



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Thursday, 17 November 2016**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Thursday, 17 November 2016**

**The PRESIDENT (The Hon. Donald Thomas Harwin)** took the chair at 10:00.

**The PRESIDENT** read the prayers.

*Governor*

## ADMINISTRATION OF THE GOVERNMENT

**The PRESIDENT:** I report receipt of the following message from the Hon. Thomas Frederick Bathurst, the Lieutenant-Governor of the State of New South Wales:

GOVERNMENT HOUSE  
SYDNEY

T Bathurst  
LIEUTENANT-GOVERNOR

The Honourable Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, His Excellency General the Hon. David Hurley, AC, DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Thursday, 17 November 2016

*Documents*

## TABLING OF PAPERS

**The PRESIDENT:** I table the following annual reports:

- (1) Annual report of the Department of the Legislative Council for year ended 30 June 2016.
- (2) Annual report of the Department of Parliamentary Services for year ended 30 June 2016.
- (3) Parliament of New South Wales—Financial Performance 2015-2016.

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

That the reports be printed.

**Motion agreed to.**

*Motions*

## COLLINGWOOD BEACH

**The Hon. PAUL GREEN (10:04):** I move:

- (1) That this House notes that:
  - (a) Collingwood Beach is a 2.5 kilometre stretch of foreshore at Vincentia New South Wales overlooking Jervis Bay;
  - (b) Collingwood Beach adjoins areas of Habitat Protection Zone in the Jervis Bay Marine Park;
  - (c) dune vegetation plays an important role for the resilience of dunes and the mitigation of erosion during storms;
  - (d) dune vegetation maintains biodiversity and habitat for flora and fauna; and
  - (e) Shoalhaven City Council and the community have invested significant resources in preparation of the plan and the proposed amendments.
- (2) That this House affirms the importance of maintaining native vegetation across coastal areas.
- (3) That this House supports community engagement to protect the dune with appropriate vegetation.
- (4) That this House notes that Shoalhaven City Council is currently exhibiting draft plans for the Collingwood Beach Dune Vegetation Management Plan and amendments proposed by the Collingwood Beach Preservation Group that would allow modification to suit the purpose, trees will be pruned, grasses and shrubs will be encouraged and the prime purpose of the plan is to secure views from the shared cycleway across the 1.5 kilometre beachfront between Susan Street and Moona Moona Creek.
- (5) That this House calls on the newly elected Shoalhaven City Council to progress the proposal with consideration of the number of occasions the plan has been reviewed at community forums; at council committee meetings, at a council workshop and full meetings of council.

**Motion agreed to.****ST JOHN AMBULANCE (NSW) ANNUAL AWARDS CEREMONY**

**The Hon. NATASHA MACLAREN-JONES (10:04):** I move:

- (1) That this House notes that:
  - (a) on Saturday 8 October 2016, St John Ambulance (NSW) held its annual awards ceremony at New South Wales Parliament House; and
  - (b) the "Save a Life Award" is given to St John community and emergency services members for their actions to render life sustaining assistance to a person in need, and that the recipients of this award for 2016 are:
    - (i) Brian Doyle;
    - (ii) Steven Limebeer;
    - (iii) Veronica Nguyen;
    - (iv) Zachary Redwood;
    - (v) Chaplain Milton Shaw, Marine Rescue NSW;
    - (vi) Captain Gerry Conway, NSW Fire and Rescue;
    - (vii) Deputy Captain Ashley Wills, NSW Fire and Rescue;
    - (viii) Fire Fighter Peter Cook, NSW Fire and Rescue;
    - (ix) Fire Fighter Ryan Cairnduff, NSW Fire and Rescue;
    - (x) Fire Fighter Taylor Cairnduff, NSW Fire and Rescue;
    - (xi) Fire Fighter Janet John, NSW Fire and Rescue;
    - (xii) Fire Fighter Mathew Turland, NSW Fire and Rescue;
    - (xiii) Fire Fighter Guy Fleming, NSW Fire and Rescue;
    - (xiv) Fire Fighter Justine Hyde, NSW Fire and Rescue;
    - (xv) Les Tsiantarlis, MSS Security Services;
    - (xvi) Paul Dumbuya, MSS Security Services;
    - (xvii) Mohamed Matar, MSS Security Services;
    - (xviii) David Small, MSS Security Services;
    - (xix) Christian Peick, Macquarie University Division;
    - (xx) James Todd, Manly Warringah Division;
    - (xxi) Peter Van Der Kolff, Glebe Division;
    - (xxii) Kimberley Allison, North Rocks Cadet Division;
    - (xxiii) Nathan Crabtree, University of NSW Division;
    - (xxiv) Leonardo Pane, Granville Combined Division;
    - (xxv) Detective Sergeant Andrew Panigyrakis, NSW Police Force;
    - (xxvi) Constable Dwight Park, NSW Police Force; and
    - (xxvii) Swathi Sridharan, Granville Combined Division.
- (2) That this House notes that:
  - (a) the awards were presented by the Governor of New South Wales, His Excellency General the Hon. David Hurley, AC, DSC, KStJ (Ret'd), Deputy Prior St John Ambulance Australia; and
  - (b) parliamentary representatives at the ceremony included the Hon. Natasha Maclaren-Jones, MLC; Ms Jodi McKay, member for Strathfield; and Mr John Sidoti, member for Drummoyne.

**Motion agreed to.****CLIMATE CHANGE**

**Ms JAN BARHAM (10:05):** I move:

- (1) That this House notes that on 10 November 2016, a judge in the United States District Court for the District of Oregon upheld the recommendation of a magistrate judge to deny the motion to dismiss legal action brought by a group of young people, the non-profit organisation Earth Guardians and Professor James E. Hansen on behalf of future generations, against the United States Government relating to the Government's inadequate action to reduce greenhouse gas emissions and ensure citizens have a safe climate to live in.

- (2) That this House notes that in the court's decision, Judge Aiken stated that:

Federal courts too often have been cautious and overly deferential in the area of environmental law, and the world has suffered for it. As Judge Goodwin recently wrote:

The current state of affairs ... reveals a wholesale failure of the legal system to protect humanity from the collapse of finite natural resources by the uncontrolled pursuit of short-term profits ... [T]he modern judiciary has enfeebled itself to the point that law enforcement can rarely be accomplished by taking environmental predators to court...

The third branch can, and should, take another long and careful look at the barriers to litigation created by modern doctrines of subject-matter jurisdiction and deference to the legislative and administrative branches of government.

- (3) That this House acknowledges that the protection of the environment, including the current and future state of the climate, requires commitment and action from all branches of government across all jurisdictions to safeguard the interests and wellbeing of all people and communities.

### **Motion agreed to.**

## **NATIONAL DAY OF GREECE**

**The Hon. DAVID CLARKE (10:07):** I move:

- (1) That this House notes that:

- (a) on Sunday 23 October 2016, the National Day of Greece was celebrated at a function held at the Picton-Thirlmere-Bargo RSL Club, Thirlmere, attended by more than 200 members and friends of the local Greek-Australian community and members of local sub branches of the RSL;
- (b) the celebratory function was jointly organised by:
  - (i) Macarthur Greeks Inc.;
  - (ii) the Alexandros Chapter of the Order of the Australian Hellenic Educational Progressive Association of New South Wales; and
  - (iii) Picton-Thirlmere-Bargo Sub Branches of the RSL.
- (c) the National Day of Greece, also known as "Oxi Day", signifies the day in 1940 when Greece refused to agree to military occupation by fascist Italy resulting in an unsuccessful Italian invasion, but a subsequent successful invasion by Nazi Germany in which Australian troops fought alongside Greek forces in defence of Greece;
- (d) those who attended the celebratory function as guests included:
  - (i) Dr Stavros Kyrimis, Consul General of Greece in Sydney;
  - (ii) Mr John Tsekas, President, Macarthur Greeks Inc.;
  - (iii) Mr John Haines, Vice President of the RSL, New South Wales;
  - (iv) Mr John Kallimanis, Grand President of the Order of the Australian Hellenic Educational Progressive Association New South Wales;
  - (v) the Hon. Lou Amato, MLC;
  - (vi) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
  - (vii) Councillor Robert Khan, Deputy Mayor of Wollondilly Shire Council;
  - (viii) Councillor Simon Landow, Wollondilly Shire Council;
  - (ix) Councillor Michael Banasik, Wollondilly Shire Council;
  - (x) Mr Ray James, President of the Ingleburn Sub Branch of the RSL;
  - (xi) Mr Warren Browning, Vice President of the Campbelltown Sub Branch of the RSL;
  - (xii) Mr Con Diomis, Vice President of the Camden Sub Branch of the RSL;
  - (xiii) Mr Tim Bennett-Smith, President of the Picton-Thirlmere-Bargo Sub Branch of the RSL, who also served as master of ceremonies;
  - (xiv) Dr Sotiris Tsouris, President, Cyprus Community of New South Wales;
  - (xv) Dr Panayiotis Diamadis, President of the Australian Hellenic Educators' Association;
  - (xvi) Mrs Maria Anthony, President of the Pontoxeniteas Brotherhood of New South Wales;
  - (xvii) Mr Efthimis Avgetidis, Vice President of the Pontoxeniteas Brotherhood of New South Wales;
  - (xviii) Mr Peter Papoulidis, President of the Federation of Pontian Communities of Australia;
  - (xix) Mr Lambros Papadopoulos representing the Alexandros Chapter of the Order of the Australian Hellenic Educational Progressive Association New South Wales;



- (xx) Mr Peter Tsigounis from the Greek Sub Branch of the RSL; and
- (xxi) Ms Magdalena Chatzopoulou, Miss Corinne Rekouniotis and Mr Terry Diomis; prominent members of the Macarthur Greeks Inc.
- (e) in recognition of the part played by Australian troops in joining with the Greek people in their efforts to resist Axis invasion and occupation during World War II, during the official proceedings Dr Stavros Kyrimis, Consul General of Greece, and Mr John Kallimanis, in his capacity as President of the Hellenic Village, organisation presented commemorative "Anzacs of Hellas" marble plaques to the RSL sub branches of:
  - (i) Ingleburn;
  - (ii) Campbelltown;
  - (iii) Camden; and
  - (iv) Picton-Thirlmere-Bargo.
- (2) That this House:
  - (a) congratulates and commends the Hellenic-Australian organisations and RSL sub branches who organised the commemoration of the National Day of Greece and the part played by Australian troops in the Battle of Greece during World War II, which was held at Thirlmere on 23 October 2016; and
  - (b) extends greetings to the Hellenic-Australian community for its ongoing contribution to the betterment of the State of New South Wales.

**Motion agreed to.**

**CLIMATE CHANGE AND STORMS**

**Ms JAN BARHAM (10:07): I move:**

- (1) That this House notes that "Super-Charged Storms in Australia: The Influence of Climate Change", a report published by the Climate Council on 14 October 2016 indicates that:
  - (a) climate change is fuelling more intense and damaging storms;
  - (b) the recent storms in South Australia and New South Wales have been influenced by climate change;
  - (c) climate change will continue to exacerbate storms in Australia, increasing the risk of devastating impacts; and
  - (d) without strong action on climate change, storms and other extreme weather events will continue to become more intense and more damaging.
- (2) That this House congratulates the Climate Council for continuing to provide independent; evidence-based reports to inform the public and policy makers about a broad range of issues relating to climate change.

**Motion agreed to.**

**CONFLUENCE—FESTIVAL OF INDIA IN AUSTRALIA**

**The Hon. DAVID CLARKE (10:08): I move:**

- (1) That this House notes that:
  - (a) on Sunday 18 September 2016 a reception to launch "Confluence—Festival of India in Australia" was held in the Northern Foyer of the Sydney Opera House;
  - (b) following the reception a concert was held in the Concert Hall of the Opera House, attended by a capacity audience of members and friends of the Indian Australian community, to showcase through music and dance the cultural heritage of India with joint performances and collaborations between Indian and Australian performers;
  - (c) those who attended as guests included:
    - (i) His Excellency, Dr Mahesh Sharma, Minister of Culture and Tourism in the Government of India;
    - (ii) the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism;
    - (iii) His Excellency Mr Navdeep Suri, High Commissioner of India to Australia;
    - (iv) Mr B. Vanlalvawna, Consul General of India in Sydney and Mrs Rosy Vanlalvawna;
    - (v) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice and Mrs Marisa Clarke;
    - (vi) Ms Jodi McKay, MP, member for Strathfield, shadow Minister for Transport; shadow Minister for Roads, Maritime and Freight;
    - (vii) the Hon. Barry O'Farrell, former Premier;
    - (viii) Dr G. K. Harinath, OAM, Chairman, Multicultural NSW; and
    - (ix) representatives of numerous Indian Australian community organisations.

