the concurrence of a commissioner and the appointment of assistant commissioners, it is possible to envisage a clash between the Executive recommendation of Government and the advice or view of the commissioner. The view of the Opposition, in that instance, is that the public interest should prevail and that requires not only that this be done on the advice of the commissioner, but also that the commissioner prevails if there is a clash in the future between those two instances. Having addressed the two substantive issues, I will make a couple of other comments.

The Hon. Greg Donnelly: Point of order: I do not wish to interrupt the Hon. John Graham but the background chatter is too loud.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The observation is correct. If Ms Jan Barham and the Hon. Bronnie Taylor wish to have a conversation they can do so outside the Chamber. The people in the gallery will also be quiet.

The Hon. JOHN GRAHAM: This is a tale of two reactions. Labor and the Liberal Party have had well-publicised problems to confront. I will speak to Labor's reaction first. I served the Government that recommended the appointment of David Ipp. I regard him as having fulfilled that role without fear or favour. In that role he served the public of New South Wales well, not the Executive or the Parliament. Labor has also sought to confront those issues. For example, the highest honour for our members is to be granted life membership of the Labor Party. It is regarded seriously. At our national conference in 2014 we moved dozens of life memberships as well as seven life bans to assist in cleaning up New South Wales Labor. That is but one example of what became a constant attempt to improve our culture, including intervention by the Labor Party. No political party can afford to be complacent about those issues. I understand clearly how difficult it can be to create a better culture, but I assure the House that the Labor Party has genuinely attempted to tackle the issue of corruption.

I will now make some observations about aspects of the reaction by the Liberal Party. There have been issues not only with members but also with the party organisation. Two aspects of the response of the Government deserve to be mentioned. One is the squeeze in funding for ICAC about which there has been speculation. I note that this has been the subject of a question in this House recently by Reverend the Hon. Fred Nile, who has sought to raise this issue. I look forward to receiving the answer from the Government on that funding question. The second is the Liberal Party's reaction contained in this bill—to sack the umpire. That is what this is. It is like losing a cricket Test by an innings and 80 runs and the captain calling for the umpire to be sacked. It is like Australian captain Steve Smith losing a Test to South Africa and calling for the umpire to be changed. The Premier, Mike Baird, loses the Orange by-election and calls for the umpire to be sacked. He might need to look closer to home.

A number of members have reflected on past events. I will not touch on those in detail. They referred to some of the individuals who have either had findings against them or been the subject of public inquiries. Those things have been well canvassed in public. There have been references in debate, in this and in the other place, to the fundraising dollars that have had to be refunded by the New South Wales Liberal Party. On 22 September this year, the New South Wales Electoral Commission determined to withhold some of the public funding. That has been well canvassed. I note that it was a total of \$586,992. I will not comment further.

There is one matter that has not been referred to in the discussion and I will touch on it and possibly return to it at a future time. It is what I regard as an outstanding political debt, yet to be repaid. The money—almost \$600,000—was spent in 2011 and votes were garnered by that spending in the Legislative Council and in the other place. We know that electoral expenditure and votes are linked. That is why the New South Wales

electoral system caps electoral expenditure. I note that the money is being paid back and has been offset against public funding, but the votes have not been. I regard this as an outstanding political debt, yet to be repaid. It is a debt to the New South Wales public and New South Wales democracy. These actions impacted on each of the other parties in this Chamber and on some of the parties outside. It is an issue I will return to.

The message to the Government is this: Let the commissioner finish the job. It is only two years to January 2019. It is crucial that this commissioner is allowed to finish these reports, including Operation Credo. There is no objection to that in the committee report; there is no suggestion otherwise in the Department of Premier and Cabinet submission; it is consistent with the request of the serving commissioner; and it is consistent with the comments of the distinguished former Commissioner Ipp and Assistant Commissioner Whealy. We have the Premier on one side of the argument; we have the Opposition and others, the commissioner, the former commissioner and assistant commissioner on the other, with the fate of ICAC in the balance. I know whose side the New South Wales public will be on when those two sides present their arguments. I urge the House to oppose the bill.

Reverend the Hon. FRED NILE (15:43): I speak on behalf of the Christian Democratic Party in support of the Independent Commission Against Corruption Amendment Bill 2016. I have been active in the area of ICAC since its introduction. I campaigned for ICAC, saying that there should be a body that had the power to deal with corruption in the public service or in the political arena and that a commission should have the power to deal with organised crime. I am pleased that, through my agitation and campaigning, and that of other members of Parliament, we finished up with those two bodies operating efficiently in New South Wales.

This bill deals with the restructuring of ICAC, which has gone through a difficult period. There has been a great deal of criticism of ICAC and of the current commissioner and it was felt by the ICAC oversight committee that it was time to restructure ICAC itself. This is a restructuring bill but the Opposition and The Greens seem to have missed the point as to the objects of the bill. Note the words in Schedule 1: "Amendments about the structure, governance and management of ICAC"; and schedule 1[4]:

Replaces provisions about the structure of ICAC to provide that:

- (a) the restructured ICAC—

It is not the continuation of the existing ICAC; it is being restructured through this legislation. It will consist of a chief commissioner appointed by the Governor and two other commissioners appointed by the Governor, after consultation with the chief commissioner, giving effect to recommendations 1 and 3 of the report. This legislation is basically following the recommendations of the committee:

- (b) generally the functions of the ICAC are exercisable by any Commissioner, but the exercise of the ICAC's power to conduct a public inquiry must be authorised by the Chief Commissioner and at least one other Commissioner (giving effect in part to Recommendation 2 of the report).

And so on. It also states in schedule 1 [19] about the appointment of the chief commissioner and another commissioner, or assistant commissioners and so on. Schedule 1 [19] (a) says:

- (a) a person will be qualified for appointment as Chief Commissioner, another Commissioner or Assistant Commissioner, or to act in that office, only if the person is qualified to be appointed as, or has formerly been, a judge of a superior court (giving effect to Recommendation 10 of the report).

The legislation clearly, in my view and I believe the view of the parliamentary committee, will give effect to the restructuring of ICAC. With that restructuring, when the positions are created through this legislation, Commissioner Megan Latham and others can apply for those positions under that restructuring. That is the whole purpose of the bill. The legislation is following the 35 recommendations that were designed to improve the structure, governance, decision-making and oversight of ICAC, with no reduction of the ICAC's powers to investigate, expose and prevent corruption. The aim is for this restructure to make ICAC more streamlined and more effective in carrying out its role.

The bill, from which I just quoted, contains the restructuring of ICAC as a panel of three commissioners comprising a full-time chief commissioner and two part-time commissioners. It will require that the use of ICAC's power to conduct public inquiries must be authorised by the chief commissioner and at least one other commissioner out of the three. It requires ICAC and the Inspector of ICAC to give affected persons a reasonable opportunity to respond before including an adverse finding against a person in a report, and where the person requests to have it included, to include a summary of their response in the report.

The bill before the House is endeavouring to deal with some of those complaints about the way ICAC has dealt with people previously to make it clear that justice must be seen to be done when they are dealt with by ICAC. In other words, ICAC has to be above criticism. I believe that we should support this bill, and allow ICAC to be restructured. Obviously, the Parliament can observe the restructured ICAC working. We have the power to

make further amendments to the ICAC legislation when and if it is necessary. The Christian Democratic Party supports the bill before the House.

Mr JUSTIN FIELD (15:49): On behalf of The Greens I speak on the Independent Commission Against Corruption Amendment Bill 2016. I will start by reading just a few of the headlines which have resulted from the inquiries conducted by ICAC.

MP nets \$100m in new Rum Corps;

ICAC: NSW Liberal figures and businessmen tried to evade political funding laws, report finds;

ICAC findings into Liberal Party slush fund Eight By Five, illegal donations to be handed down;

Eddie Obeid guilty verdict: beginning of the end for former Labor powerbroker;

ICAC: Former Liberal MPs forced to repay illegal donations;

Former CFMEU leader John Maitland found guilty of misleading ICAC over mining licence.

It is little wonder that there is pressure within this place to change, review and alter the way that ICAC operates in New South Wales. The Greens oppose this bill because it will radically alter the way ICAC operates, and will remove the single commissioner that has been so successful in uncovering corruption and corrupt activities—activities that the people of this State are absolutely furious about. The changes foreshadowed in this bill were not proposed by the independent review of the ICAC by Gleeson and McClintock. It is little wonder, given those headlines, that there are people and parties in this place that want a different approach to corruption.

The public support the ICAC. Where else in the world have you seen bumper stickers and T-shirts being made in support of a corruption body in a State? We have seen "I love ICAC" stickers on the back of cars and we have seen people in "I love ICAC" t-shirts walking up and down the main street. It is little wonder, because at the same time that so many of these headlines were coming out, a major battle over land use was going on in this State. The reality is that many of the considerations of ICAC had to do with the way the mining industry was running roughshod over this State. Vested interests linked to the mining industry had the ear of Government, and decisions were being made in a way that the public had little confidence in.

I was working in those communities during those years. People who had experience and understanding of politics were coming to me and saying, "How is it that I cannot get the ear of the Minister or anyone in politics on the issues in my community?" "How is it that a mining company which made an agreement not to clear a particular woodland and which agreed to limit its development to a certain place seems to be able to come in and run roughshod over the community time after time?" "How is it that my industry—the farming industry—is getting pushed out the door and this mining company seems to get in the door every time?" "How is it that we cannot get the issues of the impacts on water, land and dust raised in the Parliament?" and "How is it that what I have to say—what my community feels—does not matter?"

Then we started to see the public hearings of ICAC and read the findings. We started to realise that one of the reasons that those issues were not getting a fair hearing was that people were pulling the strings behind the scenes. Decisions were being made because there had been donations. Decisions were made, perhaps, on the basis of a mate's deal over a property that had a link to a mining licence that was going to be sold off—and \$100 million later, a benefit would go somewhere. We have seen links to political parties and links to political donors. It is little wonder that there has been an effort to restructure the Independent Commission Against Corruption in this State, given how successful it has been. The public supports a strong and independent corruption body in New South Wales, and The Greens support the community on that issue. The House should support that, also.

The Hon. MICHAEL GALLACHER (15:54): I start by congratulating the joint committee on its work and, in particular, on its adoption of a multi-commissioner model similar to that of the recently created Law Enforcement Conduct Commission. Interestingly, as we have discussed here today, this model bears a striking similarity to some aspects of the work conducted by Andrew Tink on the creation of the Law Enforcement Conduct Commission, which appears to have undergone significantly more root-and-branch reform to address not only the structure and role of the Law Enforcement Conduct Commission [LECC] but also its culture. I will have more to say on that shortly.

It is fair to say that the reputation of the former Police Integrity Commission [PIC] had been damaged in recent years, particularly as a result of its public spat with the New South Wales Crime Commission and serious questions about the leaking of confidential information to the media. Those concerns pale to insignificance when compared to the drop in public confidence in the direction and operation of the Independent Commission Against Corruption in New South Wales. Discussion about reforming PIC had been on the table for a number of years, and both sides of politics agreed something had to be done—and now it has been done.

ICAC, on the other hand, has only recently come under the spotlight. As we saw in the parliamentary committee's work, both sides agree that the model is broken and it needs to be fixed. The genesis for these reforms was the public outcry following the exposure of the treatment of the highly respected senior Crown prosecutor Margaret Cunneen, SC, and, in a separate matter, ICAC's behaviour in the appalling pursuit of former State Emergency Services Commissioner Murray Kear.

Today, I am pleased to be here in Parliament to make my contribution to the reforming of ICAC and the opportunity to help shape ICAC's future. Today, there is an opportunity for the House to plot the direction of this organisation and to restore its reputation so as to attract the best and brightest—experienced people with integrity—to apply to join its new leadership model. We need a strong, robust ICAC for the future, a commission that understands the law and the parameters within which it operates; one that seeks the whole truth and nothing but the whole truth; and one that respects the procedural fairness of those called before it.

As one might appreciate, I have a considerable wealth of firsthand experience that I can offer in this debate. However, I intend to limit my contribution today to aspects of the bill before us, and, in the process, make some suggested additional reforms I think may assist the Government and indeed the Parliament as we seek to modernise ICAC for the years ahead. That being said, I can assure the House that I look forward to potential future opportunities that will no doubt arise in which I might give an expanded discourse on this body's operational procedures and the impact they have on individuals associated with a public inquiry—but not today.

As members will recall, a considerable proportion of the debate on the creation of the Law Enforcement Conduct Commission surrounded the issue of procedural fairness. Bracket creep had steadily encroached upon investigations and public inquiries in particular. The inquiries steadily became more or less show trials, in which no rules were believed to apply. Members might recall references I made to earlier PIC investigations in which two of our State's most respected and highly decorated homicide investigators, in two separate public inquiries, were called untruthful in their evidence and recommended to be sacked from the NSW Police Force. Thankfully for the future victims of crime, those officers have the support of the NSW Police Force, which rejected those calls and backed those officers. The Police Integrity Commission had lost its way and no longer enjoyed the support of the people it was there to protect first and foremost—the honest men and women of the NSW Police Force. In a similar vein, who will ever forget the words of Commissioner Megan Latham of the ICAC when she delivered a presentation to the Bar Association in 2014? She said:

Can I say, if any of you get tired of adversarial litigation, inquisitorial litigation is fantastic: you are not confined by the rules of evidence, you have a free kick, you can go anywhere you want to go! And it's a lot of fun. With the commissioner having joined the organisation only weeks beforehand, those words came to typify the attitude or belief within that organisation that no rules applied and that it was in fact operating above the law. That is best described as a god complex. But more alarming are the further comments by Commissioner Latham at the presentation when answering a question from the audience about the method employed regarding a line of questioning. The commissioner said:

You actually know where you're heading.

You've actually worked out ... what you want to get out of the witness and so it's basically by the time you get to it it's just um you know like pulling the wings off butterflies.

And further:

... um, it's much more difficult for counsel who are representing the relevant witness um and there's a very very limited role for you, you know, counsel in terms of their representation of the witness.

For me, those comments set alarm bells ringing. First, it is clear that in every public inquiry ICAC conducts, ICAC has a predetermined outcome it wishes to achieve with respect to a particular witness. Secondly, the ICAC believes it has no legal barriers to prevent it from arriving at that outcome. Thirdly, the ICAC knows it has a distinct advantage over any other legal representative appearing before it. Is this what justice and honesty look like in New South Wales in 2016? We now understand the culture of that discredited outfit. We are told:

We are not governed by rules, we can go wherever we want, do what we want and it's a lot of fun.

Well, commissioner, I have news for you—and it is all bad. Organisations that are blinded by their own righteousness and that will do anything within their power to obtain evidence they need to set in concrete the case they are seeking to prove are a breeding ground for noble cause corruption. Knowingly preventing the evidence of witnesses, who may provide exculpatory evidence in support of a person accused of corruption, from being presented at a public hearing can be viewed only as an abuse of power. When one considers witnesses are interviewed by ICAC investigators and can be subjected to directions not to speak to anyone, including the person of interest or their legal representative, how will any person accused by ICAC of an offence know what evidence may be out there to support their innocence?