- (d) "Confluence—Festival of India in Australia" was announced by the Prime Minister of India, Narendra Modi, during his historic visit to Australia in November 2014 and is the most significant showcase of Indian arts and culture ever to be staged in Australia, taking place in seven cities across the country.
- (2) That this House:
  - (a) congratulates and thanks India's Ministry of Culture and the Indian Council for Cultural Relations in association with Australia's Department of Communications and Arts for the staging throughout Australia of "Confluence—Festival of India in Australia";
  - (b) expresses its support for the growing commercial and cultural links between the Republic of India and the State of New South Wales; and
  - (c) extends greetings and best wishes to the Indian Australian community and commends it for its outstanding contribution to the cultural, social and commercial life of our State.

**Motion agreed to.**

**HELLENIC ANNUAL DESIGN COMPETITION**

**The Hon. DAVID CLARKE (10:08):** I move:

- (1) That this House notes that:
  - (a) on Sunday 13 November 2016 the awards presentation for the annual design competition for a Hellenic themed subject, which is open to primary and secondary students from schools offering a Modern Greek language program as part of its curriculum, was held at the Panagia Soumela Pan Pontian Association Hall, Hurlstone Park, attended by more than 200 students, their families and guests;
  - (b) the design competition, which forms part of the annual Hellenic "Dimitria Festival" of Sydney, had as this year's theme "Hellenic kings of ancient Macedonia: King Philip II and his successors";
  - (c) the design competition and awards presentation were jointly organised by the Australian Hellenic Educators' Association [AHEA] of New South Wales, Queensland and Australian Capital Territory under the direction of its president, Dr Panayiotis Diamadis, and the Pan-Macedonian Association of New South Wales under the direction of its president, Mr Nikos Fassoulas, with the assistance and hard work of:
    - (i) Mrs Mary Alimbakis-Tatara;
    - (ii) Mrs Charoulla Themistocleous; and
    - (iii) Mrs Gina Papagetro.
  - (d) those who attended as invited guests included:
    - (i) Dr Stavros Kyrimis, Consul General of Greece in Sydney;
    - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (iii) Ms Melpo Kaimasidou, President of the Panagia Soumela Pan Pontian Association;
    - (iv) Mr Paul Tsanis, Vice President of the Inter-Communities Council of the Greek Orthodox Church Archdiocese of Australia; and
    - (v) Mr Dimitri Kametopoulos from SBS Radio.
- (2) That this House:
  - (a) congratulates all those students from schools across all sectors and education providers offering a Modern Greek language program from Year 4 to Year 12 who submitted entries in this year's design competition, particularly the prize winners; and
  - (b) commends the Australian Hellenic Educators' Association of New South Wales, Queensland, and Australian Capital Territory and the Pan-Macedonian Association of New South Wales for hosting and organising this year's design competition and for their ongoing contribution to the Hellenic-Australian community and the cultural and social life of our State.

**Motion agreed to.**

**NATIONAL AND STATE COMMUNITY LANGUAGE SCHOOLS CONFERENCE**

**The Hon. DAVID CLARKE (10:09):** I move:

- (1) That this House notes that:
  - (a) on Saturday 8 October 2016, the New South Wales Federation of Community Language Schools Inc. held its National and State Community Language Schools Conference at the University of Sydney with more than 550 attendees representing 52 languages; and
  - (b) those who attended included:
    - (i) the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism;

- (ii) Mr Jihad Dib, MP, member for Lakemba, shadow Minister for Education, representing Mr Luke Foley, MP, Leader of the Opposition;
  - (iii) the Hon. Daniel Mookhey, MLC;
  - (iv) Mr Albert Vella, OAM, President, New South Wales Federation of Community Language Schools;
  - (v) Mr Stefan Romaniw, OAM, Executive Director, Community Languages Australia;
  - (vi) Mr Michael Christodoulou, AM, Executive Officer of the New South Wales Federation of Community Language Schools, who was the conference master of ceremonies;
  - (vii) Mr Tassos Douvartzides, Chairman of the Australian Federation of Ethnic Schools;
  - (viii) Professor Leslie Harbon, Head of School, International Studies, Faculty of Arts and Social Sciences, University of Technology Sydney, who was the conference keynote speaker;
  - (ix) Ms Liliana Mularczyk, Director, Secondary Education;
  - (x) Mrs Jane Simmons, Executive Director, Public Schools New South Wales;
  - (xi) Dr Eman Sharobeem, Advisory Board member, Multicultural NSW;
  - (xii) numerous members of both Houses of the Parliament;
  - (xiii) representatives of the Consular Corps in Sydney from Ghana, India, Nepal; Pakistan, Papua New Guinea, Portugal and Sierre Leone; and
  - (xiv) representatives of numerous religious faith traditions, ethnic community organisations and media.
- (2) That this House:
- (a) congratulates Mr Albert Vella, OAM, President of the New South Wales Federation of Community Language Schools, together with his executive and staff for the holding of a successful National and State Community Language Schools Conference at the University of Sydney on 8 October 2016; and
  - (b) commends and thanks all those who give their time to organise, teach in or otherwise assist with our State's network of community language schools.

**Motion agreed to.**

### **PRESIDENT-ELECT DONALD TRUMP**

**Reverend the Hon. FRED NILE (10:09):** I move:

- (1) That this House congratulates President Donald Trump on his surprise election as the forty-fifth President of the United States of America.
- (2) That this House notes that, even though the election of President Trump was a shock to the United States media and the people, it comes as no surprise as he was able to relate to United States workers who were facing economic pressures and fewer job opportunities.
- (3) That this House offer its hand of friendship to President Trump and look forward to even closer and warmer relations between Australia and the United States of America.
- (4) That this House congratulates Secretary of State Hillary Clinton on her hard fought campaign, which achieved the popular vote for President.

**Motion agreed to.**

### *Documents*

### **TABLING OF PAPERS**

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

- (1) Annual Reports (Departments) Act 1985—Report of The Treasury for year ended 30 June 2016.
- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2016:
  - Long Service Corporation;
  - New South Wales Treasury Corporation;
  - Roads and Maritime Services-volumes 1, 2 and 3;
  - SAS Trustee Corporation.
- (3) Annual Reports (Departments) Act 1985 and Annual Reports (Statutory Bodies) Act 1984—
  - Report of the Treasury for year ended 30 June 2016 including reports of:
  - State Rail Authority Residual Holding Corporation;
  - Lotteries Assets Ministerial Holding Corporation;

- Liability Management Ministerial Corporation;  
Electricity Assets Ministerial Holding Corporation;  
Ports Assets Ministerial Holding Corporation; and  
Electricity Transmission Ministerial Holding Corporation.
- (4) Restart NSW Fund Act 2011—Report of Restart NSW Fund for year ended 30 June 2016.
- (5) Snowy Hydro Corporatisation Act 1997—Consolidated Financial Report of Snowy Hydro Limited for the period 28 June 2015 to 2 July 2016.
- (6) State Owned Corporations Act 1989—Reports for year ended 30 June 2016:  
Ausgrid;  
Delta Electricity;  
Endeavour Energy;  
Essential Energy;  
Port Authority of New South Wales (comprising Newcastle Port Corporation, Port Kembla Port Corporation, and Sydney Ports Corporation);  
Superannuation Administration Corporation (trading as Pillar Administration).

I move:

That the reports be printed.

**Motion agreed to.**

## AUDITOR-GENERAL

### Reports

**The CLERK:** According to the Public Finance and Audit Act 1983, I table receipt of a Financial Audit Report of the Auditor-General, Volume Six 2016, entitled "Report on Family and Community Services", dated November 2016, received out of session and authorised to be printed on 17 November 2017.

### *Petitions*

## SHARK MANAGEMENT STRATEGY

Petition calling on the Government to support non-lethal, science-based and community-driven approaches to reducing the risk of shark bites in New South Wales, including programs such as Shark Watch, tagging and monitoring programs, and personal deterrent devices, and to reject the use of shark nets that do not guarantee public safety, received from **Mr Justin Field**.

## FAIRFIELD AMBULANCE STATION RELOCATION

Petition requesting the Government to keep Fairfield ambulance station open and maintain current staffing levels, received from the **Hon. Paul Green**.

### *Business of the House*

## POSTPONEMENT OF BUSINESS

**The Hon. ADAM SEARLE:** I move:

That Business of the House Notice of Motion No. 1 be postponed until the third sitting day of 2017.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE:** I move:

That Business of the House Notice of Motion No. 3 be postponed until the third day of sitting in 2017.

**Motion agreed to.**

### *Committees*

## GENERAL PURPOSE STANDING COMMITTEE NO. 3

### Membership

**The PRESIDENT:** I inform the House that today the Clerk received advice from the Leader of the Government nominating the Hon. Mike Gallacher as a member of General Purpose Standing Committee No. 3 in place of the Hon. Ben Franklin:

*Business of the House***PRECEDENCE OF BUSINESS**

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

That Government Business take precedence of General Business this day.

**Motion agreed to.**

*Bills***ROCK FISHING SAFETY BILL 2016****Second Reading**

**The Hon. BRONNIE TAYLOR (10:21):** On behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time.

I am pleased to introduce the Rock Fishing Safety Bill 2016. Rock fishing is one of Australia's most dangerous pastimes. In 2015-16, 10 people died while rock fishing in New South Wales, and over the past 10 years there have been, on average, eight rock fishing related deaths in New South Wales each year. Last year the Coroner held an inquiry into the circumstances surrounding nine tragic rock fishing deaths. This bill acts on the Coroner's recommendation that the Government introduce legislation making the wearing of life jackets while rock fishing mandatory. This bill delivers on the commitment of this Government to improve safety for rock fishers by requiring them to wear lifejackets in high-risk locations. In developing this legislation, the Government has consulted with a range of stakeholders. When it was announced the intention of the Government was to introduce this legislation, it also established the Rock Fishing Working Group to inform Government on appropriate high-risk locations where the law would operate and on other related matters such as the content of this bill.

The working group is comprised of government and non-government stakeholders, including the Department of Primary Industries, Marine Rescue NSW, NSW Police Force, Transport for NSW, Office of Local Government, Surf Life Saving NSW, Royal Life Saving NSW, Local Government NSW, Recreational Fishing Alliance of NSW, and experts, including Associate Professor Rob Brander of the University of New South Wales and Associate Professor David Kennedy of the University of Melbourne. The working group has provided valuable advice during the development of this bill and the Government is grateful for its contribution. We hope that the working group will be able to continue its good work by guiding the implementation of this bill should it pass into law.

The bill creates two new offences. First, a person must not rock fish without a lifejacket at a high-risk rock fishing location. Secondly, a person must not permit a child in their care or supervision to rock fish in a high-risk rock fishing location. A child is defined as a person who is under 12 years of age. However, those offences are limited to specific types of fishing and to certain locations. The lifejacket requirements of the bill will only apply to rock fishing by means of a rod and line or handline, or assisting a person to take fish in that manner—for example, by using a handheld net to assist the person to land fish. The offences in the bill will not apply to broader legislative definitions of fishing or taking fish that are found in other statutes. Those definitions encompass fishing with, for example, large nets, or spear fishing, or collecting crustaceans from rocks. It is not proposed to regulate other types of fishing such as these as they are not commonly associated with rock fishing fatalities and near-drowning incidents.

A high-risk rock fishing location is defined as "naturally occurring rock platforms or other rock formations exposed to ocean swell" at a declared place. The Rock Fishing Working Group considered data on rock fishing fatalities and near drownings, and advised that while a small number of fatalities have occurred at manmade structures such as breakwalls, overwhelmingly, naturally formed rock platforms and formations were the places that were most dangerous. The Government has adopted their advice and limited the lifejacket requirements to naturally occurring rock platforms and rock formations within declared areas. The law will be trialled for 12 months in Randwick Local Government Area [LGA]. The Government is pleased to be able to partner with Randwick City Council to conduct the trial.

I am advised that there have been more rock fishing related deaths and near drownings in Randwick than in any other local government area in New South Wales. Data from Surf Life Saving NSW has recorded 18 rock fishing related drownings and 23 near drownings in the Randwick LGA between 2004-05 and February 2015-16. However, I am also aware that Randwick City Council is proactive in working to make Randwick a safer place to rock fish, and to alert rock fishers to the dangers they face and encourage them to take precautions. Officers from the NSW Police Force, local council, National Parks and Wildlife Service, and Fisheries will be authorised officers

for the purposes of the bill, and will be empowered to enforce the proposed offences. The proposed offences carry a maximum penalty of 50 penalty units, or a fine of \$100 if dealt with by way of a penalty notice.

The bill provides for a moratorium of 12 months from the time the bill commences. During that time, a person may not be convicted of, or be issued a penalty notice for, an offence under the bill. The moratorium provides time for rock fishers to learn about the lifejacket requirements and to obtain an appropriate lifejacket. The Government intends to use the 12-month moratorium period to run a community awareness and education campaign about the new laws, and about rock fishing safety more generally. If the Randwick trial is successful and further areas are declared, the bill also permits 12-month moratoriums to be declared by regulation at those places if required.

Once a moratorium has ceased and fines are issued in a declared area, any fine revenue that is collected must be paid into the Recreational Fishing (Saltwater) Trust Fund. The trust fund is established under section 235 of the Fisheries Management Act 1994. That Act permits money to be paid out of the fund for purposes such as taking measures to enhance marine fishing and ensuring compliance with laws relating to recreational marine fishing. Having fine revenue paid into the trust fund will allow that revenue to be put toward enhancing education and safety for rock fishers, and to assist in promoting compliance with the lifejacket requirements of the bill.

The bill is specific about the types of lifejackets that must be worn and how they must be worn to avoid penalties. These life jacket requirements are closely modelled on those within the Marine Safety Act and regulations. For adults, an appropriate life jacket must meet level 50S or greater under the Australian Standard [AS] 4578 or an equivalent standard that is recognised by Roads and Maritime Services. For a child under 12 years of age, an appropriate life jacket must meet level 100 or greater under the same standard or equivalent. To comply with the bill, a person who is rock fishing in a high-risk location must be wearing a life jacket.

It is not enough to be carrying the life jacket or to have it in a bag. Wearing a life jacket also means having all closing or fastening devices such as zippers, buckles and tapes correctly secured as specified by the manufacturer. Life jackets must also be the correct size for the wearer and in a good condition. If the life jacket is inflatable, it must not rely solely on oral inflation for buoyancy and must have been serviced at least every 12 months or at a longer interval if the manufacturer provides. I am advised that life jackets that meet the minimum requirement for adults can be bought for as little as \$20.

This law is about making rock fishing safer. It is about reducing unnecessary deaths and encouraging rock fishers to take simple measures to make sure they have a great day out, catch some fish and get home safely to their families and friends. We want life jackets to become part of the gear that a rock fisher takes fishing. We would not leave home without a rod, line and tackle, and nor should we leave home without a life jacket. I commend the bill to the House.

**The Hon. LYNDIA VOLTZ (10:31):** The Opposition does not oppose the Rock Fishing Safety Bill 2016. However, I foreshadow that we will be moving amendments to the bill. The objective of the Rock Fishing Safety Bill 2016 is to save lives. Rock fishing is the most dangerous sport in Australia. On average, eight people lose their lives each and every year while rock fishing. This legislation could reduce that number to zero. Rock fishing allows an angler to access an array of pelagic fish without the need for a boat. Pelagic fish include kingfish, bonito, tailor and mackerel, and they can be fished from a rock formation. Due to the ease of access rock fishing, it is a rather attractive activity for many anglers around the globe.

In New South Wales we have a very healthy rock fishing community and a plethora of locations at which to fish. Of course, there is an inherent risk and danger in rock fishing that many novices and inexperienced anglers do not realise. In 2015-16, 10 drowning deaths in New South Wales were attributed to rock fishing. Not one of the victims was wearing a life jacket. Although no member would argue that a life jacket can save a life, we must not forget that there are a number of different types of life jackets, and each has its own appropriate application. To date, few if any resources have been made available for the average person to find a purpose-built life jacket that is suited for a rock fisher.

The most appropriate life jacket is the type 3 personal flotation device that is imported from China and the United States. It is worth noting that this legislation will make it an offence for an individual at a high-risk rock fishing location to be fishing by rod and line or a handline unless he or she is wearing an appropriate life jacket. This extends to any children in the person's care or supervision at the rock fishing location. Under this legislation, children must be wearing a life jacket with a minimum performance level of 100, and an adult's life jacket must have a minimum performance level of 50.

In his second reading speech in the other place, the Minister noted that an appropriate life jacket for rock fishing could be purchased for as little as \$20. That is not true for those looking for a suitable or appropriate life jacket. I suggest that the Minister do some information gathering at appropriate retailers. Furthermore, this

legislation does not include any provision dealing with people collecting bait from dangerous rock platforms. That activity often puts the individuals closer to the swells, and they should wear a life jacket. It seems somewhat contradictory that it is deemed safe to collect bait on a rock platform and close to the swells, yet fishing from the platform is not safe. Neither of these activities is safer than the other.

Proposed section 4 of this legislation provides that the Minister may declare dangerous rock fishing locations as a high-risk area. This designation must be published in the *NSW Government Gazette*, with locations subsequently published on the *watersafety.nsw.gov.au* website. Any individual who has committed an offence under this Act or the regulations may be subject to a penalty notice of \$100, up to a maximum of 50 penalty units, or \$5,500. However, during the 12-month moratorium period for this legislation no penalty notices may be issued. Rock fishing is indeed a dangerous sport that costs an average of eight lives each and every year. Given that, it would make sense to take the initiative and publish all of the identified dangerous locations on the *watersafety.nsw.gov.au* website. I note that the Shooters, Fishers and Farmers Party has a proposed amendment along those lines.

If people login to the website today they will find that there are no resources for any potential rock fishers to determine whether one location poses a greater risk than another, or what additional precautions should be taken at each respective location. The Minister has this information to hand. The Minister has a number of hotspots that he could designate as a high-risk location following the implementation of this legislation. Many of these locations are hotspots because they offer good fishing with great accessibility, and are within a reasonable travel distance for the majority of people. The Minister intends to designate the Randwick local government area rock fishing locations as high risk. However, there has been no information about any of the other high-risk locations where many lives have been lost due to rock fishing over the past 10 to 15 years, including Munmorah State Conservation Area in the Wyong-Lake Macquarie local government areas and the dangerous waters of the Wollongong, Shellharbour and Kiama local government areas, but they have not been mentioned. Why has the Randwick local government area been singled out when we know that lives can be saved by extending the trial to other local government areas?

It is hard to fathom why the Minister has failed to advise the House of specific locations determined as high risk prior to the inception of this legislation. One would imagine that, in the interest of saving lives, he would be open, honest and transparent about the information he has to hand. This legislation is being trialled in only one local government area. The other areas have been left to fend for themselves. We know that the Minister has the data to hand that shows high-risk hotspot locations throughout New South Wales. It appears that this very complex matter has been rushed through and that the Government is taking a one-size-fits-all approach to this problem. We also know that the Minister has not been willing to share information with the public, who would greatly benefit from understanding the risks that each location may pose.

One of the key issues that has been highlighted during consultation on this important issue is that a large proportion of the rock-fishing community are non-English speaking, and insufficient information has been made available to them. In recent years Victoria has run a very successful campaign to raise awareness of the importance of using a personal flotation device when rock fishing. That campaign focused in particular on people from culturally and linguistically diverse communities. Special emphasis should be given to making this important safety information available to communities throughout New South Wales, instead of in a single local government area. The Government should undertake further testing and development, in conjunction with expert anglers to assist in the development of purpose-built rock-fishing life jackets to ensure that the rock-fishing community is safe.

Given that funding will be made available to the Randwick local government area to enhance safety and better protect rock fishers in that area, it would be great if the Minister took the initiative to work with his colleagues to roll out funding for other high-risk areas throughout the State. Following the implementation of this legislation, all rock fishers in any location that has been designated high risk will be required to wear an appropriate life jacket that meets Australian standards.

Presently in Australia, there are no purpose-made life jackets suited for rock fishing that meet AS 4758. Purpose-built rock fishing life jackets that are designed, manufactured and utilised internationally have been accepted as the industry's best personal flotation devices. Those personal flotation devices are sold in Australia as more fishers have taken the initiative to wear them for their own safety. Following the inception of this legislation, purpose-made rock fishing life jackets made overseas that have not been tested to meet AS 4758 will no longer be utilised, even though in many cases they may be immensely superior to anything available on our domestic market that meets the required standard.

Forcing experienced anglers to forego their superior safety equipment because the Government has failed to undertake the appropriate research prior to introducing this legislation will not enhance the safety of rock fishers, nor will it encourage people to do the right thing. The Government must work with the rock fishing

community, not against it. The current required performance standard of adult life jackets is only 50S, which requires the wearer to be an able swimmer, have help at hand and a means of rescue close by. It is evident that more work must be done and the Government should refocus on what it determines to be an appropriate rock fishing life jacket.

**Mr JUSTIN FIELD (10:40):** I speak on behalf of The Greens in debate on the Rock Fishing Safety Bill 2016. The Greens do not oppose the bill. Like other members in this Chamber, we too support efforts to improve the safety of people while they engage in all pastimes, including fishing and rock fishing. I understand that rock fishing is a dangerous activity. The numbers speak for themselves. In 2015-16, 10 people died while rock fishing in New South Wales. Over the past years, on average, eight rock fishing deaths have occurred in New South Wales each year. I understand there is a need to improve the safety of people who spend their time rock fishing. I have done rock fishing in the past in Queensland and New South Wales and I understand why it is a popular sport. It is a wonderful feeling to be in the elements while rock fishing. The ocean is a funny place and can turn on us in a moment.

**The Hon. Dr Peter Phelps:** It has got sharks in it, apparently.

**Mr JUSTIN FIELD:** Sharks can turn on us too; that is true. While we engage in these pastimes, we also understand the risks involved. People spend a lot of time and effort learning about their recreational sports and pastimes and investigating the protective equipment they should be using to ensure their own safety as well as building their skills. Rock fishing requires skill and while there are experts, most people engage in this activity without fully understanding the risks. The Government and local councils have a role to inform people about those risks.

**The Hon. Dr Peter Phelps:** Like mandating bike helmets?

**Mr JUSTIN FIELD:** The Government is about to mandate fishing vests. The Greens will support this legislation but I am concerned about how it will be meaningfully enforced and whether this action is the best investment in time and resources to improve the safety of people who partake in rock fishing.

**The Hon. Robert Brown:** Spot on. Good point, brother.

**Mr JUSTIN FIELD:** Legislation alone will be not sufficient to reduce the risks associated with rock fishing. The Greens welcome a commitment from the Government to introduce an education program to be associated with this legislation, but what education program can be conducted now that has not been done in the past? We need a new idea to engage people who are rock fishing so that they understand the risks and the importance of taking responsibility for themselves, including wearing life jackets. I am interested to know what the communication program will be. We should also ensure that the program focuses on non-English communities who may not fully understand the risks associated with Australian conditions because they may be new to the area or fishing in general.

I have asked the Government to consider educating Indigenous Australians who may have fished in high-risk areas freely in the past so that they understand the risks. They may continue to fish in those areas without following the new rules and could be unduly impacted by this legislation. The Government has given me some indication that it will look at a targeted education and awareness program for Aboriginal communities, particularly in the Randwick local government area, but more broadly if other areas are designated as high risk. A perverse outcome of this legislation would be that Aboriginals engaging in cultural fishing, as they have done for many years, would be facing fines and possibly be incarcerated because they do not know about it. I hope that the Government works with the Aboriginal community so that they understand how this legislation impacts on fishers in their community.

It is not clear whether high-risk areas are to be treated differently on low-risk days. I understand that once an area has been declared to be high-risk, even if the sea is a millpond, fishers will be required to wear life jackets. If they do not do so they will be given warnings for the first 12 months. The Government talks about managing risks and applying legislation, regulation and frameworks to respond to those risks. After reading this legislation, I am concerned that it removes our personal responsibility to understand the risks of our environment. If only some areas are declared high risk, we need a detailed program explaining the reasons to ensure there is no confusion amongst fishers about where and when they are required to wear life jackets, especially when many days would be considered to be low risk. The major concern is how those requirements will be communicated to people who are not used to fishing in the high-risk areas because those people are the ones who are most likely to be injured whilst rock fishing.

The Government will face fundamental challenges applying this law if it passes through Parliament today. Whether it be a surfing location and people do not understand the rips or banks, or whether it be a fishing location, the reality is that the Government will face challenges communicating the risks to the public. Hopefully



the Government will succeed and safety will improve. I share the concerns of Labor and the Shooters, Fishers and Farmers Party about the availability of suitable life jackets. They are costly, and many people already have personal strategies and devices for their protection. People should not be forced to do things that might not be best for them and their level of inexperience. It will be interesting to learn about the challenges that emerge from the 12-month trial period. I look forward to seeing how the Government adopts the program. The Greens do not oppose the legislation. We will consider the amendments moved by the Labor Party and the Shooters, Fishers and Farmers Party. We are about to go on the end-of-year break and I intend to do some fishing during that time, potentially rock fishing. I hope everyone keeps safe.