Unfettered access to official records, personal contact details of potential witnesses, interviews with witnesses whether called to a public hearing or not, and powers to force people to answer questions—that is what the commissioner of the ICAC means when she refers to a public inquiry being more difficult for counsel representing someone appearing before the ICAC. One need only look at the way ICAC knowingly withheld evidence from the Director of Public Prosecutions [DPP] regarding former State Emergency Services commissioner Murray Kear. It took a direction from a magistrate in the Local Court, in which Mr Kear was facing a charge of unlawfully dismissing a whistleblower, before that evidence was eventually and reluctantly produced.

Members should take a look at the discrepancy in the submissions presented to the Committee on the Independent Commission Against Corruption between the DPP and the ICAC regarding the presentation of this exculpatory evidence. It is clear the DPP became aware of this additional evidence, which led to the case against Mr Kear being thrown out by the Local Court, only when the court became aware of its existence. Again, I invite members to take a look at the official documentation presented to the committee from the DPP where it is revealed that the ICAC is identified as the reason why the case was thrown out.

This is exactly why the way in which the ICAC presents its case in a public hearing needs to change, and that is why the Committee on the Independent Commission Against Corruption has recommended changes to ICAC evidentiary procedures that are the subject of this bill. Yet despite the fact that Murray Kear's matter was thrown out of the Local Court after the prosecution case was heavily criticised by the magistrate and the DPP singled out ICAC for responsibility for the mess, the corruption finding by ICAC still stands. It is easy and simple to say, "Well, there's nothing stopping Murray taking it to the Supreme Court." I ask members to consider the fact that the guy has lost his job. He has had to pay to cover the cost to fight it out at ICAC and then in the court system. Despite the fact he received some remuneration or reimbursement, why the hell should he have to put his hand back into his pocket again to fight for his innocence?

We should have a Murray Kear provision in this legislation that provides, when someone has been found corrupt as the result of an ICAC finding and is the subject of a criminal charge that the person goes on to beat in court, that a process is triggered automatically that would enable people like Murray Kear to make a Supreme Court application to have the corruption finding overturned. The Government should underwrite the cost of making that application. After all, government finances paid for the ICAC's defence of the finding in the Supreme Court. In such circumstances, the Government also should cover the cost of the applicant's appeal. Evidence has shown that only a small number of cases over the years have resulted in the courts dismissing ICAC-inspired charges. Therefore the fear of huge costs to the State would be unfounded. Governments of all persuasions have a responsibility to ensure that justice not only is done but also is seen to be done.

While I am on the issue of ICAC and court costs, most members would be aware that it was ICAC that took Margaret Cunneen, SC, to the High Court following the Supreme Court decision in favour of Cunneen. ICAC indicated that the need to challenge the Supreme Court decision in the High Court rested in ICAC's need to clarify the Supreme Court decision because it had a perceived impact on other matters. Despite the general belief that ICAC met Margaret Cunneen's costs, I understand that ICAC provided only 52 per cent of the costs. In other words, Margaret Cunneen still has to pay 48 per cent of the costs. This cannot be allowed to continue. I ask the Government to sort out this situation as a matter of urgency.

Another aspect of the bill relates to the publication of guidelines relating to public inquiries that staff and counsel assisting must follow in future. If procedural fairness is genuinely to be applied, I hope this will see an end to the grossly unfair practice of headline-grabbing claims being made by counsel assisting in their opening address that simply are incapable of being supported later in the inquiry. If members want a better example of where that has been abused, I invite their attention to the matter involving the former Deputy Commissioner of the SES, Steve Pearce. I have said it before and I will say it again: If your house is on fire and you call 000, former fireman Steve Pearce is the guy you want to turn up. He is the kind of guy who would rush into a burning building and walk back out with your family under each arm and your pet dog over his shoulder. He is a modern-day hero—a representative of Fire and Rescue NSW.

Despite being accused of corrupt acts, which ICAC later walked away from because of a sheer lack of evidence, Steve Pearce lost his job. He was humiliated and now he fights to get his life back on track. This is a terrible situation. I call on the Government to reach out to him. During the floods of 2011-12, which resulted in 75 per cent of the State being under water, Steve Pearce's work and that of his boss, Murray Kear, is the stuff of commendation. Instead, he has been condemned. For some time now I have held the view that, in the absence of evidence, ICAC seeks to convict its targets in the court of public opinion and then moves straight to execution. While the Government is obviously seeking to change certain unfair practices of the ICAC, I suggest the creative use of media releases is yet another area that needs tidying up.

Who will forget the release of the 622-word press release in which the ICAC put into the public domain alleged information relating to its unlawful investigation into Margaret Cunneen? Members might recall that the

High Court found that ICAC did not have the authority to conduct itself in the way it did into allegations against Ms Cunneen. But that did not stop ICAC. What about the recent press release by ICAC following the public announcement of Murray Kear's appointment as the Chief Executive Officer [CEO] of the Temora Aviation Museum? Despite the media off its own bat referring to Murray Kear beating corruption charges against him, ICAC took it upon itself to write to the *Temora Independent* newspaper and explain that, whilst the criminal charges against him were dismissed, the ICAC findings still stood. If ICAC cannot prosecute you, it persecutes you.

Does ICAC follow every person it has ever had under its spotlight over the past 30 years for the remainder of their lives and into retirement villages, or does it only keep an eye out for those who have shown that ICAC was wrong? I have serious concerns for the institutional environment that has developed within ICAC. In September 2016, Justice Hammerschlag of the New South Wales Supreme Court found that two ICAC officers, Paul Grainger and Grant Lockley, had acted outside the scope of a search warrant while executing the search warrant. In other words, they were acting unlawfully. While Justice Hammerschlag believed they did not hold public office at the time, it has never been made fully apparent since then in what capacity those officers were acting. Had both been held to be public officers, I can only assume they would have been held to have acted with misfeasance. Of course, one of these officers, Paul Grainger, has been widely reported for his involvement in the unlawful confiscation of a mobile phone in the Cunneen matter and also played a significant role in the failed case involving Murray Kear.

For some time there has also been widespread concern about the relationship between the ICAC and some in the media, and the leaking of material relating to investigations. To indicate the seriousness of addressing allegations of leaking confidential material to the media, I remind members of the 2007 investigation into a senior police officer by the Police Integrity Commission and that officer's subsequent dismissal from the force. Sadly, there is no such approach to allegations of confidential material being leaked to the media from within the ranks of ICAC. I understand evidence has been given before a parliamentary committee by the commissioner that indicates no appetite to investigate such claims.

Added to this, of course, is the practice of withholding exculpatory evidence and the need for it to be so significantly addressed in this bill and the recent Law Enforcement Conduct Commission Bill. The conduct I am talking about, however, goes beyond decisions regarding the use of evidence. Teleological ethical conduct is best identified by the well-known expression "the end justifies the means". As I understand it, the newly created Law Enforcement Conduct Commission is more than just a rebadging of the former PIC. It is more than just an expanded role coupled with greater accountability regarding procedural fairness. The rebuilding of community and police confidence is a sought-after objective. In my view, at this time, this can only be achieved by bringing new personnel with a fresh set of eyes to all levels within the organisation.

The same needs to happen with these reforms to the ICAC. In high-risk areas of law enforcement, both here in New South Wales and elsewhere, there is an accepted practice of limiting the amount of time personnel can spend in that field as part of an anti-corruption strategy. I urge the Government to consider the adoption of such an approach to refresh the experience and skills base of the organisation and suggest that performing critical investigative roles utilising royal commission-like powers to force people to answer questions in organisations such as ICAC, the NSW Crime Commission and the Law Enforcement Conduct Commission should be career enhancing but not a career in itself.

In recent days there has been considerable conjecture regarding the intent behind these reforms. A lot has been said about other matters, but the reality is these reforms were the product of an inquiry by a joint parliamentary committee into where it all went wrong with ICAC and its treatment of Cunneen, Kear and Pearce. Those people are not politicians. They are not high-flyers; they are what I call part of society's foundation people. People like Detective Inspector Paul Jacob and Detective Inspector Russell Oxford are the very people who are the foundation that holds up our community's belief that if and when you need help you will get that help. People like Cunneen, Kear and Pearce are prepared to give you a hand. The upper House, as the House of review, has a responsibility to recognise that these people have been abused by this organisation and that this organisation needs to be held accountable.

I am often asked, after being forced to resign as a Minister and Leader of this House on 2 May 2014, why would I want to stay in Parliament. The reason is simple: It is an honour to be here doing my best for the people of our State—what an honour it is. Besides that, I like my job. Despite occasional challenges, some days just could not get any better. Let me say, that is exactly how I feel today.

The Hon. LYNDIA VOLTZ (16:13): I am not sure how to start my contribution to the debate on the Independent Commission Against Corruption Bill 2016, following the speech by the Hon. Mike Gallacher. In regard to some of the matters raised in his contribution, I refer members to the evidence that came before the ICAC Committee in March 2016. I particularly refer to the use of search warrants and how the ICAC executed

those warrants. Of course, search warrants are not only used by the Independent Commission Against Corruption, they are at the very heart of many police investigations. Any mooted changes in regard to search warrants would affect their use not only by ICAC but also by our police agencies.

It is important to remember the principles under which government agencies act. When people raise allegations about the actions of ICAC, they should look at the evidence presented to the ICAC Committee and the explanations given by the ICAC commissioner. Before the committee hearings, some allegations were put to me about the commissioner shopping around for search warrants. I note that I have served on this committee for five years, so I have some historical perspective on the proceedings of this committee. I believe the Hon. Trevor Khan is one of the few people in this Parliament who has been a member of the committee for as long as I have. This is part of the evidence taken by the ICAC committee:

CHAIR: Commissioner, we were asking questions in relation to the search warrant. You will recall that the search warrant was issued by Mr Stephen Lister.

Ms LATHAM: Yes.

CHAIR: Was Mr Lister a registrar of the local court at Newtown at the time?

We had been told that Newtown was where the commissioner was shopping around for warrants.

Ms LATHAM: No, we never obtained a search warrant in this matter from Newtown; we obtained the search warrant from the Downing Centre Local Court.

CHAIR: Was Mr Lister at that court for some time?

Ms LATHAM: At which court?

CHAIR: The Downing Centre Local Court.

Ms LATHAM: Yes, that is where he is regularly.

CHAIR: Is it a misunderstanding to say that he was at Newtown Local Court at the time when he issued this particular one?

Ms LATHAM: It is quite wrong. It did not involve issuing a warrant from Newtown.

CHAIR: Is he someone who had issued previous search warrants on behalf of the Commission?

Ms LATHAM: Yes, he had, because he is the nominated registrar at the Downing Centre for the purposes of agencies like us when we apply for search warrants.

CHAIR: And you only ever apply for search warrants at the Downing Centre; is that the case?

Ms LATHAM: That is because it is the closest court.

CHAIR: Is that the only place that you would apply for a search warrant?

Ms LATHAM: Only because it is the closest court, yes. It is a matter of practice, yes.

CHAIR: Is it the only court?

Ms LATHAM: Yes, as far as I know. There may have been others in the past before my time. But, as I understand it, since I have been there, because it is the closest court, that is where we go.

CHAIR: So in your time as the Commissioner, and I have no idea how many search warrants have been issued in your time as the Commissioner, have all those applications for search warrants been made to Mr Lister?

Ms LATHAM: No, they have not.

CHAIR: So there are other registrars who have made them?

Ms LATHAM: From time to time. Could I just indicate that the administrative practice at the Downing Centre is that the Independent Commission Against Corruption, the Police Integrity Commission and a range of other agencies have been given this information by the search warrant protocol which is issued from the Downing Centre—that is, the first port of call is that we make an appointment with Registrar Lister. That is an administrative arrangement that the Downing Centre makes for the purposes of convenience—that is, having someone available at all times for the search warrant applications.

The commissioner was being accused by all and sundry of shopping around for warrants and abuses of power in the run-up to committee hearings. However, the evidence from the commissioner's testimony shows that the commissioner gave logical and lawful explanations for applying for search warrants. That testimony goes to the heart of the concerns that the Labor Party has—

Reverend the Hon. Fred Nile: Why didn't she get search warrants to go to Cunneen's home?

The Hon. LYNDIA VOLTZ: I note the interjection of Reverend the Hon. Fred Nile, who is a member of the ICAC committee, as am I and as is the Hon. Trevor Khan, and we know all too well from hearing the evidence that the commissioner gave a long explanation for her actions. If Reverend the Hon. Fred Nile would like to read that evidence onto the record, I urge him to do so; otherwise I suggest interested members refer to the transcripts of the hearings. I have no hesitation in accepting Commissioner Latham's evidence before the

committee is an accurate reflection of the way the commission behaved. I am surprised that Reverend the Hon. Fred Nile raised this issue, because such allegations go to the heart of the reasons given for the legislation before the House. Here again the commissioner is being attacked for not applying for a search warrant, but she gave a detailed explanation of her action to the committee.

When one is trying to get a mobile device, one needs to be able to take that phone at any time, not at a specific time. That was the nature of the concerns raised about those warrants. When one is after a mobile phone, one does not say, "Bring your mobile phone into the office next week," or "We'll pick it up from you in a couple of days." One asks for it to be produced immediately without putting a date or time on it. It is beyond me why we spent so much time in the committee arguing about this point. Frankly, this Parliament has given ICAC and the commissioner a framework in which to work and they have worked within that framework. It is the responsibility of the Parliament to lay down the foundations for ICAC, which has operated within the confines of its framework, as outlined by the New South Wales Parliament. If anybody wants to look at what should or should not have happened, I quote Roy and HG, "Go inside and have a good hard look in the mirror." At the end of the day, we made the decision on how ICAC operates and year after year we have oversighted it. We know exactly what its powers are and how it operates.

As a former military police person I conducted numerous interviews of suspects and witnesses, as did the Hon. Mike Gallacher, and I have a fair understanding of the confines in which investigations are undertaken. We need to ask the question: To whose advantage would be the removal of the Hon. Megan Latham, the ICAC commissioner? It would certainly not be in the interests of the people of New South Wales, because they expect a strong advocate on their behalf in fighting corruption in this State. ICAC has a fundamental role in exposing corruption in the State. It is not a prosecutorial body. It is not a police force. I have sat on the ICAC committee for five years and I am constantly surprised at how often those fundamental questions need to be answered again and again by the ICAC commissioner, who works within the legal confines placed upon her by this Parliament. From time to time the commissioner has been asked why she undertook a particular action, although she was empowered to do so by the very people asking her that question. I note the comments of the former Inspector of ICAC, Mr Cooper:

The function of the ICAC is to root out corruption by means which the police cannot do and also to establish facts to a lesser standard of proof than exists in the criminal jurisdictions. ... Now, there are those who hate the police and there are those who hate ICAC. I am afraid we cannot do anything about that.