**The Hon. Paul Green:** Over at Beecroft?

**Mr JUSTIN FIELD:** I will be on the South Coast. It is worth reiterating that information is already available for people to learn how to be safe while rock fishing. One of the most important strategies is never to fish alone. Always fish in a group of at least three people.

**The Hon. Paul Green:** I think he is inviting you, Robert.

**Mr JUSTIN FIELD:** Yes, I would love to go for a fish. The Hon. Paul Green can come along as well. Fishers should inform others of their plans, wear lightweight clothing and appropriate footwear, and carry safety gear. Advice on wearing life jackets or buoyancy vests already exists, and people do that. Fish in places that are safe or take the time to understand the risks. The Australian coastline is not only remarkably beautiful but also remarkably challenging at times. I remember the first time I went kayak fishing on the South Coast. A southerly blew up and it was a challenging paddle to return home.

**The Hon. Dr Peter Phelps:** Gaia hates you.

**Mr JUSTIN FIELD:** Hughy, my friend on the day, caught a lovely bonito. Other good advice includes: plan an escape route, stay alert, ask for advice from locals who know the area, and do not jump in if someone is washed into the water. The Greens do not oppose the bill, but we are concerned that it will be hard to enforce. We look forward to seeing how the Government learns more through the trial process as we consider more high-risk areas other than the Randwick local government area.

**The Hon. ROBERT BROWN (10:49):** I make a brief contribution to debate on the Rock Fishing Safety Bill 2016. I understand the urgency of the debate because members will not meet in this place again until next year and during that time there will be a lot of people on the rocks—not just at Randwick and the designated areas but all the way up and down the coast. It would be tragic if any other fisherpersons lost their lives because they were not wearing life jackets. This has been a protracted debate. More than two years ago the Recreational Fishing Alliance was punted off the water safety committee by Superintendent Hutchings because its members refused to lie down and accept proposed compromises, some of which have crept into this bill.

Without some understanding of personal flotation devices and rock fishing it is possible to be a little ignorant when it comes to the simple hypothesis that a rock fisher wearing a life jacket who goes into the water is safer than a person who is not wearing a life jacket. That is not necessarily the case. In this country personal flotation devices are ranked by points and there are classes of life jacket. Earlier the Parliamentary Secretary listed the requirements for children and others that are referred to in the bill. A level 100 life jacket has the top level of flotation capability and a level 50 life jacket has a lower capability.

Life jackets specifically for the condition we are trying to prevent—that is, a death adjacent to a rock platform—are not developed in this country to a standard that I believe is acceptable. However, if we have to run with this and try it we should do it. The Government is proposing a specialist committee to look at developing a standard and then applying that standard to life jackets already in the marketplace. The Hon. Lynda Voltz has proposed some amendments that will call up a standard from outside Australia. We have heard these sorts of arguments before in relation to things like motorcycle helmets. We need to make sure that the appropriate people are put on those committees, that their advice and input is valued and that they are not just fobbed off with remarks such as, "You are just fishermen who fish 200 days a year on the rocks. What would you know?"

The Shooters, Fishers and Farmers Party will support Labor's foreshadowed amendments. It is a smart move to include provisions in the bill that will ensure we have life jackets that are better suited to Australian conditions. I urge the Government to think seriously about accepting the Opposition's amendments, which will ensure we have United States Coast Guard standard life jackets that will be better suited to Australia's rough water conditions. Tragically, only two days ago an experienced fisherperson in Western Australia, who was out fishing with her husband, was drowned in rough seas. She had on a type 100 jacket but as she was a rather large lady the life jacket she was wearing had not been fitted properly, or she had neglected to put on the crotch strap that holds the jacket down.

She and her husband had landed on the beach hundreds of times but on this occasion they were caught in a freak wave, the boat went over and both of them were thrown into the water. It was nowhere near the rocks but their six-metre boat was tossed around in very rough water in close proximity to them. This woman, who was a good swimmer, could not breathe as her life jacket had not been properly fitted and she started to choke. She took off her life jacket and her husband came to her assistance but it was too late and she drowned. Seven or eight of the 10 fatalities that occurred in a 12-month period involved people from non-English speaking backgrounds. Other speakers mentioned earlier in debate that not much information is available for people from non-English speaking backgrounds to help them understand how dangerous the water can be.

The Recreational Fishing Alliance, the peak fishing body in New South Wales, receives very little government support but it did receive support for the Angel Ring Project. Almost all the rock platforms in New South Wales have a stainless steel peg that has been concreted into a rock platform some distance from the water and each peg holds an angel or life ring. Several fishing bodies went to the trouble of putting locating devices into each angel ring as some idiot mongrels were stealing them—an issue to which I will refer later. That initiative was funded by the Recreational Fishing Saltwater Trust and the Government, and the Surf Life Saving Association and the Recreational Fishing Alliance were co-sponsors. Without casting aspersions on the Surf Life Saving Association, Stan Konstantaras from the Recreational Fishing Alliance drilled holes in most of the rocks and installed these angel rings. Stan and his crew members, who are all volunteers, go up and down the coast at least once a month to check on these angel rings.

The Recreational Fishing Alliance used money provided by the Recreational Fishing Saltwater Trust to produce a DVD in Korean, Chinese, Vietnamese and whole bunch of other languages. The DVD has video footage of actors going into the water to show people what to do if they get into trouble. Recreational Fishing Alliance [RFA] volunteers go onto the rocks to give these DVDs to fisher people, so information about rock fishing is available to people from non-English speaking backgrounds. The trouble is that the RFA and the Recreational Fishing Saltwater Trust do not have an endless bucket of money. They have volunteers and people who are willing to assist but they do not have money, whereas governments have bucketloads of money. I urge Minister Elliott to fund the Angel Ring Project in all the blackspot areas up and down the coast that are not covered by this legislation.

My colleague the Hon. Paul Green will have a lot more to say about this issue. I foreshadow that I will be moving two amendments in Committee, one of which may not be moved as I unwittingly suggested to the Government that the penalty for any offence that is committed should be increased. My second amendment is aimed at educating fishers. I have fished on rocks in dangerous conditions all my life. There is no such thing as millpond conditions when one is rock fishing. When the sea is flat the fish go down one more ledge, but there will always be waves. A freak wave only needs to be hip height to take a fisherman's legs out from under him and put him in the water. Once he is in the water he will be right next to a rock ledge and he will not be sucked away from the rock ledge—he will be sucked towards it.

If inflatable life jackets are deflated because of damage from oyster shells they are a danger as they can end up around a person's face and head. The most well-equipped rock fishers I have ever seen are members of the Australian Land Based Anglers Association who go after marlin. They generally fish from only three locations—the Tubes down at Jervis Bay is one of them—all of which are extremely dangerous. They have fall arresters and a ring in the rock behind them. They have cleats on their feet and they wear high buoyancy neoprene wetsuits and speleological helmets. I do not think we have had one death of a person so rigged. These guys know they are regularly going to get knocked off their feet or fall into the water, but the average Sydney-based fisher going down to the rocks to get a feed at night, who may not have a good command of English, is not going to go to the trouble of wearing that gear. They have probably been fishing on the banks of some river in Asia all their lives quite happily and do not understand the need to wear this gear.

I acknowledge the contribution of Mr Justin Field, but the statistics show that not many Indigenous persons have been victims of drowning because of generations and generations of learning how to do it. Those referred to as semi-professional people go rock fishing pretty much every day of the week if they are not working. A couple of them have drowned. Mostly it has not been because they have floated offshore and drown but because they have been knocked unconscious on the rocks. I remind members that most of these life jackets, even the level 100 lifejackets, are designed for open water. They are designed to flip people onto their backs and keep their heads out of the water. That is suicide when they are five feet from jagged rocks because if it turns them around their head goes in first. The life jackets designated under the United States Coast Guard regulation are designed to keep people vertical and higher in the water column and they are able to use their hands and feet to fend off objects. I note it is a small and highly technical amendment but it is a good one. If the Parliamentary Secretary can get permission from the Minister the Government should accept it.

**The Hon. SHAOQUETT MOSELMANE (11:01):** I make a short contribution to debate on the Rock Fishing Safety Bill 2016. I will not be as informative and as entertaining as the Hon Robert Brown but anyone who wants to know more about life jackets should read his speech. The regular reporting and constant monitoring of Surf Life Saving NSW has been invaluable in keeping the public informed about safety on our coastlines. Indeed, according to Surf Life Saving rock fishing "is currently the leading cause of coastal drowning in New South Wales" and in virtually all those deaths none of the victims were wearing life jackets. Given its expertise as a peer coastal safety organisation, it is important that Surf Life Saving NSW fully supports the initial recommendations of the Coroner and it has pushed for the mandated use of life jackets. What the Hon. Robert Brown said about life jackets is also important. I was surprised to learn that one can buy a life jacket for \$20. The message is to put safety first. Life jackets should not be bought at reject or \$1 shops, but at shops that give proper advice as to where they can be used, et cetera.

I want to highlight an important supplementary issue that I hope the Government will consider when implementing this new policy and educating rock fishers across the State—namely, foreign language information and clear communication with multicultural communities that take part in this recreational activity. A number of members have raised this issue. I too enjoy fishing whenever time permits and I can attest to the fact that a real mix of communities participate in this important pastime. In the 2013 survey conducted by Randwick City Council on rock fishing it was found that almost half of all surveyed rock fishers spoke either Chinese or Korean at home. I know that members of the Arabic speaking community also enjoy rock fishing and fishing from boats. This emphasises not only the multicultural aspect of this activity but also the wider demographics—the risk from drowning when pursuing this hobby. Sudden waves and dangerous surf do not discriminate. So a lack of clear understanding of the surf and water movement certainly adds to the danger.

Often, despite our best efforts, government education on important laws and regulations is not sufficiently communicated with our diverse communities, especially in languages or through mediums that those parts of the community readily access. It would be a real shame if, after this legislation is passed, there is not a concerted effort to inform our multicultural communities of the changes and the protections created by these laws. I note that the Minister said in his second reading speech in the other place that the Government will use the initial 12-month penalty moratorium to run a "community awareness and education campaign about the new laws, and about rock fishing safety more generally."

I encourage that, but I also ask the Government to run this community campaign through the multicultural and Indigenous media. They are a real source of information for communities, particularly newly arrived members of those communities who do not speak English and who read non-mainstream English as a second language [ESL] newspapers. Through those newspapers this safety message will be driven home. I hope the Government will also prepare multi-language pamphlets for distribution to targeted communities and to tackle shops or wherever fishers buy fishing products. This is another small but important initiative the Government could take. I note that the Hon. Lynda Voltz will be moving some amendments to this bill in the Committee stage. I commend the bill to the House.

**The Hon. PAUL GREEN (11:07):** I speak on behalf of the Christian Democratic Party in debate on the Rock Fishing Safety Bill 2016. The object of this bill is to require persons to wear appropriate life jackets when fishing at certain declared high-risk fishing locations. Rock fishing is the leading cause of coastal drowning in New South Wales. In 2011-12, 27 people lost their lives whilst rock fishing; in 2013-14, eight people lost their lives whilst rock fishing; and in 2015-16, 10 people died whilst rock fishing. None of those victims was wearing a life jacket. In 2015 Andy Kent from Surf Life Saving NSW told the ABC *7.30 Report*:

Rock fishing is a very, very risky and dangerous sport, we know that, the drowning stats are showing us that ... So I think that's where, the only option is a life jacket legislation. The Christian Democratic Party supports a mandate on wearing life jackets whilst rock fishing in high-risk fishing locations. The bill defines a high-risk fishing location as a "naturally occurring rock platform or other rock formation exposed to ocean swell" within a declared area. The bill also creates two new offences. First, a person must not fish without a life jacket at a high-risk rock fishing location unless the person is wearing an appropriate life jacket. Secondly, a person must not permit a child in his or her care or supervision to rock fish in a high-risk rock fishing location unless the child is wearing an appropriate life jacket.

The penalties for such breaches will be 50 penalty units. There are also specific provisions consequent on the enactment of this Act—namely, a moratorium for 12 months on prosecution for the offence of rock fishing without a life jacket. The Government advises that the moratorium will allow time for rock fishers to learn about the life jacket requirements and to obtain an appropriate life jacket. The Minister advised that this law will be trialled for 12 months in the Randwick Local Government Area [LGA], given that 18 rock-fishing related drownings and 23 near drownings were recorded in this LGA between 2004 and 2016.

The bill outlines an appropriate life jacket for the purposes of this Act to meet certain standards. For adults, an appropriate life jacket must meet level 50S or greater under the Australian Standard AS 4758 or a life jacket that complies with the requirements set out in schedule 7 to the Marine Safety Regulation 2016. For a child

under 12 years of age, an appropriate life jacket must meet level 100 or greater under the same standard or equivalent. The Australian Standard 4758 defines a level 50S classification as:

... intended for use by those who are able swimmers and who are near to bank or shore, or who have help and a means of rescue close at hand. They are not designed to assist in turning the wearer into a face-up position. They require active participation by the wearer.

Level 100 classification is defined as:

This level is the minimum requirement for coastal use and is intended for general use on water where the shore is in view. It is designed to assist in turning a person into the face-up position.

Malcolm Poole and Stan Konstantaras from the Recreational Fishing Alliance NSW wrote to me as follows:

It is not just about lifejackets, these will keep you afloat once you enter the water, based around a number of factors;

- If the right lifejacket is chosen
- Worn and fitted to the persons body correctly
- Is of the right level and performance criteria to meet or exceed the anticipated environmental conditions (calm water, enclosed water)
- Servicing of inflatable life jackets being out of date ...

The Recreational Fishing Alliance NSW suggested a prerequisite of a collared life jacket and the servicing of life jackets. Rhiannon Shine from *ABC News* reported:

In its 2015-2016 annual report, Marine and Safety Tasmania (MAST) said out of an estimated 70,000 jackets in use around Tasmania, less than 2 per cent—or about 1400—were being properly serviced.

The Recreational Fishing Alliance NSW also expressed concern:

... about all of these life jackets being fit for purpose and recommended without having sound knowledge of how they will perform in the actual environment they are being used in particularly if the communication strategy fails to inform end users as to what they should/must look for to meet their individual needs.

Mr Konstantaras advised me that the Recreational Fishing Alliance NSW is not happy with the standard of life jackets used for rock fishing. He suggested that the Government should set up a working committee to review and product-test life jackets specifically for rock fishing during the 12-month moratorium. The Christian Democratic Party supports the establishment of a subcommittee and the Minister has given some indication that he will agree to this. Indeed, the Minister has confirmed that at the last meeting of the working group it was resolved to set up a subcommittee to examine and review appropriate life jackets for rock fishing. No amendment to this legislation will be required for this to occur. I have been assured that the Government will hold to its word regarding the regulations.

This legislation is about reducing unnecessary deaths and ensuring that rock fishers get home safely to their family and friends. The Recreational Fishing Alliance NSW has a lot of knowledge and I ask that a representative of that group be appointed to the Water Safety Advisory Council. We want people to come home safely. As Mr Justin Field said earlier, many people go out for a fish and do not return. But if they had taken a couple of precautions they could have returned safely to their families. Unlike other fishers, when I go fishing I usually return without any fish. I am told that every kilogram of fish caught is worth \$100 to the tourist industry. I would spent about \$500 to catch a kilogram of fish; I would be better off to buy it from the shop.

**The Hon. Lynda Voltz:** You should just chuck the prawns in as well.

**The Hon. PAUL GREEN:** Yes, I should. For many this is a very enjoyable hobby and it is a sport for others, but at the end of the day we have a responsibility to make sure fishers return home safely. Some people believe we should not mandate that people wear these jackets. We can fence pools to prevent drownings but we cannot fence the ocean. I note the Minister for Roads is seated at the table. He knows we cannot expect accidents not to happen when people play close to cliffs. People need not only to enjoy themselves but also to come home safely. A lot of resources are used in saving fishers. Some may think that life jackets are a little expensive but many fishers are already using them.

The Minister is looking to establish a subcommittee on life jackets. Some fishers know what is available globally online and do not think that we should have a one-size-fits-all approach to this. In Australia we have a very dangerous coastline and adverse weather conditions so it is important that fishers have the right gear. That subcommittee will get the best advice from stakeholders about the appropriate life jackets for different conditions. We do not want to discourage people who have bought expensive equipment. They should not have to throw that equipment away because we decide that fishers should be using a particular product. We must not throw the baby out with the bathwater.

I appreciate that in parallel with the trial the Minister will be putting together the subcommittee, but he could go further and use the expertise of the stakeholders on the NSW Water Safety Advisory Council. The Christian Democratic Party is opposed to the Opposition's proposed amendments. Our early thoughts are that we will continue to vote with the Government on this bill to allow these measures to roll out. The subcommittee can then look at the best way forward because the fishers will be adversely affected if we get these decisions wrong. I will briefly share a fishing tip or two with the House. In the Shoalhaven area one of the best spots for catching marlin is off the rocks at Beecroft Point, at the edge of Jervis Bay. There are 109 beaches in that area; for good salmon fishing I suggest Steamers Beach. I wish everyone a very successful fishing season and commend the bill to the House.

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (11:19):** I speak in debate on the Rock Fishing Safety Bill 2016 not as a Minister or Leader of the Government, but as a really keen fisherman. I have all the skills except the skill of catching many fish.

**The Hon. Robert Brown:** It takes time.

**The Hon. DUNCAN GAY:** I know and I have put in a lot of time. I congratulate the Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs, David Elliott, on legislating for a trial area for safety measures for rock fishing, as fishermen have wanted this trial for a long time. This legislation represents a great initiative. I know the Maritime Advisory Council said a big hallelujah when this legislation was announced. Members of the council have their own views about how the trial period should be implemented and they totally support this initiative.

Every January my mate Dinger and I—I think everyone has a mate called Dinger—spend our days in the tinny and I spend some time on the rocks, when Dinger and I get sick of each other's company. He is a great bloke, but I can only take so much of him and he feels even more strongly about me. I have found from fishing on those rocks that the key to safety is honing skills on the location and having regard to what is happening on the day. Equal attention must be paid to the surroundings and to the fishing gear. The location is key. I heard the Hon. Robert Brown refer earlier to low-risk days. I was prompted to speak in this debate when the member of The Greens, Mr Justin Field, suggested we should have low-risk days.

How do we work out what is a low-risk day and what is high-risk day? Quite often a low-risk day in 20 minutes can turn into high-risk day when the wave pattern changes. Indeed, the contribution of the member of The Greens was reasonably good until he spoke about the idea of personal freedom—the personal freedom to kill oneself at a site where we know rock fishers are losing their lives. It is not just that they are risking their own lives; there is also the consideration that our emergency service workers and volunteers have to put their lives at risk to rescue people exercising personal freedom.

**Mr Justin Field:** That is nonsense.

**The Hon. DUNCAN GAY:** It is not nonsense; it is spot on. A Coroner's report has indicated that some areas are very dangerous for rock fishers. Some of the worst of these areas for rock fishing fatalities in the State are, appropriately, where the trial will happen. In these areas we need to say, "This is an area where you are likely to get into trouble. If you wish to take the risk to fish here, you have to wear a life jacket." The wearing of a life jacket will go some way towards protecting lives and reducing the risk for emergency service personnel, who are sent into these waters to rescue people who get into trouble. I also congratulate the Minister for putting together a committee to analyse and report on this trial of life jackets. Roads and Maritime Services [RMS] has just gone through the same process for motorcycle helmets, and we realise that safety measures are not an easy subject.

We have also investigated the voluntary wearing of life jackets for babies on the water, and statistics for the wearing of life jackets have gone through the roof, which means lives are being saved. Last January, when I went to the boot of my car to get out my life jackets I thought I would have trouble persuading Dinger to wear a life jacket. I said, "I'm just going to get out my life jackets, mate". He said, "Don't worry, Dunc". I saw in his boat brand-new life jackets, so even Dinger is getting the message—he will love the fact that he is mentioned in *Hansard*. With those few comments, I support the bill and I congratulate the Minister.

**The Hon. JOHN GRAHAM (11:24):** I speak in debate on the Rock Fishing Safety Bill 2016 and indicate that I support this bill. The evidence is in on this important safety measure, and it is appropriate that the Government is acting in this instance. Members who have contributed to this debate have raised interesting points. I particularly enjoyed the contribution of the Hon. Robert Brown who spoke about life jackets and gave members an extensive education on them. I acknowledge the member's encouragement for the Government to adopt some of the Opposition's amendments in this detailed technical area. Modern life jackets are a world away from the life jackets of the past, but they certainly do not cost 20 bucks, as the Minister suggested in the other place. I thought that showed he was pretty out of touch with reality.

I reiterate the call for the Government to look at extending the trial to other areas. One area I know well is around the Munmorah State Conservation Area. There is a three-kilometre stretch of the coastline near Swansea that really is one of the most dangerous parts of the State. I encourage the Government to extend the trial to that area as a matter of priority. I acknowledge the contribution of Mr Justin Field, who ran through a range of safety steps to encourage fishers to inform people of their plans. He then went on to read his Christmas fishing plans onto the record. Not all fishers in the State will have the opportunity to have their Christmas fishing plans in *Hansard*, but I think he set an excellent example. I commend the bill to the House.

**The Hon. TREVOR KHAN (11:26):** My contribution to the debate on the Rock Fishing Safety Bill 2016 will be brief. I support the bill, not because I am a fisher—I have not fished for 20 or 30 years.

**The Hon. Greg Donnelly:** You do a bit of fishing, do not worry about that.

**The Hon. TREVOR KHAN:** Indeed. In a sense I bring a different perspective to this debate because when I started to dive, in about 1973, there were no buoyancy compensators or life vests. We dived in an old-style wetsuit with a weight belt, and so it was a different style of diving in many ways. The wetsuits gave us some buoyancy and the theory was that if we got into trouble we would drop our weight belt and the buoyancy in the wetsuit would save us. The problem was that whilst there was a degree of buoyancy in the wetsuits, it did not keep our heads above water—that is, we would float but we might very well float facedown. Training procedures took a long time to move towards the use of buoyancy compensators and how they would help. I was involved in the rescue of a diver, who went into the water and panicked. The only thing that saved that man—and frankly me—was that his buoyancy compensator kept him afloat. It did not save him by getting him out of the water, but it kept him afloat with his head above water. That allowed me to assist him without getting drowned. I also sailed when I was much younger. I could not do it now—the reality is I could not bend or be flexible enough to do it—

**The Hon. Michael Gallacher:** You will be next week!

**The Hon. TREVOR KHAN:** I hope so. I must admit that, when I was sailing in my late teens and twenties, the thought of wearing a buoyancy vest or life jacket was anathema. One just would not do that. It was not cool at that stage. The reality is that even on a relatively calm day, on a boat or dinghy something can go wrong. People can fall, slip or hit their heads and the water will kill them. It is a dangerous environment to be in at any time. The move toward the regular wearing of appropriate vests on boats, particularly on sailing dinghies and yachts, has been a lifesaver for many. With this bill I hope we can overcome the existing prejudice that this is not the way to do it. This will save lives.

From my perspective, having also dived off rocks, the one thing this will do is keep people afloat. I hope, however, that there will be appropriate education within the community to ensure that if people are wearing a life vest and end up in the water they will not try to get back to the rocks themselves. Often when people get into trouble near rocks—hopefully divers can swim, but in many cases we will be talking about people who have poor swimming skills—they try to get out of the water as quickly as possible, which is a disaster waiting to happen. Once someone has a life vest on and can therefore stay afloat, it is best to get as far away from those rocks as possible. It might still mean that there is a rescue undertaken at enormous cost, but at least a live person will be recovered and not a body.

**The Hon. Robert Brown:** It costs as much for a recovery as it does for a rescue.

**The Hon. TREVOR KHAN:** That is right. Recovery of a body will not bring much succour to a family, but recovery of a live person, while still expensive, saves the heartache and anguish that flows from a drowning. This bill will ensure the safety of our fellow Australians. I hope that appropriate steps are taken, particularly with the non-English speaking community, to ensure that they not only wear the appropriate gear in the appropriate places but also they are assisted to understand how to get out of trouble when they get into it. I also hope that that education extends to ensuring that other people do not put themselves at risk with foolish attempts at rescue, because in the rock fishing industry we have seen so often the loss of not just one person but two or three. That is a horrible circumstance. I anticipate this will be the last time I speak in the House before Christmas, and I therefore take the opportunity to wish everyone the best of the season.