As Bruce McClintock noted in his evidence:

... many people come away from ICAC feeling that they have been badly done by. Many of them have not been hard done by. Long Bay jail is full of people who assert that they are innocent.

I note too that Mr McClintock thought many of them had been his clients. Much of the debate we have here is sound and fury, and signifies nothing. Unlike many of my colleagues, I am not a lawyer by trade. I do not feel the need to spend my time arguing with ICAC about how many angels are dancing on a pin. What I want ICAC to do is investigate corruption and get the best outcomes for the people of New South Wales, regardless of who they are and regardless of how aggrieved I might be about that. At the end of the day there is a process for dealing with complaints against ICAC and the ICAC commissioner. People can pursue those avenues and have done so if they feel aggrieved. In terms of procedural fairness, the commissioner noted times when ICAC had been pursued in court, and the court found that people had indeed had procedural fairness.

The Labor Party has two fundamental problems with this bill. The first problem is the constructive dismissal of the ICAC commissioner. If people have problems with the ICAC commissioner and the way she functions in her job, there are processes laid down in the legislation for dealing with that in both Houses of Parliament. In the past this House has dealt with judges when there were problems. If anyone has a problem with the ICAC commissioner they should bring it here and put it before the Chamber, and we will vote on it. The Government is not empowered to use its influence in its party to bring legislation before the House that gets rid of an ICAC commissioner it has a beef with. That is not what the people of New South Wales asked Parliament to do. That is not a way to have a clear, transparent Independent Commission Against Corruption.

I was recently in the Solomon Islands with some of my parliamentary colleagues, including the President. I ran into an American who was there at the behest of the United Nations to look into creating an ICAC. The legislation in the Solomon Islands had been based on the New South Wales legislation, because it is best practice. It is not just legislation that leads to less corruption within New South Wales; it is legislation that leads to less corruption around the world. It was groundbreaking legislation that paved the way for everywhere else. Everywhere where people want to make a difference, where people want money to get to poor people and where people want roads and hospitals built, they look at our legislation and see it is the best practice and that it gets the money to the people rather than to the politicians or multinationals. They see a good outcome and look to us.

Now they will look to us and say, "How can the process be aborted? How can you get around ICAC legislation that is meant to be completely independent of government?" They will look at this legislation and see that what should have been the masterpiece of New South Wales and the great hope of the rest of the world is now a farce. That is why in places like India, where the Jan Lokpal Bill has not gone through, the Solomon Islands, where there are so few resources and life expectancy is 52, and a whole range of places in West Africa, this legislation makes a fundamental difference. To bring into this Parliament a bill that removes a commissioner in this way speaks volumes.

The second issue Labor has a problem with in the bill is the consultation of the chief commissioner in relation to the appointment of two other commissioners. If the commissioner is not in agreement with the people placed alongside them and those people have a two-to-one majority over the chief commissioner, we have a fundamental problem in the ICAC system. They must be people in whom the chief commissioner has full confidence. In any other organisation it would be outrageous to bring in people in such a way. I urge members to seriously consider the role of Megan Latham. I understand some people feel aggrieved, but it has been noted that people feel aggrieved everywhere. I am sure there are some soldiers out there who feel aggrieved at me as well. The removal of the commissioner in this way is hugely problematic in the fight against corruption in this State.

The Hon. PENNY SHARPE (16:28): I will make a short contribution to debate on the Independent Commission Against Corruption Amendment Bill 2016. I was not a member of the Committee on the Independent Commission Against Corruption Commission, but no-one could fail to witness the corruption earthquake that has hit this Parliament over the past decade. We cannot deny that; we cannot pretend that it has not happened. Extraordinary things are happening on this last sitting day of the year on which we will deal with government business. We cannot and must not look away from the corruption that is eating at the fabric of our democracy. Our community has had enough. We cannot seek to govern without the community's trust, and that trust is at rock bottom.

Over the past decade, this Parliament has brought itself into disrepute. Former Labor Ministers colluded to line their own pockets, and in so doing they disgraced themselves and brought great shame on the party of which I am proud to be a member. Eleven members of the Liberal Party were also caught in an elaborate money-laundering scheme seeking to gain an electoral advantage by taking illegal donations. These are the uncomfortable truths that we must face. This Parliament has been called the most corrupt parliament in Australia. Yet the Government is today seeking to bypass the law so that the Independent Commission Against Corruption commissioner who has exposed these uncomfortable truths can be sacked. We cannot endorse a proposal that means that investigating and exposing corruption, no matter where it is found, will result in the government of the day sacking the person who found it.

I will be clear about what is happening. We have had meaningful discussions about legislative reform, and it was reform that the Opposition was prepared to support until it saw what was introduced. The changes that the Government introduced in this bill were never the subject of discussion with the Opposition. They were never raised despite the good report produced by the Committee on the Independent Commission Against Corruption [ICAC]. The Government is seeking to bypass the appointment of an independent commissioner, and is shooting the messenger because she has exposed some uncomfortable truths.

The Government could secure the Opposition's support for this bill simply by guaranteeing that the current ICAC commissioner will not be sacked before the end of her term. If the Government does that, the Opposition will support the bill. Bipartisanship is always fragile. We must be extremely careful not to lose it, because once it is lost it is hard to regain. Bipartisanship requires all of us to step beyond political goals and to come to agreement about important issues. I can think of few things that are more important than having the trust of the community of New South Wales. That trust has been broken time and again by too many people on both sides of the House.

All of the good work in the committee's report deserves support. It cannot be undermined by what the Government is doing today; that is, including in the bill provisions that will allow for the constructive dismissal of the person who has exposed corruption and who has spoken truth to power. Our community is watching, and it will find us wanting yet again if we support this bill. We will do ourselves a great disservice if we do so. The Opposition cannot support the bill if the good work of reform is thrown under the bus by the Baird Government while seeking to undermine the current commissioner. The Government cannot shoot the messenger; that is not what ICAC was established to do. This report is too important. The Government has undermined that good work by trying to sneak through this bill today, and the Opposition will not support it.

Mr DAVID SHOEBRIDGE (16:33): Like my Greens colleagues, I oppose the Independent Commission Against Corruption Amendment Bill 2016. It is extraordinarily unfortunate that on the second last sitting day this year the Government has introduced a bill with less than 24 hours notice that seeks to reform fundamentally the single most important anticorruption body in the country. The bill contains two key provisions

that will politicise the Independent Commission Against Corruption [ICAC] for the next two years leading up to the 2019 election. There was an opportunity here, if the Government had not been so arrogant and so insistent, to have 95 per cent of this bill passed unanimously by both Houses of Parliament. No doubt it has been captured by a right-wing element in the Government party room that insisted on the political execution of the current ICAC commissioner. It is trying to push through a narrow political agenda. Instead, we have a government that simply does not learn.

Members opposite think they have the numbers—the numbers are all that matter—to ram through the legislation to achieve their narrow political ends. This legislation represents an attempt—I will not put it higher than an attempt—to use a backdoor method to abolish the statutory appointment of the Independent Commission Against Corruption commissioner, whose term is five years and who can be removed under the existing law by an address from both Houses of Parliament to the Governor. To try to achieve that by sleight of hand is genuinely disgraceful. To finish the year nobbling the most respected anticorruption agency in the country—one of the most respected anticorruption bodies anywhere in the world—is a new low for the Baird Government. This will come back to haunt it over the last two years that it is in office leading up to the 2019 election. People on the streets of Sydney and throughout New South Wales have a great deal more confidence in ICAC than they have in the New South Wales Parliament. There is a great deal more confidence in the integrity of ICAC than there is in the Cabinet, the lower House, and the upper House. To seek to abolish the office of the commissioner in the way that this Government has will produce a significant public backlash.

I will deal with the way in which the Government is attempting to remove the commissioner. When I first received the bill, I read it through carefully because I saw in the Government's media release and heard in the Premier's second reading speech that the office would be abolished and that Commissioner Latham would have to reapply for her job. I searched the bill to find the provision dealing with that issue. Members should remember that Commissioner Latham is appointed as a statutory officer with a guaranteed minimum term of five years. As I said, under the law, a commissioner can be removed only by a joint address of both Houses of Parliament to the Governor. I found that there was nothing in the bill providing for the office of the commissioner to be abolished. There is no provision expressly stating that the office that was created by statute will be vacant by reason of this legislation. The closest it gets is in schedule 1, page 10, new section 41, subsection (1), which states:

The abolition of the office of the former Commissioner as a result of the substitution of Part 2 of this Act by the amending Act does not affect the identity of the Commission. Schedule 1, part 15 does not do it; it simply refers back to the substitution of part 2. However, the substitution of part 2 contains nothing that expressly abolishes the statutory office that was created under the Act. Undoubtedly this is because the Premier thought it would look hideously bad for the Government to have an express statutory provision that abolishes the office of the commissioner. It would stand out as a political stiletto wielded by the Government. It has therefore failed to do it; it has not included it in the bill. It will be for better legal minds than mine to work out whether this underhanded, indirect sleight of hand by the Government is effective in removing Commissioner Latham from office. It is an office created by statute from which the office holder can only be removed by a joint address of the two Houses of Parliament, and there is no provision in this bill that expressly vitiates that. Why is Commissioner Latham being singled out by the Government? It is clear that Commissioner Latham is a robust character. I would not want to appear in front of Commissioner Latham on behalf of somebody.

The Hon. Adam Searle: Or to otherwise be in the dock.

Mr DAVID SHOEBRIDGE: Or to otherwise be in the dock, as the Leader of the Opposition says. There are real reasons to put in place provisions such as those that are found in this bill that require procedural fairness guidelines to be adopted by ICAC. It is a longstanding failure of the organisation to expressly state what kind of procedural fairness individuals who come before ICAC can expect. As the Hon. Trevor Khan said in his careful presentation, we cannot impose the same kinds of procedural fairness in a standing royal commission as we have in a court. Issues are addressed in a standing royal commission because our existing civil and criminal courts have been ineffective at rooting out the corruption. We must have extraordinary powers to deal with entrenched corruption. We must have extraordinary powers to root out those people who have significant power in our political system and to hold them to account.

If we replicate the criminal courts, we will have an ineffective anti-corruption body. They appear before ICAC because our criminal courts have failed to hold people such as Obeid to account. Without ICAC, Eddie Obeid might still be sitting in this Chamber and might still have a position in the New South Wales Labor Party. Without ICAC, a cricket team of coalition MPs, who by and large were found unambiguously to have flouted our election laws and taken illegal donations, might still be sitting in the lower House. ICAC has been crucial to root out corruption. It would have been unable to do that if it had had to follow the strict procedures of a criminal court. Quite clearly our police or criminal justice system failed to bring any of those criminals to account; we needed ICAC to do that.

As I said in my contribution to the Law Enforcement Conduct Commission Bill, individuals who appear before those kinds of standing royal commissions have a reasonable expectation that they will be afforded as much procedural fairness as is consistent with the organisation being able to undertake its work. That is why The Greens

support the provisions that address procedural fairness guidelines. The commission should issue the guidelines. Those who appear before ICAC should refer to them. However, there will be cases where it will be inappropriate to provide witnesses with all the evidence against them before they sit in the dock because it will make the inquiry ineffective. We cannot import the criminal justice procedural fairness guidelines into a standing royal commission and assume it will work.

I appeared as a solicitor for a construction union in the Cole royal commission. Some royal commissions and standing commissions of inquiry adopt greater degrees of procedural fairness than others. I was aggrieved at the lack of procedural fairness that was granted to witnesses who appeared before the Cole royal commission. As a lawyer, I found it offensive. We have seen cases in which royal commissions have used those extraordinary powers with enormous tact, subtlety and competence and they have achieved the right balance. The Wood royal commission into police is a case in point, as the Hon. Trevor Kahn made clear. Another royal commission I suggest we should look to is the royal commission into sexual abuse in institutions—a royal commission of gold standard. While the necessary procedural fairness is provided to ensure that the commission is not seen as a witch-hunt, flexibility allows institutions and individuals to be held to account.

Consensus could also have been achieved on the adoption of a three-commissioner model. Too often in the past ICAC has been seen through the prism of whoever is the commissioner of the day. In the time of Commissioner Temby, it was often thought that the commission was too rugged and robust. In the time of Commissioner Irene Moss, it was sometimes thought to be too timid because there were too many private hearings and not enough public hearings to hold people to account. Many people thought that Justice Ipp was more aggressive and more in line with the Temby model. People have been critical of Commissioner Latham, suggesting she also is too aggressive. That is the inevitable consequence of having only one personality directing the entire workings of ICAC.

There are good arguments for having three commissioners. It will enable a collective decision-making process and that collective responsibility de-personalises the functions of ICAC—at least in the eyes of the public and those who come before it. We must ensure that the institution will work. The chief commissioner must have confidence in the deputy commissioners that are appointed. That is where the Government bill fails; it does not require the chief commissioner to concur with the appointment of the deputies. The chief commissioner has to be consulted, but they may then say, "I cannot work with these people. We have a fundamentally different view about how the organisation works", and if that happens—

The Hon. Adam Searle: One way to get rid of them.

Mr DAVID SHOEBRIDGE: —one of two things will result. I note the interjection of the Leader of the Opposition. The chief commissioner will resign because they will realise they are unable to do their job, or the organisation will grind to a halt because the necessary majority will not be obtained to conduct investigations and undertake public inquiries. Either of those outcomes should not be contemplated by this Parliament, but that will be the effect of the passage of this bill. Both of those outcomes are on the cards because of the defective structure that has been proposed. The Government could readily fix it by getting consensus on the bill. It could adopt the formulation put forward by the Opposition and it could adopt the formulation that was included recently in the Law Enforcement Conduct Commission Bill. It appears that will not happen because some kind of payback or gotcha mentality is operating in the Government and it wants to be able to do a job on a commissioner in the future. It is an unfortunate outcome.

The argument put forward by the Government is that this bill implements the recommendations from the committee. In respect of procedural fairness, it does. The bill also provides for an executive officer to be appointed so that somebody can do the day-to-day administration work of a complex organisation such as ICAC. The Greens support that. The fact of the matter is that judges often are not the best administrators. Sometimes they are; more often they are not. Having a professional executive officer in ICAC will enhance the workings of the body. Axing the commissioner by default, however, will not.

If the Government wanted to get rid of Commissioner Latham, the proposition should be tabled in both Houses and we can debate its merits. That is the appropriate way to do it. If the Government has lost confidence in Commissioner Latham, it should be honest and table the proposition and we can argue it on its merits. It is fair to say that the comments that Commissioner Latham made to the Bar Association offended many people. The idea that there would be some kind of celebration in having such a one-sided process where one can basically do whatever one likes with a witness in front of one offends people. I am certain that if we asked the commissioner whether or not she regretted making those statements there would be a loud and resounding yes.

I will not pretend otherwise; those comments raised my concerns about the lack of procedural fairness that has been applied in the ICAC. But of course this Parliament gave the commission those powers and more often than not they have been exercised to root out genuine corruption. Think of the Table of Knowledge in

Wollongong. I went looking for it the other day and I am glad to say it has now disappeared. Think of the likes of Mr Obeid and that whole bunch of Coalition members of Parliament who received money in brown paper bags from property developers. If it were not for the ICAC those issues would not have been properly exposed. The ICAC is essential. The powers it now has that have been so criticised were essential for rooting out that corruption. But there needs to be restraint and balance and we believe that the guidelines get it right.

What is the ICAC's political crime in New South Wales? Is it not being 100 per cent fair all the time? I do not think so. I was reviewing the swag of Ombudsman's reports we have had in the past 12 months about police stepping well outside lawful bounds in the exercise of their consorting powers. There has been not one word from any Government member about the many occasions on which those powers have been abused, but the sky is falling down because of the way in which one notice to produce is issued by the ICAC. We have many instances where the police overstepped the mark on their firearm prohibition orders but not one word was said about it by any Government members.

Recently we saw a detailed and damning report from the Ombudsman about the police use of Restricted Premises Act provisions. In a report issued just weeks ago 90 people were unlawfully searched and a series of possessions unlawfully seized by police. But not a word has been spoken by anyone in the Government because the people being targeted are not powerful in New South Wales. Political forces in New South Wales rally around to protect the powerful from the ICAC but they never rally around to protect young Aboriginal people in rural New South Wales who have had their rights repeatedly abused by misuse of the consorting laws. It is not a question of principle from Government members; it is a question of convenience and listening to power, as so often happens. Commissioner Latham's crime is holding powerful people to account. Her crime is trying to deal with some of the systemic corruption in New South Wales. Those parts of the bill that are causing division should be withdrawn. I commend the Opposition's amendments to the Committee. [*Time expired.*]

The Hon. ERNEST WONG (16:53): I join my Labor colleagues in expressing total opposition to the Independent Commission Against Corruption Amendment Bill 2016. My greatest opposition to this bill lies in its lack of integrity, equally measured by the level of cowardice with which it was introduced in this House. The Government snuck in this bill on the second last parliamentary sitting day for the year, without any consultation with the Opposition or crossbench members, and with inadequate time for Opposition members to consider in detail such an important bill. The Government's purpose for doing so lacks courage, transparency and integrity.

The bill has been disguised as a restructure but let us call a spade a spade. It is really an attempt to get rid of Commissioner Megan Latham for her role in the recent Independent Commission Against Corruption [ICAC] investigation into the Liberal Party which resulted in adverse findings against numerous Liberal Party members. This bill, which was introduced in this House as a matter of urgency at 2. a.m., is an outrageous abuse of the parliamentary system and one that essentially shatters public confidence in the fundamental integrity of this place.

The proposal to establish an independent commission against corruption was first introduced 28 years ago by Premier Nick Greiner. Labor supported the creation of this body under Bob Carr, which gave bipartisan support to Premier Greiner at the time the legislation was introduced. If we are serious about retaining the confidence of the people of New South Wales, it is imperative for the ICAC to be allowed to continue to operate effectively with the same bipartisan support. The critical issue is the state of our democracy and of the most important body that exists to keep members of Parliament honest. We should all acknowledge that the commission is a great achievement of this State and of this Parliament, which has continued to endorse the ICAC and its independence from political interference.

If this legislation is allowed to be rushed through no future commissioner or leader of the ICAC will have the confidence or courage to thoroughly investigate a governing party for fear that their fate has been predetermined in the precedent set by this bill. The ICAC needs to have the appropriate skills, resources and confidence of all sides of politics to investigate, expose and stamp out any form of corruption, regardless of political persuasion or power. How can we expect the officers of an anticorruption agency to openly and transparently investigate reports of corruption if the consequence of adverse findings leads to their dismissal?

ICAC Commissioner Megan Latham has done an outstanding job to date, leading successful investigations into reports of corruption in public office. I acknowledge that both sides have been under the ICAC microscope. This has been possible only because Commissioner Latham had complete authority, unimpeded by the government of the day, to inquire into allegations of corruption. No allegation of corruption, regardless of which side of politics one hails from, has been spared the scrutiny and dissection allowed by ICAC's powers to date, and nor should it. After all, this would bring into question the fundamental integrity of ICAC's role.

On 30 August this year the Independent Commission Against Corruption reported on the Operation Spicer investigation, which exposed prohibited donations, non-disclosures and the channelling of funds by

members of the NSW Liberal Party in the 2011 State election campaign. The bill being thrust upon us has all the hallmarks of score-settling for the commissioner's role in exposing those Liberal Party rorts. The aim is to dispense with the commissioner's services before the 2019 completion date of her five-year term. If the commissioner can be shown to have done wrong, we have in place a process to terminate her appointment in a proper and bipartisan way. Premier Baird has since fronted the media and said that Commissioner Latham is welcome to reapply for the role. Surely it would show more stability, leadership and logic—not to mention be more cost-effective—to allow her to remain in the role of commissioner until the conclusion of her term in 2019, and to oversee the genuine restructure as recommended by the report.

Once again this debate is not about defending the commissioner; it is about maintaining the integrity of the process in this place on which we and the public rely. If the Government gets its way it will remove future confidence in any ICAC commissioner who is tasked with investigating any governing party in New South Wales. Megan Latham was quoted yesterday as saying, "The bill represents an unprecedented attack on the independence and effectiveness of the commission as a leading anti-corruption agency." The intention to terminate the services of Commissioner Latham through this hasty piece of legislation tellingly was not raised once during the ICAC parliamentary committee process.

How can we sell this so-called restructure to the people of New South Wales with the absence of a bipartisan report? By its very definition "bipartisanship" speaks to the core of cohesion, integrity, strength and transparency, and is therefore vital to the future viability of such a powerful body. If we are genuine in our intention to restructure ICAC, we must do so in accordance with the findings of the committee's report and with bipartisan consultation, which would be the only acceptable course of action in maintaining the integrity and transparency of ICAC's role in New South Wales. In order to maintain the integrity of this place and act honourably in the interests of the people of New South Wales, I call on all other parties to consider the consequences of this bill, and stand on principle with Labor in opposing it.

The Hon. ROBERT BROWN (16:59): On behalf of my party I speak in support of the Independent Commission Against Corruption Amendment Bill 2016. I have been listening to the debate and there have been some very good contributions; the contribution from the Hon. Mike Gallacher was outstanding. A couple of spokespeople from the Opposition and The Greens have talked about the community and have used the word "us". To my community—to us—this bill appears to be about two things, and it appears to be offering a solution. The Opposition says that it is the wrong solution.

The solution in the bill is to take away the power of a single entity and replace it with a gaggle—three individuals. That principle works very well when it comes to the full bench of the High Court—a gaggle of judges in a group. It is probably a good idea for ICAC. I acknowledge that the Opposition members have said that they do not object to that as an idea; they object to the way that it has been done. Our people see that this legislation is about two things, and two things only—Cunneen and Kear. That is why we support the motion.

The Hon. PETER PRIMROSE (17:01): I take the opportunity to speak in this debate on the Independent Commission Against Corruption Amendment Bill 2016. I know that this has already been a lengthy debate but it is a very important debate. Even though I represent a party, I also wanted to make sure that my individual views were known. Members need to express their views when bills of this significance come before the House. There are two significant flaws in this bill. The first flaw is the constructive dismissal of the Independent Commission Against Corruption [ICAC] commissioner. The second flaw is the provision that requires merely consultation with the chief commissioner in relation to the appointment of two other commissioners, rather than concurrence.

The Premier said, when he introduced the bill in the other place—his views were reflected here in the second reading speech by the Minister—that he would not tolerate corruption in this State. That is very interesting because, whilst he says that, we really need to be concerned about any investigator who discovers corruption within any governing political party—in New South Wales that is the Liberal and Nationals parties—because those parties will then come after them and they will be threatened with their jobs being abolished. The Premier is trying to walk on both sides of the street in relation to this matter. On the one hand he is saying that he is fighting corruption and being tough, but then he says to members in his party room who hate the Independent Commission Against Corruption, "Let's get rid of the commissioner." That is a disgraceful position to take. It is also potentially fatal to the institution of the Independent Commission Against Corruption. In fact, that stance is conducive to corruption in New South Wales.

What commissioner in the future will have the temerity to investigate a governing party if the consequence of investigating that governing party is that a commissioner will lose his or her job? The current ICAC commissioner investigated the Liberal Party and made significant findings against it that caused considerable political embarrassment. This bill is revenge for that. This bill facilitates the constructive dismissal of a current commissioner, and flies in the face of the law. Schedule 1 of the principal Act contains a mechanism

providing for the removal of commissioners. It involves an address by both Houses of the Parliament to the Governor. That is a very important protection for the ICAC commissioner, and for our community. I will quote someone who knows a little about these things:

The commissioner will have total direction and control of the commission. He or she can be appointed only for a term or terms totalling five years and can be removed from office only by the Governor on the address of both Houses of this Parliament. This is one way in which the independence of the commission from the Executive is safeguard.

That appears on page 675 of the Legislative Assembly *Hansard* dated 26 May 1988. It is the second reading speech presented by the Hon. Nick Greiner on the ICAC legislation. Premier Greiner was absolutely correct. The independence of the ICAC commissioner and ICAC is assured by the commissioner being able to be removed only by an address by both Houses of Parliament to the Governor. That is not what will happen under this legislation. There is no possibility that the Government will get rid of the commissioner by an address by both Houses of Parliament to the Governor. Of course, the reason the Government will not pursue that course is that it does not have the necessary evidence. It would need an argument, allegations, and evidence. The current Government does not have the evidence, and one of the reasons it does not have it is that the committee did not find any.

The committee made no finding against the commissioner; nor did it, in any way, shape or form, adopt Inspector Levine's recommendations—nor did anyone else, for that matter. There is no basis upon which to make an address to the Governor from both Houses of Parliament, and that is why the Baird Government cannot use that mechanism to get rid of the current commissioner. That is why it is using this duplicitous contrivance to get rid of her under the guise of a restructure. Members should bear in mind that the proposal for a three-commissioner model was made in a submission from the Department of Premier and Cabinet to the ICAC committee. The department made it clear that the three-commissioner model indicated no adverse reflection upon anyone, including the current commissioner. The only conclusion that can be drawn is that this approach is motivated by malice.

In August 2016 the Independent Commission Against Corruption released its report into Operation Spicer. That investigation exposed prohibited donations, funds channelling and non-disclosure during the Liberal Party's 2011 State election campaign. ICAC's findings were adverse for a significant number of Liberal Party members by finding that they acted with the intention of evading provisions of the Election Funding, Expenditure and Disclosures Act relating to the disclosure of political donations and the ban on donations from property developers. I do not propose to traverse the detailed history; it is well known. ICAC's work cost the Liberal Party around \$600,000, and it ended the career of many Liberal members. The conclusion one would inevitably draw is that that is the reason Commissioner Latham is being shafted. This legislation will quarantine the Liberal Party from ICAC, and that is what this bill is all about.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (17:09): In reply: I thank all members who contributed to debate on the Independent Commission Against Corruption Amendment Bill 2016: the Hon. Adam Searle, the Hon. Walt Secord, Mr Jeremy Buckingham, the Hon. John Graham, Reverend the Hon. Fred Nile, Mr Justin Field, the Hon. Mike Gallacher, the Hon. Lynda Voltz, the Hon. Penny Sharpe, Mr David Shoebridge, the Hon. Ernest Wong, the Hon. Robert Brown, and the Hon. Peter Primrose.

The Hon. Trevor Khan: I don't think I got a guernsey, did I?

The Hon. DUNCAN GAY: And, most importantly—I nearly forgot—I thank the Hon. Trevor Khan. The Independent Commission Against Corruption Amendment Bill 2016 implements the unanimous recommendations of a bipartisan parliamentary committee. The reforms will help to deliver a stronger and fairer Independent Commission Against Corruption [ICAC] that is fully equipped to fight corruption. The reforms are designed to improve the structure and governance as well as decision-making and oversight of the ICAC. The ICAC will continue to have the same extraordinary powers to investigate and expose corruption it has always had. Sadly, the Leader of the Opposition has discarded the bipartisan support that Labor members of Parliament gave to the parliamentary committee's recommendations because he has spotted another headline on the horizon and has thrown principle to the winds. Once again, the Leader of the Opposition has demonstrated that he stands for nothing.

As Labor recognised before it decided to throw to politics, restructuring the ICAC as a three-member commission will bring a more diverse set of skills and experiences to bear on the ICAC's deliberations. The Government is resolute in its commitment to integrity in public administration and will not tolerate corruption in this State. Implementation of the committee's recommendations requires the reconstitution of the commission, which means that the current commissioner will cease to hold office if Parliament passes the legislation. The Government has no power to remove an independent ICAC commissioner, nor should it. An ICAC commissioner can be removed from office, and their office can be reconstituted, only pursuant to Parliament's approval. The

current ICAC commissioner will be invited to apply for a role on the reconstituted commission as part of an extensive merit-based search to secure three world-class individuals for the State's anti-corruption watchdog. This is about finding the best possible commissioners to ensure that the ICAC is as strong as possible. This decision is about best-practice process, not about personalities. The appointment of a commissioner will continue to be subject to veto by the bipartisan parliamentary committee.

The chief commissioner will be consulted about the proposed appointment of other commissioners. This will provide the chief commissioner with the opportunity to offer comment on the proposed appointments. The Opposition has proposed that the current commissioner be automatically appointed as the chief commissioner and that she be given veto rights over the appointment of the other part-time commissioners. If that model were adopted, there is potential that the structure of the commission as a three-member commission may never come into operation. I note that the current commissioner is on record as opposing the new structure. Consultation with the chief commissioner over proposed appointments will avoid the chief commissioner having an effective veto over the appointments of other commissioners while still allowing the chief commissioner to have valuable input on proposed appointments. The Government believes this consultative approach is the most appropriate for delivering the new structure that was recommended by the parliamentary committee.

The suggestion that the Government has reserved for itself the ability to stack the commission with two part-time commissioners in case it does not like the decisions being made by the chief commissioner is wrong. The bill expressly provides that, subject to the requirement that the chief commissioner and at least one other commissioner approve a public inquiry, the chief commissioner's decision will prevail where there is an inconsistency between the decisions of the three commissioners. The provisions for the Law Enforcement Conduct Commission [LECC] Act in relation to the chief commissioner's role in the appointment of other commissioners are distinguishable from provisions for the ICAC. The commissioners in the LECC, other than the chief commissioner, have specific and differentiated portfolios and responsibilities. The commissioners in the ICAC are joint members of a three-member commission with joint responsibility for the culture and direction of the ICAC, without specific portfolio offices. Those differences mean that it is appropriate that the chief commissioner of the ICAC be consulted on proposed commissioner appointments and not given an effective veto right.