**The Hon. MICHAEL GALLACHER (11:33):** I am glad of the opportunity to say a few words in debate on the Rock Fishing Safety Bill 2016. The psychology around lifesaving devices is changing. One need look only at black-and-white footage from the 1930s and 1940s of surf life savers rowing surfboats in competition. They used to wear big, cumbersome life jackets—

**The Hon. Duncan Gay:** Mae Wests.

**The Hon. MICHAEL GALLACHER:** Mae Wests, were they? Those life jackets were heavy, solid things that would lock a person's head in position. Having been a rower, I was convinced that rowers were more

in danger in the surf by wearing than they were by not wearing them. However, the psychology is changing and more people are looking at ways to introduce them into competitive sports. Technology has kept pace with the expectation of some sort of protective device. When I talk to the old fishermen, like my late father-in-law Eddie Maskill, who was a well-known fisherman at North Bondi, they tell me that they had one safety device, known as cleats, which were screwed or glued onto the bottom of their Dunlop Volley sandshoes as they headed out onto the platform at North Bondi armed with their Albie, and away they went. There was no occupational health and safety then! In this workplace they wore only a pair of shorts and fished for hours under the blazing hot sun. I do not know why these young Australian men died as early in their lives as they did. Be that as it may, there was a macho culture and that was the way it was.

The changing nature of the Australian demographic in the past 30 years in particular has meant there is a view that every second person dying as a result of rock fishing is from South-East Asia. It is only when one begins to look at the statistics that one sees that is wrong. Earlier members opposite spoke about that part of the State around Lake Munmorah south of Swansea, which is best described as Wybung Head near Frazer Park. There has been a significant number of deaths at Wybung Head over the years. A couple of years ago a number of Asian people were fishing at night-time. A woman went into the water and her husband went in after her, and both lives were lost.

Last year my son was involved in the recovery of a young man who was not from an Asian background, but was born and bred in Lake Munmorah. A few years before that a group of young local people went fishing at Wybung Head and ended up in the water, again resulting in more deaths. This problem will not be solved by saying, "Let's put some signage up there in languages other than English and it'll be fine." There are bigger challenges. Some people who go fishing probably do not have an intimate understanding of the coastal irregularities and the unpredictability of the swell in areas, such as North Bondi under the Mermaids at Ben Buckler—not in the same way as my late father-in-law Eddie Maskill had. He knew the surf, but others do not have that expertise and knowledge. There is unpredictability in each set of waves coming in and, even though it appears to be a calm day, one finds oneself in the water.

The point you made, Deputy President, of the danger of swimming towards the rocks should be part of the education that is needed. It is natural that people panic. They have on clothing and shoes, and they might have difficulty swimming so they are looking for the path of least resistance to get out, but that in itself creates further risks. The Greens' position of personal responsibility is one I found interesting. I will not be critical of that position, as it is worth exploring. It is fine to say that individuals have personal responsibility, and we all agree with that, but it comes with challenges. If we take it to the fullest degree, that would mean doing away with 13 SURF, the line we set up to assist with the rescue of people falling into the water, and we would say, "If you fall into the water and you're not wearing a life jacket, you're responsible for your own conduct getting in there and we won't put people at risk by going in there after you."

There is a moral obligation on society to reach out to help even when people do something stupid, but there also must be a penalty on people who demonstrate that type of behaviour, whether or not that penalty is this legislation. I commend the Government for this trial. I think there is more we can do in this area, and I will make some suggestions. Is it a question of penalising people, or are there other ways to look at it? Is it a question of making them pay for the cost of getting the Westpac Life Saver Helicopter into the air? Do they pay for the rescue squad having to scale the rocks at North Bondi to try to get them out?

I do not know the easy answer. When people get into difficulty—not only rock fishers but also lone sailors who are 100 kilometres off the coast—others ask why they should not be required to pay for their rescue. Why do we send out the Royal Australian Navy to rescue them at a potential cost of millions of dollars? Why should they not recompense the taxpayers? It is a question of obligation. While we do have responsibilities, it is more complex than saying it is up to the individual. I have often thought about whether there is a role for the insurance industry in this area. We force people to wear seatbelts and helmets, but they must take personal responsibility and we impose a penalty if they do not comply with the relevant laws.

Perhaps we could explore whether the insurance industry should take into account when determining insurance payouts that rock fishers who do not wear some sort of life-saving device are knowingly participating in a dangerous pastime. Members can imagine what their wife, mother or father would say if they made a habit of rock fishing without wearing a life jacket knowing there were potential financial implications. The insurance company might say, "Sorry, stupid, you were told, you know the law and you have broken it. If you are expecting us to pay, bad luck." That and the law enforcement provisions in this legislation might change people's attitudes.

It would also be worthwhile the Government considering what we can do to increase education and understanding. I am talking about the people close to fishers because fishers have their ways of doing things and it would be difficult to get the message through. I am not saying that fishers are difficult; that is far from the truth. Most of the rock fishers I know are good law-abiding people and they are doing the right thing by themselves and

their families. However, I have always thought it would be worthwhile to run an education campaign in the lead-up to Christmas. It might involve someone shown holding up a fishing rod and the caption could be, "If you intend to buy someone one of these for Christmas, it might be a good idea to spend another \$20 to buy a life jacket."

**The Hon. Lynda Voltz:** They cost a bit more than \$20.

**The Hon. MICHAEL GALLACHER:** Whatever the price, it might save their life. What is the price of a life? It is expensive to buy someone a rod, tackle, and all the other gear. Why not spend a little more and buy a life jacket? People might not come home with fish, but at least if they have a life jacket they will come home. That should be part of the equation when we consider how to get the message across. I ask the Minister at least to consider including Wybung Head and the area around Frazer Park in the trial—an area that presents interesting challenges because it is in an isolated part of the Munmorah State Conservation Area. The gates to the park are closed at sunset, but fishermen access the park during the night, and rescues often occur in darkness or in the early hours of the morning. I congratulate the Government on what it is doing, but it would be worthwhile considering how we can address that problem.

This issue does not only impact rock fishermen. Sadly, last year two Asian fishermen drowned while fishing in The Entrance. Members would be aware of the calm waters in that area, but when the tide runs it moves more quickly, although it was still calm when the men were standing on the bank. As happens in the channel areas around the entrance to a lake, the water was deep in parts. The men were wearing rubber or vinyl waders to keep themselves dry. One of them stepped closer to the water and tripped. He fell into the water and his waders quickly filled. His son-in-law reached out to get him, and both were lost. Their bodies were retrieved a couple of days later.

As members know, I am involved in surf life saving on the Central Coast and I see the impact of these events on surf club members. My very close friends have been involved in rescues and my son is a jetski operator. Because young surf life savers are the only people with the necessary skill set to move around the white water, they are asked to ride up and down the coast for days waiting for bodies to pop up. The bodies are invariably under a shelf, where they stay until they are ripe to surface, so to speak, and these young people must deal with that. While we always spare a thought for the victims and their families, we also think how silly it is and what a waste of a life. If they had been wearing a life-saving device we might not be facing such a tragedy. I know that members spare a thought for the young volunteer surf life savers who are asked to retrieve the bodies and who are left with lifelong scars.

I commend the Government for introducing this legislation; it is a good start. As I said, I believe that Wybung Head should be considered for inclusion in the trial. We must do more collectively as a Parliament to ensure that people are educated about the dangers of interacting with the sea. Law enforcement is one thing, but we also need a big stick. We may well need to consider the insurance industry playing a role in the education process. I am not referring to those who do not want to participate but those around them, who will say, "You are not putting us and our home at risk. Wear the bloody thing and come home at the end of the day."

**The Hon. BRONNIE TAYLOR (11:46):** On behalf of the Hon. Duncan Gay: In reply: I thank members for their contributions to this debate, and I will address some of the matters they raised. I can confirm that at the last meeting of the rock fishing working group the committee resolved to set up a subcommittee to examine and to review appropriate life jackets for rock fishing. The subcommittee, which will include a representative from the Recreational Fishing Alliance of NSW, can look at developing a list of features for life jackets tailored to the needs of rock fishers, as suggested by the Hon. Robert Brown. That might include considering whether it is appropriate to provide information to Roads and Maritime Services on life jackets approved under existing international standards and whether those standards can be recognised under New South Wales law.

Funding of \$760,000 over two years has been made available for the implementation of this legislation, including support for councils, and to roll out a communication and advertising campaign as referred to by a number of members. In addition to the funding for the trial, the Government has committed \$11 million to water safety programs. That addresses some of the issues raised by members. As has been made clear, people from multicultural backgrounds are overrepresented in rock fishing-related fatalities. Advertisements and information will be placed in media such as community language newspapers that appeal to rock fishers in those communities rather than only in the mainstream media. Further, signage and other materials will be produced in languages such as Vietnamese and Chinese. In response to Mr Justin Field, the Minister intends to invite Aboriginal Affairs NSW to participate in the rock fishing working group to ensure appropriate consideration of Indigenous matters in the implementation of this legislation.

**The Hon. Robert Brown:** They will add, not detract.

**The Hon. BRONNIE TAYLOR:** I acknowledge that interjection. I commend the bill to the House.



**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question is that this bill be now read a second time.

**Motion agreed to.**

**In Committee**

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** There being no objection, the Committee will deal with the bill as a whole. We have two sets of amendments. The first set of amendments is C2016-130A from the Shooters, Fishers and Farmers Party and the second set is C2016-124A from the Opposition.

**The Hon. ROBERT BROWN (11:50):** I move Shooters, Fishers and Farmers Party amendment No. 1 on sheet C2016-130A:

No. 1      **High risk rock fishing locations**

Page 2, clause 4 (3), lines 38–40. Omit all words on those lines. Insert instead:

- (3)      The Secretary of the Department of Justice is to cause the following to be published on the *www.watersafety.nsw.gov.au* website and any other website that the Secretary considers appropriate:
  - (a)      each declared area, and
  - (b)      a description and map that identify the high risk rock fishing locations within the declared area.

During the second reading debate almost every member spoke about the problems associated with rock fishers coming from a background where English is a second language. My amendment seeks to bolster the gazettal by making it easier for people who have English as a second language to understand the law that is being introduced today. In essence, it changes lines 33 to 40 of clause 4 (3) on page 2. Paragraph 3 (b) is the critical part of the amendment. It is straightforward and the intention is clear. I foreshadow for the convenience of the Chair that I will not be moving the second amendment.

**The Hon. BRONNIE TAYLOR (11:52):** The Government does not oppose the Shooters, Fishers and Farmers Party amendment No. 1 on C2016-130A.

**The Hon. LYNDA VOLTZ (11:52):** The Opposition supports the Shooters, Fishers and Farmers Party amendment. It is important that people know the areas where they will be most at risk. It is important information that the Government already holds and it is possibly already on the website. As has been noted, we would like to see the trial extended to a number of other areas. I hope that this information will elucidate exactly what the risks are for people.

**Mr JUSTIN FIELD (11:53):** The Greens support the amendment moved by the Hon. Robert Brown. It goes to a point I made in my contribution to debate on the second reading. There is a place for personal responsibility and there is also a place for government to play a role. It is not correct to suggest that I indicated in my earlier contribution that this legislation is all about personal responsibility. Many people already choose to wear life jackets, or they might choose to look at the weather report. The Government can provide certain information, such as a map of high-risk areas, but there is an expectation that people will also note the weather report before rock fishing. There will always be a line between personal responsibility and what the Government should be doing. Some Government members suggested that there is no safe day, which belies the suggestions made by other Government members that rock fishing is an unsafe activity but collecting is not.

**The Hon. John Ajaka:** Point of order: Mr Justin Field is well aware that he should be speaking to the amendment before him moved by the Hon. Robert Brown, which relates to a map being produced. He is speaking outside the amendment, which is now becoming a second reading contribution.

**Mr JUSTIN FIELD:** To the point of order: I was merely trying to indicate why I support the amendment. There is an important distinction between what Government can do to make this activity safer for people and additional expectations.

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** I uphold the point of order. Mr Justin Field should focus on the amendment and not venture into debate on the second reading.

**Mr JUSTIN FIELD:** The Greens support the amendment.

**Reverend the Hon. FRED NILE (11:55):** The Christian Democratic Party is pleased to support this amendment as well. All valuable information for rock fishers, such as maps of high-risk areas, will be provided.

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** The question is that the Shooters, Fishers and Farmers Party amendment No. 1 on sheet C2016-130A be agreed to.

**Amendment agreed to.**

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** The Shooters, Fishers and Farmers Party amendment No. 2 lapses.

**The Hon. LYNDA VOLTZ (11:56):** By leave: I move Opposition amendments Nos 1 and 2 on C2016-124 in globo:

No. 1     **Appropriate lifejackets**

Page 5, proposed schedule I, clause 3 (1) (a), line 37. Insert "or complies with US Coast Guard Approval Number 160.064" after "that lifejacket".

No. 2     **Appropriate lifejackets**

Page 5, proposed schedule 1, clause 3 (1) (b), line 41. Insert "or complies with US Coast Guard Approval Number 160.064" after "that lifejacket".