On the subject of the transitional arrangements, the restructured commission will commence only when it is ready for implementation. In the meantime, the commission will continue its work as it is currently constituted, including the release of any reports that are complete. There will be no gap between the disestablishment of the former structure of the ICAC and the establishment of the new three-member commission structure. Nothing in the Independent Commission Against Corruption Amendment Bill 2016 prevents any current investigation, including Operation Credo, from continuing and being completed under the restructured commission. The Government is committed to ensuring a smooth and efficient transition process.

The Hon. John Graham raised concerns related to funding of the ICAC. Base funding for the ICAC has been maintained at around \$24 million per year over recent years, which is well up on the \$19.8 million in Labor's last budget in 2010-11. Over the past four years, total expenses have included an average of \$2.2 million of within-year additional contributions, including for special investigations, from the Department of Premier and Cabinet. The 2016-17 budget already includes \$529,000 in additional contributions from the department. Consistent with previous practice, the need for any additional funding will be assessed during the 2016-17 financial year. As the Premier indicated previously, the Government is always prepared to monitor the financial situation in coordination with ICAC, particularly when there is an abnormally high level of activity.

The Hon. John Graham also raised the issue of political donations reform. In recent years the Government has taken a number of steps to enhance the regulation of political donations and election funding in New South Wales. The Government is currently considering recommendations of the Parliamentary Joint Standing Committee on Electoral Matters in relation to those issues. Appropriately, those recommendations will guide any future reform in this area, as will the total support of the previous ICAC parliamentary committee in relation to this bill. A number of issues were raised by my colleague the Hon. Mike Gallacher and have been considered by the parliamentary committee. Other issues he raised will undoubtedly be considered by the committee, and perhaps the Inspector of the ICAC, in time to come. Robust and effective oversight is critical to continuing public confidence in the ICAC. This bill will enhance the oversight of the ICAC, delivering a stronger and fairer anti-corruption watchdog.

Members raised concerns about lack of consultation and made suggestions about the passage of this legislation being rushed, which we know is untrue. I indicate that the following actions were part of the genesis of this bill. In May 2015, following the decision in *ICAC v Cunneen*, the Government commissioned an independent panel comprising the Hon. Murray Gleeson, AC, and Mr Bruce McClintock, SC, to review the ICAC's jurisdiction and powers. The panel's terms of reference required the panel to take into account any report of the Inspector of the ICAC in relation to these issues. In June 2015 the Inspector of the ICAC published his

initial report, which helped inform the independent panel's recommendations, all of which the Government accepted and implemented in September 2015.

In December 2015 the Inspector of the ICAC published a report in relation to Operation Hale, an investigation into Ms Margaret Cunneen and others. In May 2016 the Inspector of the ICAC published a further report reviewing the ICAC. The committee conducted an inquiry examining these two reports from the inspector. The committee's report was tabled in Parliament on 27 October 2016. The committee's comprehensive inquiry drew on work undertaken by the Inspector of the ICAC, the independent panel, Andrew Tink and others. The committee received submissions from a range of stakeholders and conducted public hearings.

Eighteen months after the High Court decision in Cunneen, Parliament is now considering significant reform of the ICAC. Clearly, the issues before Parliament today have been well canvassed, particularly by those members who have spoken in debate on this legislation who are also members of the parliamentary committee. During the past few weeks the Government has sought repeatedly to engage with members of the Opposition, particularly the Leader of the Opposition, to secure full bipartisanship for this reform. This action has proved largely futile as unfortunately the Government was met with obstruction and very limited enthusiasm.

We urge the Opposition, and all members, to support this bill, which implements the 35 recommendations of the unanimous bipartisan report of the parliamentary committee. Ensuring that the Independent Commission Against Corruption is properly equipped to fight corruption is a priority for this Government. That is why we are undertaking the most significant reform to the ICAC since its inception in 1988. These reforms will deliver a stronger and fairer ICAC for the future, with no diminution in the ICAC's extraordinary powers to investigate and expose corruption. This Government is resolute in its commitment to integrity in public administration. We will not tolerate corruption in this State. This bill ensures that the ICAC will be even better equipped to fight and prevent corruption with the full support of this Government. I commend the bill to the House.

The PRESIDENT: The Leader of the Government has moved that this bill be now read a second time, upon which the Hon. Adam Searle has moved that the question be amended by omitting the word "now" and adding at the end "this day six months". I now put the amendment of the Hon. Adam Searle.

The House divided.

Ayes17
Noes21
Majority.....4

AYES

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

Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

Buckingham, Mr J
Field, Mr J
Moselmane, Mr S
(teller)
Searle, Mr A
Shoebridge, Mr D
Wong, Mr E

Donnelly, Mr G (teller)
Graham, Mr J
Pearson, Mr M

Secord, Mr W
Veitch, Mr M

NOES

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

Mallard, Mr S
Nile, Reverend F

Amato, Mr L
Clarke, Mr D
Farlow, Mr S
Gay, Mr D
MacDonald, Mr S
Mason-Cox, Mr M
Pearce, Mr G

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

PAIRS

Mookhey, Mr D

Taylor, Ms B

Amendment negatived.

The PRESIDENT: The question is that this bill be now read a second time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes21
Noes17
Majority.....4

AYES

Ajaka, Mr J
Brown, Mr R
Cusack, Ms C
Gallacher, Mr M
Khan, Mr T
Mallard, Mr S
Nile, Reverend F

Amato, Mr L
Clarke, Mr D
Farlow, Mr S
Gay, Mr D
MacDonald, Mr S
Mason-Cox, Mr M
Pearce, Mr G

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

NOES

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

Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

Buckingham, Mr J
Field, Mr J
Moselmane, Mr S
(teller)
Searle, Mr A
Shoebridge, Mr D
Wong, Mr E

Donnelly, Mr G (teller)
Graham, Mr J
Pearson, Mr M

Secord, Mr W
Veitch, Mr M

PAIRS

Taylor, Ms B

Mookhey, Mr D

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. There is one set of amendments on sheet C2016-121B.

The Hon. ADAM SEARLE (17:36): I move Opposition amendment No. 1 on sheet C2016-121B:

No. 1 **Appointment of Commissioners (other than Chief Commissioner)**

Page 3, Schedule 1 [4], lines 40 and 41. Omit all words on those lines. Insert instead:

- (2) The 2 other Commissioners may only be appointed with the concurrence of the Chief Commissioner.

This amendment goes to the issue of ensuring that the other two commissioners may be appointed only with concurrence of the chief commissioner. The rationale of the amendment is to synchronise the legislation with the model embraced by this Government and this Parliament when establishing the Law Enforcement Conduct Commission [LECC]. It was widely recognised that we could not have a situation where the chief commissioner was effectively in a minority in the conduct of the important business of the institution. For example, the Government obviously noted that when constructing the bill and took on board a suggestion made by the Opposition that, in the majority voting of these three commissioners for any course of conduct to be determined and decided upon, one of the two had to be the chief commissioner. Why that has not been extended to the appointment of the other two commissioners and why this Government is departing from its own LECC model is unclear, but we think this is an important safeguard to ensure the ongoing integrity of the Independent Commission Against Corruption [ICAC].

The CHAIR (The Hon. Trevor Khan): Order! I ask members to keep their conversations down. I am sure the Hon. Adam Searle is making an important contribution.

The Hon. ADAM SEARLE: This amendment will replace the provision in the bill that only provides for consultation. I have listened to the less than compelling rationale advanced by the Government. This is not about giving any one person control; it is about making sure that the chief commissioner, whoever that is, is able to discharge effectively the statutory duties they are given and have overall conduct of the important work of the Independent Commission Against Corruption. The Government has not provided any explanation for why it has departed from the LECC model. There is only one position in the body that will replace the Police Integrity Commission and a completely different position in relation to the ICAC. One does not know the real reason, other than the desire of the Government to maintain for itself the possibility of surrounding a recalcitrant commissioner with more compliant personnel.

[Interruption]

I acknowledge the interjection of Mr David Shoebridge. The bill as currently configured has integrity risks and we want to plug that hole. We will make a sensible contribution to that irrespective of the fate of the bill and the other positions. The Opposition thinks this is an important provision that will ensure that ICAC is strengthened and not weakened. In my second reading contribution I recounted the concerns expressed by former Commissioner Ipp and former Assistant Commissioner Whealy about the appearance of this legislation and their assessment and the assessment of the current commissioner that what this Parliament is doing is weakening the anti-corruption body. No doubt that will suit Government members who have been on the receiving end of the inquisitorial function of this body. Perhaps they want to give aid and succour to those who wish to have corruption eat at the heart of public administration in this State. In that case, they are going about it the right way.

However, on the assumption that their words were not simply window-dressing and that they do care about the ongoing fight against corruption, the Opposition invites members opposite to take up this sensible suggestion. As noted, the parliamentary committee's recommendations had cross-party support. If the Government seriously wants to maintain cross-party support for these measures, as it did in the wake of the High Court ruling in the Cunneen matter, it would take on board these sensible suggestions. In the spirit of ensuring that ICAC is strengthened and not weakened as a result of the passage of this legislation, I urge the Government to support Opposition amendment No. 1.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (17:41): The Government opposes Opposition amendment No. 1 appearing on sheet C2016-121B. This amendment would have the effect of giving the chief commissioner a veto right over the other commissioner appointments. That is the role of the joint committee; it should not be up to one individual to decide. The Hon. Adam Searle says that it is not about giving control to the chief commissioner. However, if the chief commissioner has a right of veto over who can be appointed as a commissioner, that is exactly what is happening: The chief commissioner will have control. Under the bill, the chief commissioner will be asked for his or her views about the candidates, and that feedback will be incorporated in the decision-making process. Appointments will be on merit, as we would all want and expect. Ultimately, the proposed appointments will return to the joint committee, which has a right of veto. That is the correct procedure.

Mr JEREMY BUCKINGHAM (17:43): The Greens support Opposition amendment No. 1. I will read onto the record a comment made by Don Corleone in the 1969 movie *The Godfather*:

Revenge is a dish that tastes best when it is cold.

Many months after adverse findings against some at the Independent Commission Against Corruption, Government members are having their day. I can feel the smugness oozing out—

The CHAIR (The Hon. Trevor Khan): Order! Mr Jeremy Buckingham will sit down while I make a ruling. The member is well aware, because I have indicated previously, that members speaking to amendments must address the terms of the amendment, and should not deliver a second reading speech. With respect, that is what the member is doing. I invite him to speak to the merits of the amendment and not to make a second reading speech. I note that he has made a second reading speech and has been able to put these matters on the record already.

Mr JEREMY BUCKINGHAM: As the Hon. Adam Searle stated, the Government has not put a cogent reason to the Committee or to the community for not adopting the Law Enforcement Conduct Commission model and for proposing a model that requires the concurrence of the chief commissioner. Rather, it is creating a massive potential for corruption. That has been suggested by some of the most eminent experts in this State, including former judges and the like. They have said that this is the type of activity that one would expect from tin-pot dictatorships or banana republics. We could have handpicked appointees who would give feedback such as, "I can't work with these people; they are here to nobble me." That could happen and there would be no right of veto or concurrence.

The chief commissioner should be able to work with people of like mind who have robust intellectual depth and who can make intellectual assessments of the matters before them. We are not talking about a massive gene pool. We are talking about people with whom a chief commissioner knows he or she can work. It is an incredibly important position. That is why The Greens believe the Opposition's amendment should be supported. There is a massive potential for corruption if we do not have concurrence. We might end up with the commission being nobbled and opportunities for influence against the public interest.

The Hon. ADAM SEARLE (17:45): I am still at a loss to understand the Government's rationale. The Law Enforcement Conduct Commission Bill 2016 refers to a chief commissioner whose appointment is also subject to veto by the parliamentary committee. The two other commissioners to be appointed to the commission will also be the subject of a veto hearing by the relevant parliamentary oversight committee. Yet the Chief Commissioner of the Law Enforcement Conduct Commission must concur with the appointment of the other two. The Government has not presented a logical reason for significantly departing from that in the Independent Commission Against Corruption [ICAC] legislation. Yes, there will still be a role for the parliamentary oversight committee, but that is no different from what will happen in relation to the Law Enforcement Conduct Commission.

The Government's approach to this legislation is intellectually and morally bankrupt. It cannot defend it in the public sphere because the real purpose of this part of the bill is to ensure that the right wing of the Liberal Party can stack the commission and debase the institution in the same way that the Commonwealth Attorney-General has done to the Office of the Solicitor-General. That can be the only rationale for the bill being constructed in this way. No member opposite has been able to offer a rational reason for doing so. The rationale advanced by the Minister does not add up. The reason he relies upon—that is, the deliberations of the oversight committee—applies to the Law Enforcement Conduct Commission and to ICAC. This is another fix by the Government to get its way and to diminish ICAC.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (17:47): The provisions dealing with the role of the Chief Commissioner of the Law Enforcement Conduct Commission in the appointment of other commissioners are distinguishable from the provisions in the Independent Commission Against Corruption Amendment Bill 2016. The Law Enforcement Conduct Commission commissioners, other than the chief commissioner, have specific and differentiated portfolios and responsibilities. The Independent Commission Against Corruption commissioners are joint members of a three-member commission with joint responsibility for the culture and direction of ICAC without specific portfolio offices. These differences mean that it is appropriate that the Chief Commissioner of ICAC be consulted on the proposed commissioner appointments rather than have an effective veto right for the reasons stated earlier.

Mr DAVID SHOEBRIDGE (17:48): As noted earlier, The Greens support all three of the Opposition's amendments. We are meant to make legislation not only for the current political situation; we are meant to put in place an anti-corruption agency that will work with good and bad governments. An anti-corruption agency that can work independently and actively when we have a rotten government will be most valuable in New South Wales. We need an anti-corruption agency that is headed by a commissioner who can, in act and deed, at all times be independent of the government of the day. If a future rotten government appoints two commissioners to a three-member management team who are in opposition to the chief commissioner, it can kill off the Independent Commission Against Corruption [ICAC]. This bill, as drafted, will allow that to happen. It allows a future rotten government to appoint its choice candidate if any one of the offices becomes vacant. The Government almost always has the numbers in the joint committee, or can pull together a majority if it can sway its crossbench members.

The idea that the joint committee has a constraint on the Executive is a largely false concept. I mean no disrespect to the current committee, which has had a robust internal dialogue, but if we allow the bill to go through in its current form, it allows a future malign government to appoint two commissioners who can cruel the ICAC and avoid having a majority decision to commence an inquiry, let alone a public inquiry. It will have a majority position to avoid allowing a compulsory interrogation of a future malign Minister. Why would we allow that? I have listened intently to what the Minister has said in defence. One argument is that because the deputy commissioners in the Law Enforcement Conduct Commission [LECC] will have distinct roles, the chief commissioner should be consulted on their appointment. However, because the two ICAC commissioners do not have distinct roles, they do not need to be consulted. That is the best argument coming from the Government. That is no argument.

The fact that the three commissioners in the new ICAC body will share roles and duties and will not have distinct areas of activity is all the more reason to have some commonality. It would be disastrous to appoint commissioners who have contrary political or investigative views to the chief commissioner. We are not only

dealing with ICAC now; we are dealing with ICAC in the future. We are creating a capacity for a future malign Government to nobble it. For the life of me, I cannot work out what is happening when we do the opposite that applied for the Law Enforcement Conduct Commission. I will not traverse what I said in my second reading speech. Without expressly stating it, the changes to part 2 indicate that we are getting rid of the existing commissioner, which is not only legally fraught with danger—and that will be a matter for the courts to determine if it is challenged—but it is also offensive. The law says statutory positions of importance such as the Commissioner of ICAC can be removed only by a joint address from the Houses of Parliament to the Governor. To try to knock them off—

The CHAIR (The Hon. Trevor Khan): Order! Mr Shoebridge, I do not want to steal your thunder, but it seems to me that what is being said now is about the next amendments.

Mr DAVID SHOEBRIDGE: I indicate that is our position on The Greens amendments Nos 2 and 3. Hopefully I can avoid making a contribution on those matters. We are of one mind.

The Hon. ADAM SEARLE (17:54): I thank members for their contribution to the consideration of this amendment. I thank the Minister for providing the additional rationale of the Government. I understand that the Law Enforcement Conduct Commission has three commissioners who have their own sphere of influence and operation. The concurrence of the chief commissioner must be attained to have them appointed, even though the other two commissioners are autonomous and not overlapping with the chief commissioner. In the ICAC, when the three of them are working together with overlapping responsibilities that are shared equally, the chief commissioner should only be consulted and not have a concurrence role. If that is the rationale it is a recipe for disaster and the only possible intention of that construction is to enable the Government to pack the ICAC bench.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet C2016-121B. The question is that the amendment be agreed to.

The Committee divided.

Ayes17
Noes21
Majority.....4

AYES

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
Voltz, Ms L

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

NOES

Ajaka, Mr J
Brown, Mr R
Cusack, Ms C
Gallacher, Mr M
Harwin, Mr D

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

PAIRS

Veitch, Mr M

Taylor, Ms B

Amendment negatived.

The Hon. ADAM SEARLE (18:03): By leave: I move Opposition amendments Nos 2 and 3 on sheet C2016-121B in globo:

No. 2 **Commissioner to become Chief Commissioner**

Page 10, Schedule 1 [20]. Insert after line 22:

41 The Commissioner to become Chief Commissioner

The person holding the office of the former Commissioner immediately before the substitution of Part 2 of this Act by the amending Act is taken, on that substitution, to have been appointed as Chief Commissioner for the balance of the person's term of office as the former Commissioner.

No. 3 **Commissioner to become Chief Commissioner**

Page 12, Schedule 2 [6], lines 28–32. Omit all words on those lines.

I thank the Committee for its consideration in allowing me to move these two amendments together. These provisions, if enacted, would establish the Independent Commission Against Corruption [ICAC] commissioner as the new chief commissioner. The Government has been at great pains in debate on this bill to talk about the importance of the institution of the Independent Commission Against Corruption and of making sure that it is rightly configured in the future. The Government has given us assurances that it is not about any individual but if that were true it would have made clear that the current commissioner would be the chief commissioner, allowed to serve out the balance of her term, which does not expire until January 2019. She is a Government appointment—appointed by Premier O'Farrell. However, the Government has not done that. Schedule 1 [4] will remove from the legislation the part that establishes the Office of the Commissioner and replace it with the newly configured commission. Item [20] on page 10 refers to the abolition of the office of the former commissioner and states:

former Commissioner means the Commissioner for the Commission appointed under section 5 before the substitution of Part 2 of this Act by the amending Act.

As Mr David Shoebridge pointed out, nowhere in the bill is there an explicit or direct abolition of the current commissioner's office. So the drafting may well achieve the result that the Hon. Megan Latham is taken out of her role in having the carriage and conduct of ICAC but nevertheless still retains some statutory office, although one without any work to perform. Either way, the Government will have achieved its objective of removing her from being in charge of the Independent Commission Against Corruption. It is instructive that, in this long debate, neither the Minister nor any person on behalf of the Government has directly addressed this part of the bill that seeks to sack the ICAC commissioner—to remove her from office.

Members opposite have spoken lyrically and at great length about the report of the parliamentary committee and how it is a cross-party committee. They have talked about different aspects of the bill that are all-important, about making sure the ICAC will work properly and appropriately in the future. But not one speaker, apart from Opposition members, addressed the elephant in the room—the fact that, at the heart of this bill, is not a concern for ICAC or a concern about fighting corruption in this State; just a gotcha moment, a payback, because the current office holder has been active in fulfilling her statutory duty. Presumably this Government would prefer a quieter former judge, one perhaps on the downward slide towards retirement who will not look so energetically at the complaints that come across his or her desk. In doing so, the Government not only seeks to pay back the commissioner for the work she has done and to pander to the right-wing elements of the Liberal Party and the right-wing Murdoch media but also seeks to diminish the ICAC as an agent against corruption in this State.

That is the only rational conclusion that can be drawn because no Government members have defended this aspect of the bill. If there was any doubt that this was just a political stitch-up, the presence of Margaret Cunneen in the President's gallery during this debate—as a guest of whom, I would like to know—should put it beyond doubt. The Government, in an act of malice—in an act of venality—is seeking to punish the ICAC for simply doing its job. As parliamentarians, we should say that that is not good enough. We should say to the Government that whoever the occupant is and whether or not we like them, if they are to be charged with misconduct the Government should come in through the front door with evidence and arguments to explain why they should be removed. The Government has not done that because it cannot. There is no evidence and there is no case for the commissioner to answer.

This legislation is just an elaborate ruse so that the Liberal Party can pay back the ICAC for doing its job. But the public will see through it. The public will see this manoeuvre for what it is: an attempt to aid and abet corrupt elements in the Liberal Party who have been caught rorting the electoral funding and disclosure laws in this State. Those opposite are still smarting from that—they still have the bruises and scars. And, unlike our side of politics which was quite prepared to say, "Yes, that was not good enough. We will drive those people out of our party and we will lift our game", members opposite just blame the messenger and try to cut off the head. It will not work.

If Government members get this legislation passed in the form that they want, they have to be very careful what they ask for. The Government is making a rod for its own back and is simply giving the green light to corrupt

elements in public administration in this State. The Government is encouraging corrupt elements that may exist in its own party—in the Parliament, in the party office or elsewhere—and simply sending a signal that this Government is soft on corruption. I ask members to stand up against that and to adopt this sensible provision that says that, as this commissioner is mid term, we should let her serve out the balance of her term. The Government can appoint whoever it wants in January 2019. We will still have the same Government so there is no advantage to be lost. The Government just has no restraint; it just has to say, "Gotcha."

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (18:10): The Government opposes Opposition amendments Nos 2 and 3. The committee made bipartisan recommendations about a new structure for the Independent Commission Against Corruption [ICAC]. As we would all want and expect, there will be a merit-based selection process to identify the best-qualified candidate for the chief commissioner and commissioner roles. Labor has focused on an individual but it should not be about an individual; it should be about selecting the best candidates for the job. The appointments will be overseen by the parliamentary committee, which is able to veto the proposed appointments. The current commissioner has been invited to express an interest in being appointed to the restructured ICAC.

Mr JEREMY BUCKINGHAM (18:11): On behalf of The Greens I support Labor's amendments Nos 2 and 3. This is all part of the Government's grand design. At the end of the year, after an abysmal week of terrible legislation being rammed through this Chamber when we are supposed to be too tired to give a damn and when the community is not paying attention, the Government does its worst. But the Government will not get away with it. As the Hon. Adam Searle said, Government members should be careful what they wish for because they are setting a precedent. Rather than both Houses making a decision to remove the commissioner, the Government introduced a bill that will amend the original Act. This amending bill will result in the execution of the commissioner.

The Hon. Shayne Mallard: Point of order: The Chair made a ruling earlier that members must refer specifically to the amendments before the Chamber.

The CHAIR (The Hon. Trevor Khan): I might have set a terrible precedent. The member has been walking a careful line. He is on the right side of the line at present, so he can proceed.

Mr JEREMY BUCKINGHAM: If members had listened carefully to the contribution of the Minister they would know that there is no justification for these provisions. The Minister referred to future appointments but did not give one reason that Megan Latham should lose her job. She will probably resign within the next 24 hours.

Reverend the Hon. Fred Nile: Hear, hear!

Mr JEREMY BUCKINGHAM: I note the interjection of Reverend the Hon. Fred Nile, who is pleased to see her go. That is what this is about. That is the motivation: It is about executing the messenger. Revenge is a dish best served cold, many months after. The Government thinks the community is not paying attention. I tell the Government that most people will be thinking, "The political class, smug as all hell, is doing away with the commissioner late at night."

The Hon. Michael Gallacher: It is not late at night.

Mr JEREMY BUCKINGHAM: It feels as though it is late at night. The Government is doing away with a fantastic public servant without giving any cogent reason, which diminishes community trust in our political system. These types of things leave people feeling disgusted with democracy and disenfranchised. These types of decisions lead to right-wing reactionary politicians like Donald Trump.

The CHAIR (The Hon. Trevor Khan): Order! Mr Jeremy Buckingham is now moving to the other side of the line.

Mr JEREMY BUCKINGHAM: The Government is about to do away with a commissioner who deals with corruption.

The Hon. Michael Gallacher: No, we are not.

Mr JEREMY BUCKINGHAM: Yes, it is. Megan Latham's reappointment by this Government is as likely as Troy Grant getting back his job as Leader of The Nationals. She will be gone forever and she would not take that job. That action will diminish the role of the Independent Commission Against Corruption and the integrity of our system. This bill will do away with a public servant who did a marvellous job of holding a bunch of rotten crooks to account. Eleven of them are forever shamed, and rightly so. I hope that they never live it down because they purported to represent the people of New South Wales and to uphold values and integrity. Megan Latham caught them out and she is now paying the price. Mark my words: The community will back her

but it will not back this Government. The community will regard doing away with the commissioner as politicians looking after politicians. This is an abysmal bill. The Greens wholeheartedly support the Opposition's amendments.

The Hon. ADAM SEARLE (18:17): I thank the Minister for his response but in that response he again gave the game away. He sought to defend this aspect of the bill by referring to the report of the joint parliamentary committee. It is a matter of record that the committee never discussed the abolition of the current commissioner's position. It was not the subject of discussion or recommendation by the committee yet that is the defence offered by the Government. During the contribution of Mr Jeremy Buckingham I distinctly heard someone saying, "Hear, hear," when the issue of the potential resignation or departure from office of Megan Latham was mentioned. If I am not mistaken Reverend the Hon. Fred Nile, the Assistant President of this Chamber, made that comment. There are no prizes for guessing who is responsible for Ms Cunneen's presence in the gallery tonight. This is just a political fix by the Government and its allies to drive Megan Latham out of office.

Reverend the Hon. Fred Nile: Point of order: I had no knowledge of Ms Cunneen's visit and I have had no contact with her whatsoever. The Hon. Adam Searle, who has a suspicious mind, should withdraw that remark. He believes everybody is corrupt but I am innocent.

The Hon. ADAM SEARLE: If she was not the member's guest I withdraw my comments.

Reverend the Hon. Fred Nile: I object to those comments and ask the Hon. Adam Searle to withdraw them.

The Hon. ADAM SEARLE: I have withdrawn my comments.

The CHAIR (The Hon. Trevor Khan): Order! This is not a point for argument, and it is not a point of order. There is a mechanism to respond to this by way of personal explanation, but it is not a point of order.

The Hon. ADAM SEARLE: I ask rhetorically: Whose guest was she, given that she was seated in the President's gallery? Perhaps an explanation one day will be forthcoming from one of the members who might have knowledge of that. In any case, the Minister says that this is not about one individual. But the Government, by its actions in the bill, by its failure to defend a proposition in the bill, and by the contributions of some members of this Chamber, has made it pellucidly clear that that is exactly at the heart of this legislation. The legislation is not about strengthening the Independent Commission Against Corruption [ICAC] and it is not about fighting corruption; it is about the right wing of the Liberal Party saying, "Gotcha."

Reverend the Hon. Fred Nile: Saving ICAC; it is saving ICAC.

The Hon. ADAM SEARLE: It is not about saving ICAC. Let me explain why it is not about saving ICAC. Some members of the Legislative Council, who cannot stand it when people give a contribution with which they do not agree, just cannot help but intervene. Particularly when they are the Assistant President, they should know better. The fact is that this Government is just seeking to target an individual. Reverend the Hon. Fred Nile says that it is just about saving the institution. One of the previous contributors to debate—I think it was Reverend the Hon. Fred Nile—said that there was much criticism of Megan Latham everywhere, but in fact the criticism of her and her conduct in office has come from the right wing of the Liberal Party and its urgers in the Murdoch press. The general community is very satisfied with the level of service given by the ICAC. It can be improved upon, and the Labor Party is happy to support improvements in the ICAC legislation, as we have previously.

The Hon. Penny Sharpe: Point of order: I know that this is a heated debate, but a number of interjections are continuing as the Hon. Adam Searle is speaking. He should be heard in silence. I ask the Chair to direct members to cease interjecting.

The CHAIR (The Hon. Trevor Khan): I invite members to restrain themselves. All members have had a very long 24 hours. Debate on this bill will be finalised far more expeditiously without interruptions. Has the Hon. Adam Searle concluded his remarks?

The Hon. ADAM SEARLE: Nearly.

The Hon. Lynda Voltz: Nice try, Chair.

The Hon. ADAM SEARLE: I think all members should give the Chair a round of applause for his efforts to keep the peace.

The Hon. Greg Donnelly: Could you start again, Adam?

The Hon. ADAM SEARLE: I will not take up that suggestion. I just ask members to reflect on the wise words of a previous contributor to debate, who I think was Mr David Shoebridge. This is not just about reconfiguring ICAC for now; it is about making sure the body is fit for purpose over the longer term. The Labor

Party, from the moment legislation establishing ICAC was first introduced into Parliament, has been a resolute supporter of a strong anti-corruption fighting body. In the wake of the Cunneen matter in the High Court, we cooperated fully with the Government, ensuring that ICAC could carry on its work. The Labor Party cannot be criticised on any basis for not supporting ICAC and not supporting a strong corruption-fighting body. The Labor Party is taking the position it has adopted in relation to this legislation because it is not about those things; it is about unfairly and corruptly targeting the current commissioner and removing her from office simply for doing her job. The Government is shooting the messenger, not lifting its own game because it has been caught.