As I outlined in my second reading speech, these amendments relate to life jackets. At the moment, page 5 of schedule 1 notes that the only appropriate life jackets are those that come under AS4758. Those life jackets must be bought new by a current owner or be no more than 12 months old and they must be serviced at intervals. This is problematic because rock fishing is a physical activity. It is a sport, and for good reason. The ability to cast out—much like beach fishing—from a rock shelf is a fundamental skill that is needed for rock fishing. Life jackets are problematic and create restrictions for fishers who are casting out from a rock shelf as well as when they are in the surf. One of the requirements of the bill is that rock fishers must wear life jackets that are the correct size.

I can envisage problems arising for people who wear badly designed life jackets, such as those that are bulky, while they are fishing on a rock shelf. The Opposition is asking that a line be inserted to include life jackets that comply with the United States Coast Guard Approval No. 160.064. If anyone looks at those jackets they will see there are two types—one for summer and one for winter—that are designed specifically for rock fishing. In fact, the winter ones look similar to a wetsuit vest that divers often wear.

We think this is important because many people already have these life jackets. Many people have already purchased them. A trial will begin in the Randwick local government area [LGA] when people have jackets of the very type we are talking about. I note the Parliamentary Secretary's comments that a subcommittee or a committee will be set up—it is always the Sir Humphrey Appleby response to anything to kick it to a committee—and that it can, not should or will, examine this issue and make recommendations regarding these life jackets. Standards Australia is a not-for-profit non-government organisation. While the standards are backed by the Commonwealth Government, any government can introduce legislative change.

People have already done the hard yards. They have researched the appropriate styles of life jackets for rock fishing—the United States Coast Guard approved a particular style of life jacket for use in this sport—and that should be enshrined in legislation. Once the subcommittee or committee examines this issue we can always revisit it but until then we should not throw out the baby with the bathwater. We should not say to these rock fisher persons who have been doing the right thing by looking after their personal safety that we will disregard that and make them wear inappropriate life jackets. Let us give them the nod and include these provisions in the legislation. We can always revisit them later.

The Hon. Robert Brown spoke at length about the dangers of rock shelves and the Hon. Mike Gallacher referred to what people wore in surf boats. As a surf boat rower I have had experience of large row boats coming towards me and I am aware that some of these life jackets would have been extremely inappropriate. I would not have wanted to be wearing one; I would have wanted to get underneath any boat that was coming towards me. The Government should seriously consider supporting these amendments and including these provisions in the legislation.

**The Hon. BRONNIE TAYLOR (12:01):** The Hon. Lynda Voltz is wrong in suggesting that Australian Standard life jackets are not fit for rock fishing. Earlier this year Minister Elliott received a letter from the chair of the CS-060 committee, the Standards Australia committee, that writes and maintains standards for life jackets. In that letter he pointed out that the level 50 life jacket is appropriate for rock fishing. Australian Standard life jackets that are already on the market are appropriate for rock fishers. For example, on one retailer's website the Marlin Bumbag Inflatable PFD 150 is described as:

... perfect for stand up paddleboarding and rock fishing, as it is slim-line against the chest and doesn't restrict movement ...

Other types of Australian Standard compliant life jackets are suitable for rock fishers. They are comfortable, do not restrict movement and could well save someone's life. The New South Wales Government has produced a brochure that gives examples of appropriate Australian Standard life jackets for rock fishers. Suitable life jackets

might include manually inflating jackets that enable fishers to choose when they inflate them, giving them the ability to swim under waves and away from rocks before inflating them.

I am also able to confirm that at the last meeting of the Rock Fishing Working Group the committee resolved to set up a subcommittee to consider and develop a range of features within the bounds of the Australian Standard that might be collated and provided to industry for its consideration in developing life jackets specifically geared toward rock fishing. Consideration could also be given to whether it is appropriate to identify and provide proof to Roads and Maritime Services [RMS] on the performance and quality of life jackets approved under other currently unrecognised international standards—such as the United States Coast Guard standard vests that were mentioned by other members—with a view to those life jackets being recognised as standard approved life jackets under New South Wales law. This will be dependent on whether those life jackets meet performance and quality standards consistent with Australian standards. The Government does not support these amendments.

**The Hon. ROBERT BROWN (12:03):** I support the Opposition's amendments but will make a few comments about the Parliamentary Secretary's contribution to debate on the amendments. Two years ago Recreational Fishing Alliance [RFA] members tried hard to get the safety committee and Superintendent Hutchings—or whatever his rank is—to start work on a revision of the Australian standard. I disagree with the comments of the Parliamentary Secretary but I know that she has been given advice. The Australian standard must be worked on by these committees as a matter of urgency. That work should have started two years ago. It was known then that the Government would need to introduce legislation as so many people are drowning.

In the second reading debate I iterated what took place in the past few days—an Australian standards life jacket was not suitable and a person drowned in rough water conditions. The life jacket proposed in the Opposition's amendments is sold in Australia now and is widely accepted and used mostly by divers but also many rock fishers who undertake dangerous ocean activities. I disagree with the statement that Australian standards cover these issues. Those life jackets will keep a person afloat. Blue water life jackets are designed to keep a person afloat but none of them are designed to protect a person in a heavy wash zone.

The Government should ameliorate its stance on this issue and show a little foresight. I know that Ministers do not like to have their bills amended, in particular, by Opposition members but in this case it would be sensible amendments for the Government to adopt. I know that the Government will not adopt these amendments, which is why I will vote for them. Hopefully once this legislation is passed its provisions will be implemented immediately in that local government area. I will not refer to the hyperbole and crap to which some members referred when they said that we should take responsibility for these deaths. During the past two years the RFA heavily criticised the Government for appointing to the committee an importer of a particular life jacket.

In his contribution to debate on the second reading the Hon. Paul Green said that the Government should consider immediately appointing RFA members to the committee and subcommittee. I hope it will do so. I think the Parliamentary Secretary said that it would. This is now an urgent matter. It takes years to modify an Australian standard. It is not a case of walking in and saying, "Here is a new standard that can be trialled." I have used Australian standards on firefighting systems and I am aware that it takes two years to get something adopted. It is a shame that two years ago this Government did not accept the advice of a couple of redneck fishers who knew what they were talking about, approach Standards Australia and properly assess this process.

This legislation will be passed but I urge the Government to accept these amendments, to do whatever it can to accelerate the subcommittee's considerations, and to adopt the Australian standard life jackets that are already being manufactured around the world, such as those mentioned in the Opposition's amendments. It is the responsibility of the Parliamentary Secretary and the Minister to ensure that those committees do their work as fast as they can. I commend the amendments to the Chamber.

**The Hon. PAUL GREEN (12:08):** I concur with what the Hon. Robert Brown just said. This issue is of importance to the Shooters, Fishers and Farmers Party as it represents a large number of rock fishers. Rock fishing is an important issue for many people in our electorates. We have worked with farmers to change this legislation and to approach rock fishing in a better way. We must work also with the fishing community, in particular, the Recreational Fishing Alliance, as these people know the dangers involved in rock fishing. It would be unwise for the Government not to appoint members of the Recreational Fishing Alliance to the committee and subcommittee. It would be helpful also to appoint them to the Water Safety Advisory Council as their experience is invaluable.

The Christian Democratic Party will not be supporting these amendments. The committee and subcommittee that will be appointed will examine these issues and take into consideration what standards should be implemented in the long term. It takes time to implement new standards but this issue is urgent as we need to ensure the safety of our communities. This legislation will save lives. We should get on with the job, implement the trial, establish the committee and obtain feedback from the community to make recreational fishing, sport

fishing and rock fishing as safe as possible to ensure that the mums, dads and kids who go rock fishing return home safely after a good day out.

**The Hon. LYNDIA VOLTZ (12:11):** I note the comments of the Parliamentary Secretary but I am even more concerned as the Parliamentary Secretary said that the Marlin bumbag, which has to be tied around a person's waist, could be worn by rock fishers. The life jacket has to be removed from the bumbag and inflated by a 33-gram gas cylinder. However, anyone with any knowledge of the Marlin bumbag would be aware that it is very restrictive, with no ease of movement once it is inflated. I seek clarification from the Parliamentary Secretary as there will be problems in the future if rock fishers are led to believe that they can wear the Marlin bumbag around their waists. The definition of "wear" in the bill is as follows:

*wear*, in relation to a lifejacket, means wear with all closing or fastening devices such as zippers, buckles and tapes correctly secured as specified by the manufacturer.

As I said earlier, the life jacket would have to be removed from the bumbag and worn at all times while a person was rock fishing. I seek clarification from the Government.

**Mr JUSTIN FIELD (12:13):** The Greens support the Opposition's amendments. The last point made by the Hon. Lynda Voltz warrants a response and reflects the importance of these amendments. United States Coast Guard life jackets are being used at the moment; people who engage in rock fishing are already using them and they comply with Australian standards. I concur with the contribution of the Hon. Robert Brown who has a technical understanding of this issue. As the Shooters, Fishers and Farmers Party will be supporting these amendments it is beholden on the Government to support them also. The Greens support these amendments.

**The Hon. LYNDIA VOLTZ (12:13):** I would like the Parliamentary Secretary to respond to the questions I asked about the Marlin bumbag. The Parliamentary Secretary said earlier that this life jacket, which is worn around the waist, could be used by rock fishers when it is not an appropriate device. I am concerned to ensure that the Government clarifies its position. Members know full well that when there is any uncertainty regarding the law they read the debate in *Hansard* to determine how the law should be applied. I moved these amendments to ensure that the devices currently being used by rock fishers are appropriate. The United States Coast Guard life jackets have already been approved for use. The Government can always revisit this issue after its 12-month trial of personal flotation devices.

**The Hon. BRONNIE TAYLOR (12:15):** If it is worn according to the manufacturer's recommendations it meets the requirements.

**The Hon. LYNDIA VOLTZ (12:15):** I looked at the specifications on the manufacturer's website which recommend that it be worn around the waist. This life jacket does not comply with the specifications in the Act even though it complies with Australian Standard 4578.

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** The Opposition has moved amendments Nos 1 and 2 on sheet C2013-124A in globo. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....20  
Noes .....21  
Majority.....1

#### AYES

Barham, Ms J  
Buckingham, Mr J  
Field, Mr J  
Mookhey, Mr D

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

Borsak, Mr R  
Donnelly, Mr G (teller)  
Graham, Mr J  
Moselmane, Mr S  
(teller)  
Searle, Mr A  
Shoebridge, Mr D  
Wong, Mr E

Brown, Mr R  
Faruqi, Dr M  
Houssos, Ms C  
Pearson, Mr M

Secord, Mr W  
Veitch, Mr M

#### NOES

Ajaka, Mr J  
Clarke, Mr D  
Farlow, Mr S  
Gay, Mr D

Amato, Mr L  
Colless, Mr R  
Franklin, Mr B (teller)  
Green, Mr P

Blair, Mr N  
Cusack, Ms C  
Gallacher, Mr M  
Harwin, Mr D

NOES

Khan, Mr T

MacDonald, Mr S

Maclaren-Jones, Ms N  
(teller)

Mason-Cox, Mr M  
Pearce, Mr G

Mitchell, Ms S  
Phelps, Dr P

Nile, Reverend F  
Taylor, Ms B

**Amendments negatived.**

**The TEMPORARY CHAIR (The Hon. Shayne Mallard):** The question is that the bill as amended be agreed to.

**Motion agreed to.**

**The Hon. BRONNIE TAYLOR:** I move:

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

**Motion agreed to.**

### **Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

### *Budget*

### **BUDGET ESTIMATES AND RELATED PAPERS 2016-17**

**Debate resumed from 11 October 2016.**

**The Hon. BEN FRANKLIN (12:27):** By leave: I continue my speech in debate on Budget Estimates and Related Papers 2016-17. This does not mean that New South Wales is missing out in this budget on key social services and infrastructure. Funding in this budget is at a record \$20.6 billion for health services, up more than 5 per cent; a record \$13.7 billion on school education services, up more than 7.5 per cent; and a record \$6.8 billion on justice. How does this translate to our communities? This means more teachers, more police and more nurses and midwives—the numbers of which have been increasing steadily under this Government over the past five years.

**Mr David Shoebridge:** Point of order: I have two points of order. My first point of order is that there is a vast amount of chatter in the Chamber. My second point of order is that the Hon. Ben Franklin is talking so quietly we would not hear his contribution even if people were silent.

**The PRESIDENT:** I think the member was disoriented by the amount of noise in the Chamber. I am sure the Hon. Ben Franklin was speaking clearly and precisely.