The Hon. MICHAEL GALLACHER (18:22): These really are mischievous amendments because they are trying to suggest something for which there is completely no evidence and at the same time, if we look at the genesis upon which we are debating reform, both sides of the Chamber agree that the Independent Commission Against Corruption [ICAC] has lost its way. Through the parliamentary committee, both sides of politics agreed that the organisation needs to be fixed. Parliament needs to fix its standing in the community. Parliament needs to fix it as an anti-corruption body. Parliament needs to fix it so that public servants may have confidence in it to come forward. But to do that, Parliament has to send the message that we want the best. We want people to come in and lead this organisation who are the best to lead an organisation into the future.

If that is Megan Latham because she applies for the job and she gets it, then so be it. But what these amendments are doing is preordaining who will lead ICAC. In other words, according to the Australian Labor Party, the Government has already made up its mind. What the hell are we talking about restructure for? Why are we talking about a new future, if we are trying to send a message to the best and brightest legal minds we want to attract to play a leadership role in ICAC in the future, when the Government's mind has already been made up? That is what the Australian Labor Party is saying. The reality is that if Megan Latham is the best and the brightest for the job then she gets the job. But the fact is that there are many potential ICAC leaders out there and they are people who are far better qualified than anyone we can imagine right now—senior counsel, Queen's counsel and interstate people. Who knows who would love to be part of the renaissance in the manner in which corruption is fought in New South Wales? We are cutting off potential opportunities for people.

The CHAIR (The Hon. Trevor Khan): Earlier a point of order was taken by the Hon. Penny Sharpe relating to interjections and I asked members to remain silent. Despite that, interjections now have been made in clear breach of my previous request and are offensive. The Hon. Mike Gallacher may proceed. Members who have been interjecting should remain silent.

The Hon. MICHAEL GALLACHER: We do a disservice to all potential applicants for the positions referred to in the bill by supporting the amendments. We are saying that we want the best and we want people to come to ICAC, but we have already made up our mind who will be the head of ICAC. At the same time, we are also saying that we recognise that the organisation needs to be fixed and redirected. This debate is an opportunity for us as a Parliament to be competitive and to ensure that we get the best legal minds to fill the positions. We want the best and we expect the best, but we want applicants to understand that applying for the roles of chief commissioner and the respective commissioners is an open and transparent process. We want that outcome.

Mr DAVID SHOEBRIDGE (18:25): The position that has been put by the Hon. Mike Gallacher effectively expresses what the Government has tried to say. It is a false argument that the Government wants to attract the best person—the finest legal minds—to head up the Independent Commission Against Corruption [ICAC] in New South Wales. The Government is doing that by garrotting the current commissioner midway through her term. If ever there is a message to a retired judge or a senior silk that nobody in their right mind would take the job, it is the political shenanigans that have occurred to remove the current commissioner. Nobody who has an extremely successful practice at the private bar would give that up to accept a position that might be terminated halfway through its term by the Baird Government or by a future Coalition government. Nobody will step down from the bench of the Supreme Court or the Federal Court and take up a position that will be cut down halfway through the term, just as is proposed for Commissioner Latham.

Far from this legislation being a way in which to attract the best talent, it sends a clear message to top-tier applicants to be very careful. It is a warning for them that if they get involved with ICAC and robustly go about doing their job, potentially the political establishment in New South Wales will turn on them, legislate them out of office, and cut them down halfway through their term. If that is the type of job application that the Baird Government is putting out there, it should have a second view of it. There is another reason to support the Opposition's amendments. The first reason is that it will allow the current commissioner to see out her term, but see out her term as the chief commissioner, and then allow for a regular recruitment process to begin at the end of 2018 or the beginning of 2019. That would be the best outcome for ICAC.

The other reason is that, arguably, as mentioned earlier, this bill does not abolish the current commissioner's position. Because the Government has not abolished the current commissioner's position expressly in the bill but has just hoped it would happen by rejigging part 2 and reciting a few prayers in the schedules, the

best way to avoid a potentially very uncertain 2017, during which the current commissioner continues to exist with some type of half-life while the Government tries to graft on a new chief commissioner, would be to make the same person hold both offices and ensure that the current commissioner becomes the chief commissioner.

The Hon. LYNDIA VOLTZ (18:28): When members of the Independent Commission Against Corruption [ICAC] committee looked at how the commission made decisions to hold public inquiries we found there was an executive structure to oversee the decision-making process. To some extent, the governance and management processes proposed in this bill formalise the existing executive structure at the Independent Commission Against Corruption. In reality, the bill is not seeking to replace the current commissioner, who is not at the end of her five-year term of employment and this five-year term is defined in the Act. These amendments propose to maintain ICAC's perceived independence and to avoid any suggestion that the legislation's motive is to replace the current commissioner. I note that the ICAC commissioner can be removed only by a vote of both Houses of the New South Wales Parliament.

The amendments put under a spotlight the fundamental questions of integrity, transparency and confidence in the Independent Commission Against Corruption for the people of New South Wales. These amendments are not a reflection on the opinions of members of this place or those of the current commissioner. These amendments are a reflection on how we do our job as the House of review. The people of New South Wales must have confidence in our ability to put aside our political disagreements and make legislation in the best interests of the people of New South Wales. Given the history of corruption in this State, it is important that legislation we pass does not undermine the confidence the people have in this Parliament.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved amendments Nos 2 and 3 on sheet C2016-121B. The question is that the amendments be agreed to.

The Committee divided.

Ayes17
Noes21
Majority.....4

AYES

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
Veitch, Mr M

Pearson, Mr M
Sharpe, Ms P
Voltz, Ms L

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

NOES

Ajaka, Mr J
Brown, Mr R
Cusack, Ms C
Gallacher, Mr M
Harwin, Mr D

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

PAIRS

Secord, Mr W

Taylor, Ms B

Amendments negatived.

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

Motion agreed to.

The Hon. JOHN AJAKA: I move:

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

Motion agreed to.

Adoption of Report

The Hon. JOHN AJAKA: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. JOHN AJAKA: I move:

That this bill be now read a third time.

The Hon. ADAM SEARLE (18:39): The Opposition cannot support the third reading of the Independent Commission Against Corruption Amendment Bill 2016 for the reasons we outlined during the debate. It is disturbing that the Government does not understand that it cannot enhance the public standing of, and public confidence in, the corruption-fighting body by tipping out the independent statutory officer at its helm partway through her term of office. Indeed, that action will fatally undermine public confidence that the body is truly independent and beyond the reach of executive government interference. It is disturbing that either the Government cannot understand that very basic proposition or, worse, at the heart of the bill is an intention to engage in political payback against the current commissioner simply for fulfilling the statutory duty the Government gave her when it appointed her to office.

We do not seek to make this about one person. We were happy to engage in a constructive dialogue on improving and enhancing the structure of the body so that it could be better suited for its purpose. However, the Government has made this about that person by not acknowledging the fact that the bill seeks to terminate the appointment of the current commissioner. The Minister has hidden from it, and not one speaker for the Government has acknowledged that that is an effect of the bill. Only the contribution of the Hon. Mike Gallacher came close to the mark of acknowledging that what is really motivating the legislation and the Government is an effort to get square with the Hon. Megan Latham. It is an effort to pay her back for having the temerity to investigate allegations of corruption against the Liberal Party's parliamentarians and administrative wing, and fulfil her statutory function. It wants to make sure the whole community knows that if you have the temerity to investigate allegations of corruption against the ruling party in this State, you will have your head cut off.

Mr JEREMY BUCKINGHAM (18:41): I speak in opposition to the third reading of the Independent Commission Against Corruption Amendment Bill 2016 on behalf of The Greens, and I again lament the failure of the Government to give a single decent, honest reason for effectively executing the Commissioner of the Independent Commission Against Corruption. Politicians do not like to hear it, but this is exactly the sort of decision—a decision by the political class circling the wagons and protecting itself—that causes the community to lose faith in all of us. The community will turn its back. The Government put in place an independent commissioner with authority to do exactly as she has through Operation Spicer, and what is the outcome? It is a murder in broad daylight. It is a political execution of an agent of the State who did her job with rigour and held people to account. The community will commend—

The Hon. Dr Peter Phelps: Point of order: The accepted convention of this House is that the third reading debate is an opportunity for a member representing a political party to give an explanation as to why they cannot support the bill. In that third reading debate they should limit that speech to the consequences of a failure to support a proposed amendment or the addition of amended material into the original bill, which means that they can no longer support the bill as constituted by the time it comes out of the Committee of the Whole. For a member to simply reiterate a speech from the second reading stage is certainly outside convention in relation to what a third reading speech in this place should be.

The PRESIDENT: Order! I have listened to the comments of both members, and the remarks I now make apply equally to Mr Jeremy Buckingham and to the Leader of the Opposition. Neither member was in order in the comments they made before the House. I gave the Leader of the Opposition some latitude, and the Hon. Dr Peter Phelps took his point of order literally seconds before I was going to ask Mr Jeremy Buckingham to sit down. He is out of order. If he has some comments that arise from the Committee stage, which is what he should be dealing with at the moment, he will be in order and can continue; otherwise, he should resume his seat.

Mr JEREMY BUCKINGHAM: The failure of the Government to support the amendments and to give any logical, cogent reasons that it could not support the Opposition's amendments is a massive failure. It means

The Greens can do nothing other than oppose this bill this evening and oppose this Government and its abysmal attack on the Independent Commission Against Corruption.

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

The House divided.

Ayes21
Noes17
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
Veitch, Mr M

Pearson, Mr M
Sharpe, Ms P
Voltz, Ms L

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

PAIRS

Taylor, Ms B

Secord, Mr W

Motion agreed to.

CROWN LAND MANAGEMENT BILL 2016

LAND ACQUISITION (JUST TERMS COMPENSATION) AMENDMENT BILL 2016

REGULATORY AND OTHER LEGISLATION (AMENDMENTS AND REPEALS) BILL 2016

LAW ENFORCEMENT CONDUCT COMMISSION BILL 2016

FISHERIES MANAGEMENT AMENDMENT (SHARK MANAGEMENT TRIALS) BILL 2016

Assent

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

Adjournment Debate

ADJOURNMENT

The Hon. JOHN AJAKA: I move:

That this House do now adjourn.

MANMEET ALISHER

CYCLING PARTICIPATION

The Hon. DANIEL MOOKHEY (18:54): Manmeet Alisher died after being set alight while driving a Brisbane bus in October. Mr Alisher's murder investigation will determine why he died, but the pain of his demise

will linger long after the investigation ends. The people who saw Mr Alisher burnt alive will be forever hurt by what they witnessed. The Brisbane Punjabi community—the Australian-Indian diaspora—will remain hurt by the sorry end to Mr Alisher's immigrant story. Mr Alisher's brother—whose first trip to Australia was to collect his brother's body—will forever be hurt by having to tell his elderly parents the fate of their youngest son. In the wake of this tragedy in Brisbane, more than 1,000 people, including cab drivers, bus drivers and others members of the community, attended a memorial service to pay tribute to Mr Alisher following a vigil held the night of his death. The Rail, Tram and Bus Union coordinated a nationwide tribute to Manmeet. Bus drivers drove with their lights on as a mark of respect for Mr Alisher, and for all transport workers maimed or killed at work. I join them in offering my respects, and I am sure that all members join me in doing so.

Under New South Wales law, riding a bicycle through a red light results in a record fine of \$425; riding a bicycle through a pedestrian crossing results in a \$425 fine; riding a bicycle without a helmet results in a \$319 fine; riding a bicycle without lights leads to a \$106 fine; riding a bicycle on a footpath leads to an \$80 fine; and riding a bicycle without identification leads to a \$106 fine. The Government's own experts tell us that all these fines are out of kilter with the safety risks involved in cycling. However, they are in kilter with the war this Government is waging on cycling. This is the same government that spent millions of taxpayers' dollars ripping up the College Street cycleway. Therefore, it is no surprise that the same prejudice that led it to make that astounding decision has led it to use fines to punish cyclists who share the road with motorists.

Sadly, this war is having an effect. The results of the 2016 cycling participation survey conducted by the City of Sydney show that the rate of cycling in Sydney is in freefall. The proportion of the population who cycled in Sydney in 2016 fell by one-third since 2013. The proportion of people who cycled in Sydney in the past month has experienced a similar precipitous fall. The Bicycle Network told me about Lawrence, one of its members, and his cycling commute experience. Lawrence said that he was fined for riding on the footpath. In his words:

I did so because it was safer than riding on a six-lane highway with no breakdown path. A few mates have been fined for the same thing, due to more new laws against riders. I now have to carry ID when I ride around the park with my boy. I see fewer riders on the road now.

Lawrence's point is that in the absence of a proper strategy to segregate cyclists from motorists on the road network, safety risks will remain endemic. If we fine cyclists who navigate Sydney's roads without the protection of separated cycleways, we will fine people who are trying to mitigate the risks resulting from the terrible built environment in which they must cycle. The tragedy is that, while the Government punishes cyclists, enlightened governments around the world are increasingly embracing cycling. These governments see cycling for what it is: an irreversible trend that is modernising the urban landscape and which should be supported. Those cities are investing in cycling infrastructure, and they are experiencing huge increases in cycling numbers. I am sure that the Deputy President is as enthusiastic about that as I am.

The Hon. Dr Peter Phelps: Probably more so.

The Hon. DANIEL MOOKHEY: I acknowledge that interjection. In contrast, the Government has ratcheted up fines and ripped up cycleways. It has done everything in its power to make it harder for people to put their health and amenity first by cycling in our city and in our State. For as long as this Government is in power, the war on cycling it wages will go on.

ECONOMIC EQUALITY AND STABILITY

Mr JUSTIN FIELD (18:58): Events such as the election of Donald Trump and the Brexit vote have been subject to significant analysis and debate. The general view is that something in the political order has changed. There is a distrust in politics and political parties, a criticism that the political system is failing to address the needs of people, and a seeming desire to bust the system. Underpinning all of this is the fundamental question about the role of the economy in our lives and a sense that the current system is not working. The trickle-down economics of Western liberal democracies have not worked to create communities of inclusion, resilience, equality or peace. The neoliberal agenda of cutting social services, privatising everything and introducing user pays for what we previously recognised as freely available common services succeeded to a point, but it has now been found to be a hollow shell that serves only the interests of a few.

What is evident from recent events is that a large number of people who are worse off from this approach have had enough. They are now prepared to up-end politics and do away with governance, even without a clear pathway forward. If we think this is not an issue that is live in our State, we are simply not taking notice. Sydney is now Australia's most unequal major city, with the richest 1 per cent of earners having more than 11 per cent of all income. We have the third-highest house price to income ratio in the world, and this is contributing to growing housing stress, insecurity and homelessness. Nearly 200,000 members of our community are unemployed or underemployed. If anyone has been in that position, they will recall the sense of drift, of feeling unnecessary and redundant within their own community.

Then there is the simple fact of not being able to afford to buy anything after the rent has been paid and food has been bought. This inequality risks being entrenched when we see that a child born into a well-off family in New South Wales can expect their educational attainment to be 30 per cent or 40 per cent higher than a child from a less well-off family. On top of the tension and hardship inflicted by the past 20 years of user pays and privatisations, we are increasingly facing the economic and social challenges of a warming planet. In 2016 economist Nicholas Stern warned the world that the cost of inaction would be far greater for future generations than the cost of action taken today. He said recently:

With hindsight, I now realise that I underestimated the risks. I should have been much stronger in what I said in the report about the costs of inaction.

We know that the cost will be disproportionately visited on those who already can least afford it. For all the harping about economic and jobs growth, many people in New South Wales are experiencing growing unemployment and an inequity of opportunity. Things are getting harder. The response from this Government has been to push for more privatisations in our hospitals, electricity, ferries and trains, the land titles office and even our sport and recreational centres. This Government has no economic plan to meet the needs of the community. It is more intent on delivering for vested interests, and the community is growing more disconnected and frustrated with politics. Time has well passed for a debate in this place and in the community about what kind of economics we need in order to create a more equitable, resilient and cohesive New South Wales. How can we create an economy that serves people? This cannot be a political quick fix. It cannot be a cynical political response that addresses the growing support for anti-politics independents and right wing micro-parties.

It must be done with a genuine intention to change how governments direct resources, invest in good growth, in education and health, and in clean energy and jobs. It must protect the fundamental safety nets in our society so people are not fearful of being injured, getting sick, or being out of work and facing housing insecurity. The Greens sees that the response to those challenges is built on core principles and that economic management should prioritise improving the quality of life rather than the production and consumption of material output; that ending poverty and reducing inequalities in income and health are essential to social wellbeing and democracy; and that human-induced climate change represents a significant economic threat and all jurisdictions must work to transform a low-carbon economy. In that transformation, we must ensure a fair transition for effective communities. The recent Trump and Brexit examples not only serve as a warning but also are an opportunity to chart a different course to make politics relevant to people while ensuring that the economy is serving their needs.

RECONCILIATION IN PARLIAMENT

The Hon. TREVOR KHAN (19:03): Members of the Aboriginal community make up 27 per cent of the national prison population. The Aboriginal community makes up only 3 per cent of the overall population. Since the time of the Royal Commission into Aboriginal Deaths in Custody, the rate of incarceration has doubled from 14 per cent. Indigenous people are 13 times more likely to go to prison than other members of our community. Between 2000 and 2010, the Indigenous imprisonment rate increased by 51.5 per cent while the non-Indigenous rate increased by a mere 3.1 per cent. In the Northern Territory, approximately 85 per cent of prisoners are members of the Aboriginal community. If those statistics were not bad enough, all members of this House should recognise that according to a new report that highlights the challenges facing young Australians, the rate of suicide amongst young Aboriginal men is the highest in the world.

Last Thursday, the Hon. Shaoquett Moselmane and I hosted Reconciliation in Parliament. Since 2006 it has been providing a platform for continuing positive dialogue between members of the Aboriginal and Torres Strait Islander community and members of this Parliament. This year's event was an opportunity to discuss the issues affecting young Aboriginal people in the justice system, and new and emerging approaches to addressing those issues. The event was hosted in partnership with ANTaR New South Wales, the New South Wales Reconciliation Council and the NSW Parliamentary Friends of Reconciliation. Ms Sarah Hopkins, Chair of Just Reinvest New South Wales, and Ms Kaleesha Morris, Young Ambassador at Just Reinvest New South Wales, led the discussion and young people from Weave coordinated a photo booth. I thank ANTaR New South Wales and the New South Wales Reconciliation Council and Weave for all their work in advancing the cause of reconciliation in this State and across the country.

Although some progress has been made—I cannot put it any higher—there still remains significant opportunities and challenges for governance improvements to work towards an advancement in reconciliation in this State. Kaleesha Morris told the story of her life and her move from Grafton. In 1976, I knew a young woman who came to the University of New South Wales to study law. She had left her family in Grafton to attend boarding school to improve her life. I observed that a young woman like Kaleesha Morris was forced to make precisely the same decision to move away from family that the young woman I knew all those years ago had been forced to make. It struck home that we have made virtually no improvement in the circumstances that we face.

The event was well attended by members across the political spectrum, and I thank my former leader and still police Minister, Troy Grant, for attending as well as Parliamentary Secretary the Hon. Sarah Mitchell, the Hon. Ben Franklin, the Hon. Rick Colless, Gareth Ward, Clayton Barr, Jamie Parker, Ms Jan Barham, Mr David Shoebridge, David Harris, Trish Doyle, Pru Car, Guy Zangari, Julia Finn, the Hon. Mick Veitch, the Hon. Courtney Houssos, the Hon. John Graham, Tim Crakanthorp and the Hon. Lou Amato. I am sure I have missed some, but I say good on them for attending, good on them for listening, and hopefully good on them for wearing a bit of political grief and losing a bit of skin to make life better for the Aboriginal community.

PALLIATIVE CARE

The Hon. GREG DONNELLY (19:08): I speak tonight on the subject of palliative care. It is a subject that is being considered and discussed more openly in this State, and that is a positive development. Progress with respect to both policy development and resourcing has improved over the past few years. However, there is much to be done. For far too long palliative care has struggled to receive the attention and support it deserved in this State. The catching-up that is taking place now is pleasing, but I emphasise that it is catch-up. Palliative care must be seen to be a cornerstone of our healthcare system, otherwise it runs the risk of regaining its reputation as the poor cousin of this State's healthcare system. That is something we must all work hard to prevent. The Minister for Health, the Hon. Jillian Skinner, and the shadow Minister for Health, the Hon. Walt Secord, understand the importance of palliative care and have demonstrated a commitment to it. I thank them both for their support for palliative care and encourage them to keep it up because there is still much to be done.

We owe a debt of gratitude to Palliative Care NSW for helping us get on the right road with respect to palliative care. I thank Therese Smeal, president; Linda Hansen, executive officer; and the whole team for all they are doing. Over the years Palliative Care NSW has used its biennial State conferences to successfully drive policy development and innovation. The most recent biennial State conference took place in Broken Hill from 13 to 15 October. The theme of the conference was "Transforming our Landscape". I was not able to attend, but I have had the opportunity of reviewing the proceedings on the web. It can be accessed at www.pcnswnsw2016.com.au. I encourage honourable members to have a look at it.

The line-up of Australian and international speakers was outstanding. The range and depth of Australian speakers was particularly impressive. We are fortunate in that many of them reside and practise in New South Wales. In addition to the excellent speakers, there was a range of workshops and art and photography exhibitions. The chairs of the workshops were experts in their particular area of palliative care practice. The workshops stimulated a great deal of valuable discussion and debate. On the second day of the conference the theme was palliative care in regional, rural, and remote areas. For those of us who live in large cities, access to palliative care specialists, doctors, allied healthcare workers, support volunteers and facilities is straightforward compared with regional, rural and remote New South Wales. The further one moves away from the major population centres, the more difficult it gets to access palliative care and other government services.

Limited access to palliative care services has serious implications for citizens in the final months, weeks, days and hours of their lives. Steps that can be taken to address that situation were examined in detail at the conference. Matters discussed included providing support to general practitioners to undertake further study to become specialised generalists in palliative care; mandating palliative care units of study in medical degrees; expanding and strengthening volunteer networks, including establishing roles for volunteer bereavement managers; enhancing the utilisation of telehealth; trialling hospice facilities; and improving linkages with aged-care facilities. Pushing out on a number of fronts was seen as the best way to leverage the maximum growth of palliative care in this State. Palliative care is heading in the right direction in this State. I invite members to join me in once again congratulating Palliative Care NSW on its excellent work and in encouraging that organisation to press ahead in helping to bring the best palliative care to the citizens of New South Wales, no matter who they are or where they live.

ALL NATIONS CONVOCATION, JERUSALEM

Reverend the Hon. FRED NILE (19:12): I use this adjournment speech to give a report on my attendance, together with my wife, Silvana, at the 2016 All Nations Convocation that was held in Jerusalem, Israel, from 1 to 16 October. I was privileged to be invited to be a delegate by Pastor Tom Hess, who is the President and International Director of the Convocation. The Convocation also included the 2016 Government Leaders Summit, with meetings at the Knesset, the Israeli Parliament; the Watchman's Tour of Israel; and the Christian Business Leaders Summit. It was an exciting, interest-packed few weeks in Jerusalem. I was pleased that my wife, Silvana, was also able to attend these important events. The theme was "Seek First the Kingdom" and "Preparing the Way for the King of Glory", based on the Lord's Prayer, where Jesus taught us to pray, "Our Father who is in Heaven, hallowed be Thy name, Thy Kingdom come". At the end of the prayer Jesus says, "For Thine is the Kingdom". So the theme was "The Kingdom of God".

I was pleased to be at the convocation, which was attended by 2,000 delegates from 155 nations. When the world is divided with so much hatred, bitterness and terrorism, it was an amazing experience to be in the presence of 2,000 delegates from 155 countries, representing all the different nations, colours and languages of the world. The delegations included 240 from mainland China, which was an amazing group of people, as well as a large delegation of more than 100 from India. The delegates came from many countries, including the Pacific islands, the United Kingdom, the United States of America, Australia and also many of the South American countries. The delegates were accommodated in the Ramat Rachel hotel, which can accommodate hundreds of delegates and has large convention facilities.

I was most interested, of course, in the 2016 Government Leaders Summit, which was attended by 30 government leaders from 20 different nations, including Cabinet Ministers, ambassadors, presidents, senators and members of Parliament. The program for the Government Leaders Summit included a tour of the Knesset and a forum at the Knesset. The forum was led by leaders of the Israeli political parties. The active participants included the Rabbi who is the leader of the Jewish Orthodox Party; the Druse Party and the Christian Jewish Caucus. Israeli Government Ministers also attended the Government Leaders Summit of the convocation, and brought personal greetings and written greetings from the Prime Minister of Israel and the Lord Mayor of Jerusalem. It was also exciting to take part in the Watchman's Tour of Israel, a three-day tour including Nazareth, Tiberius, a boat tour of the Sea of Galilee, Capernaum and so on. What interested me, of course, was the opportunity to visit the Anzac memorial near the Golan Heights as well as Mount Carmel. The Anzac memorial was especially related to the Australian Light Horsemen who took part in the successful charge at Beersheba against the Turkish army.

An interesting part of the convocation was what I call the Heavenly Harp Choir, where 24 members, male and female, played harps and sang. My wife, Silvana, became so interested in the harps that she is still in Jerusalem undertaking a course at the harp school. When she returns, she will be able to play the harp and sing from the Psalms as we read the *Bible*. It was an amazing opportunity to be in the heart of Israel, in Jerusalem, with people from so many nations. We give thanks to God for the way he is blessing Israel, for its prosperity, and for the growth in its population, with people coming from all over the world to live in Israel. God bless Israel.

HUNTER BUSHFIRES

Mr SCOT MacDONALD (19:17): The regions of Cessnock, Port Stephens and Forster were hit by intense bushfires that peaked over the weekend of 5, 6 and 7 November. We were extremely fortunate that no lives were lost and property damage was minimal. On Monday I had the opportunity of joining Port Stephens council staff on a tour of some of the 9,500 hectares that were burnt out in what is now known as the Lone Pine fires. Nearly all the fire was within State forest or State conservation parks. I was amazed to see the accuracy of some of the aerial fire retardation work where forest on one side of Scotts Road, Karuah, was burnt out but aerial drops along the fire and road edge stopped breakouts on the residential side of the road. The residential side included a timber yard, and it would have had devastating consequences if the fire had taken hold there.

We also called into the Karuah Rural Fire Service [RFS] brigade. This community has a small but effective crew and once again they proved themselves in last week's fire. I was shown the temporary toilets and will seek reassurance that RFS is prioritising permanent upgrades to the facilities. It was an honour to thank the men and women of Medowie RFS for all their fine work during this recent fire and all the other emergencies they attend. Of course, many brigades across the Hunter made enormous contributions. As always, brigades came from across New South Wales to support each other. The Medowie RFS Brigade began its vital work 70 years ago. It was fascinating to look at the current shed, with its incremental expansions and changes made to accommodate larger vehicles, more equipment and better facilities for the crew. The members explained that the community, including local tradies, pitched in to help build the latest extensions. The brigade had some good ideas for minor equipment upgrades and I have taken those ideas to the Minister for Emergency Services, the Hon. David Elliot.

I endorse the concerns of Clayton Barr, the member for Cessnock, who is rightly indignant that the Hunter fires may have been deliberately lit. The police are investigating and the community will be looking forward to a quick resolution of these matters. While this time we were lucky there were no injuries, it is incomprehensible that lives and property could be endangered by such selfish, thoughtless behaviour. Perhaps we should be reviewing penalties for such antisocial, destructive behaviour. I also place on record my appreciation of and respect for the RFS brigades that fought the fires around Cessnock, Abernethy and Greta. We should not forget the toll on wildlife during these events. While fire has been a feature of the Australian landscape for thousands of years, there is evidence that our vegetation management alters fire behaviour. We are getting better at hazard reduction. As Cessnock Mayor Bob Pynsent remarked, the winter burn-offs materially reduced the intensity and range of the latest bushfires.

Nevertheless, the Hunter Koala Preservation Society reports that the Port Stephens fires may have killed scores of koalas and seriously threatened their viability. The society has rescued many injured animals and is

seeking to do a walk-through survey of the forests to assess the population. Many of the injured koalas were taken to the Port Macquarie Koala Hospital. I will continue to support efforts by Port Stephens Council and the Hunter Koala Preservation Society to develop a Port Stephens koala hospital and refuge. Loss of habitat, fragmentation of koala populations, and interaction with vehicles and dogs are the key threatening challenges for koalas, but wildfires will destroy colonies. Koalas can escape cool, slow burns, but fierce, crowning fires are deadly for these mammals. We must keep up the pressure for smart, safe cool burns of the type that the Indigenous Australians managed so well.

As I have come to learn more about the Hunter, my respect for the people grows. The Hunter is a beautiful, productive region, but its landscape is prone to fire and flood. It is therefore heavily reliant on a strong community ethos, and agencies and volunteers who are well trained to deal with emergencies. Survival and prosperity depend on preparation and resilience. I record my thanks to all Hunter emergency services. Once again, they have caused the community to be grateful to and proud of them.

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

Motion agreed to.

The House adjourned at 19:22 until Thursday 17 November 2016 at 10:00.