**The Hon. BEN FRANKLIN:** It has an incredible record of 3,004 more teachers, 1,109 more police and 4,724 more nurses and midwives since 2011. This Government takes Health, Education and Justice very seriously and genuinely listens to our communities and their often vastly different needs and requirements. This budget is spending \$12.1 billion for infrastructure in Roads and Transport, an increase of 16 per cent from 2015-16, which means fast-tracking major upgrades to key regional highways such as the Pacific Highway and other key roads around the State. New South Wales' \$138 billion regional economy is leading the nation with increasing business confidence because of the strong infrastructure program and the delivery of improved services in our regional communities.

This Government has turned this State into the best-performing State. It has balanced the budget and created thousands of jobs on the mid North Coast. That massive economic turnaround is illustrated in this budget, which presents surpluses over the forward estimates while delivering record investment in both infrastructure and services. But the real kick for the State is the plan to fund a \$20 billion infrastructure package from the long-term

lease of 49 per cent of the electricity transmission and distribution networks. This is an economic plan that represents a real result for the taxpayers of New South Wales. It delivers unprecedented investment in the State's infrastructure and represents a once-in-a-lifetime opportunity, especially for regional New South Wales.

In regional areas we have some failing roads and bridges, water and transport projects sitting idle on the drawing board and people who still have to travel too far to access their proper government services. This budget shows that this Government has been listening and rectifying these problems and is providing critical capital expenditure for the hospitals, schools and roads across our State. But the best is still to come. Regional New South Wales will benefit from a staggering \$6 billion in additional investment in the coming years thanks to the leasing of the State's electricity businesses, including \$3.7 million for regional roads, \$1 billion for water security, \$600 million for schools and hospitals, \$400 million for rail freight and \$300 million for a regional tourism and environment fund.

This is the infrastructure for which regional New South Wales has been crying out, and this Government shall provide it. Finally, in response to this budget, I am delighted there is so much revenue dedicated to the North Coast, one of the State's highest creators of new jobs and growth. I commend the New South Wales Treasurer, Gladys Berejiklian, for an excellent budget for the people of New South Wales, and I congratulate the members representing the electorates of Tweed, Lismore, Clarence, Coffs Harbour, Oxley and Port Macquarie on their tireless advocacy within government which has led to such a good outcome for the North Coast.

**The PRESIDENT:** According to resolution of the House, business is now interrupted for the valedictory speech of Ms Jan Barham.

#### *Members*

#### **VALEDICTORY SPEECH**

**Ms JAN BARHAM (12:32):** I acknowledge that we are meeting on the land of the Gadigal people of the Eora nation and pay respect to elders past and present, and to all elders and Aboriginal people across the State. I offer my respect and apologies to the stolen generations, and I express my gratitude and admiration for those members who came before the General Purpose Standing Committee No. 3 inquiry into and report on reparation for the stolen generations in New South Wales. I also acknowledge that I am from Arakwal Bundjalung country and pay respect especially to the late elders Aunty Yvonne Graham, Aunty Lorna Kelly and Aunty Linda Vidler who taught me so much, and I thank Aunty Dulcie Nicholls and Yvonne Stewart and Delta Kay for adopting me into their family. I support constitutional recognition and reform for Aboriginal people. As a non-Indigenous person I believe it is crucial to have recognition of first peoples in Australia's Constitution and the removal of discrimination. The Greens have strongly campaigned for constitutional reform, and it is essential that we see a successful referendum as well as treaties with the original custodians of this land. I hope to get to see those outcomes achieved.

As I stand in this Chamber to give my final speech as an elected member of Parliament, after informing the House of my intention to resign on 11 October, I can say that it has not been easy. But I thank all members for their kindness. What has been rewarding is that my announcement made a difference to others. Some people have shared their experiences with me, and those experiences confirm that we all need to communicate more honestly about how we feel. The best response is that some people have said they will address their own situations and take the time for self-care. That makes my decision to be publicly honest about my struggle worthwhile. We need to break the barrier and the stigma of mental health and we need to be more open about the pressures of life and make it okay to speak openly about our feelings and responses to a chaotic world. Politics is a strange environment in which to work, and for those of us who put ourselves in the public arena it can be challenging to our wellbeing.

I have spent 17 years in public life—13 years in local government and five years as a member of Parliament. I am the forty-eighth woman to be elected to the Legislative Council and the fourth female representative of The Greens NSW in this House. It has been an incredible honour to serve the community and The Greens. I note, however, the recent declining representation of women in this House and in other parliaments, which is something that should be of concern to everyone in this place and society. When I nominated for preselection it was not because I held great ambition but because it was important to have regional representation for The Greens in Parliament. I had had the experience of working in Parliament from 1995 as an adviser to Ian Cohen, the first Greens member of the Legislative Council. I did so for four years and then headed home to paradise—Byron—having been accepted to study law, but instead I ended up in local government.

My preselection came as a surprise, and with The Greens' affirmative action provision I was designated the number two position on the ticket. At the time I had not thought through the reality of being elected as a member of Parliament and remaining mayor—doing both jobs and the pressures involved. When I sat in this Chamber on that first day, I looked around and I thought, "Here is the chance to do politics differently", as I had

done in my time in local government. I looked around and saw the mix of people— many of whom are still here— and committed myself to find with each one a common connection, a way to work respectfully and positively to serve the people of New South Wales.

I am not comfortable with adversarial politics. As mayor I had spent too much time in the media, not always with good outcomes politically and personally. I have watched the dumbing-down of democracy and I believe both the media and politicians have colluded in that process. The 24/7 media cycle with the focus on the slogans, the personality politics and the fascination with internal party politics result in scant focus on issues. My focus has always been to seek outcomes and not to focus on media coverage as a key performance indicator. At home we are fortunate to have independent media, with the *Byron Shire Echo* and Bay FM community radio. My community has always had a voice and local issues are reported exhaustively, sometimes too exhaustively, but the community feels that the media serve them and provides accountability of their representatives.

Democracy is a powerful tool for peaceful and respectful social change, but I think that we as a society can do democracy in a much more respectful and civilised way and achieve better outcomes. I also think that many in our society are at a point where they are tired of the narrow, inward focus. Democracy is about them, not us. I believe democracy requires the fundamental principles of respect, honesty and trust and I have tried to perform my roles with those motivations. Unfortunately, my current view of politics is tarnished by the fact that I think we have seen better days in the delivery of democracy in New South Wales.

As I have mentioned, my first experience of working in this Parliament was more than 20 years ago. After an exhaustive campaign for the 1995 election, I experienced the high of the first term of the Carr Labor Government. The election campaign had delivered a priority on forest and environmental protection, and Labor did deliver outcomes that reflected those priorities—at least in the first term. They were good times; people cared about the environment and climate change was being taken seriously, and there seemed to be a more caring society and Parliament. My activism and council role provided the experience of being in service and the responsibility and accountability to my community.

As a Green in The Nationals' heartland I learned early on that it was important to listen to and respect the views of others. I have valued the times when I have learnt from those with differing views, especially when it has caused me to rethink and sometimes alter my position. In community there are times when we are on opposing sides of an issue, and then the next day we can be united. This is when the best is revealed; when we come together as a community. This for me is the value of the experience of grassroots democracy. This is the reason I enjoy committee work. It provides an opportunity for members representing diverse party political positions to work collaboratively, delving into an issue, receiving submissions, hearing evidence and then working together to develop responses to inform government.

I believe the complexity of issues must be balanced with a focus on finding simplicity in the most effective response. Empowerment is an example of this: the need to deliver self-determination to communities and identify when and how governments can assist. Each inquiry I have participated in has been an opportunity to grapple with an important issue and to work with my colleagues on finding solutions. I thank everyone with whom I have worked. I began with the inquiry into tourism impacts on local communities, an issue I was already well versed in from being on council in an area that was experiencing the pressures of popularity.

The commercial use of residential properties affects housing affordability and availability, changes the commercial nature of tourism and can result in antisocial behaviour in neighbourhoods. It also adds infrastructure pressure with no financial return to council. I acknowledge the opportunities of new technology and business models to transform society and the potential benefits from opportunities to share resources and bring people together in a more direct connection with one another, but I have real concerns about the uncritical enthusiasm for anything that is branded a sharing economy initiative. Disruption is not always a positive outcome for communities. Other inquiries included those on same-sex marriage laws, drug and alcohol treatment, young people and alcohol abuse, and volunteering among young people, which I expanded to include the important aspect of unpaid work and internships.

My portfolios have covered the range of vulnerable and disadvantaged areas. With housing, I came into contact with the pressures on the system to deal with increasing numbers of people affected by growing vulnerability and insecurity. Homelessness is on the rise, an inevitable result of the growing inequality and the Government focus on housing as an investment vehicle rather than the platform for people to have a secure life. The impact of the global financial crisis has revealed itself, and the changes to employment with increasing casualisation, more contract work and the loss of traditional employment are leading to greater insecurity and instability. In late 2013 I proposed an inquiry into social, public and affordable housing. We delivered 41 recommendations that were met with a positive response by the key organisations that work in this area. We must never forget that housing is a right, and it provides much more than a physical structure for protection. It provides the stability and security necessary for people to engage and enrich their lives. It is time for the State to

take up those recommendations and planning reforms like inclusionary zoning and it is time to invest in public housing and ensure tax policies targeted at promoting for all instead of profits for investors.

In this term of Parliament I was proud to be elected chair of General Purpose Standing Committee No. 3. I thank members for their support and for that opportunity. Our first inquiry was into registered nurses in nursing homes in response to concerns that the Government would remove that requirement. I acknowledge the work of the NSW Nurses and Midwives' Association. I note some of those wonderful people are with us in the gallery today, and I thank them for being here. I thank them also for their commitment to older people and those for whom they care. In this inquiry, and then in the inquiry into elder abuse, we heard sad and at times traumatic evidence of how the system fails adequately to ensure the protection of vulnerable people.

Government must provide the protections and the provision of services to care for the elderly. The saying that we can be judged as a society based on how we care for our most vulnerable is a good test and one that we as a society are failing in many areas. The State must continue the requirement for a registered nurse to be on duty at all times in residential homes, especially for high-care patients. I urge all parties to continue to support those important safeguards and standards of aged care. In addition, my successful motion to create an advocate for older people is one on which I hope the Government will deliver.

In committee work, I take the greatest pride in the final inquiry I proposed and chaired into reparations for the stolen generations in New South Wales. Since 1994 I have worked closely with the Arakwal people of Byron Bay. The ongoing relationship with the elders and the families meant that over time their trust developed and they shared insights into their lives. I was shocked by much of what I learnt. This has fuelled my commitment to seek reparations for Aboriginal people. The mistreatment of Aboriginal people under previous laws and policies of government is an ongoing stain on our history. The inquiry was a rare privilege to work with members in exploring why the response to the recommendations of the 1997 "Bringing Them Home" report and the New South Wales Government's response have not been fulfilled. The impact of the forced removal of Aboriginal children has resulted in intergenerational trauma. We must recognise the responsibility to address the wrongs—and it must be done quickly, as many survivors are ageing.

I thank my colleagues and the secretariat staff—especially Tina Higgins, who was so helpful—for their commitment. I note that they are here today. I thank the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, the Hon. Leslie Williams, who is in the President's gallery, for supporting the inquiry. We achieved a significant outcome with the delivery of the "Unfinished business" report. I appeal to the Government and to all members to deliver on the report's 35 unanimous recommendations. It is essential that they are all supported. They provide a holistic approach to the need for reparations and will change the future.

During my first term I was struggling—some of you noticed; some of you did not. The pressures of having the dual roles of mayor and a member of Parliament caused physical stress, and the emotional stress was mounting. During this time I received a death threat and it scared the hell out of me. As someone who was living alone it caused me anxiety and, for the first time, insomnia. At the same time the death of friends was having an impact. Grief takes its toll. When my time at council finished in September 2012, I set myself a task to regain my health and vitality for a single role of service. That soon crashed with the diagnosis of my brother's cancer, his death within a few months and the grief. And then my mother's cancer diagnosis.

The new Byron Shire Council elected in September 2012 secured a majority Green and progressive council but, shortly after the election, one councillor elected as a Green turned. I felt helpless watching as this turncoat undid decades of work by the community to protect and preserve the special place I call home. This contributed to my focus on some crucial local issues in this place, including coastal management, and inappropriate development and mismanagement of Crown caravan parks. At the same time I was doing my best to fulfil my responsibility in this job with, among others, the portfolio responsibility for Aboriginal Affairs, Ageing, Disability, Housing and Family and Community Services. These portfolios highlighted the plight of some of the most vulnerable and disadvantaged in our society. I determined early to take constituent concerns directly to Ministers to seek outcomes, and I thank all the Ministers I have dealt with. For the most part they and their staff, who are amazing, have responded well and recognised when the system has failed or when a review was required to support those in need. That gave me great faith.

It is difficult to have systems that will deliver for all people. The strongest recognition of this is in the child protection area and how it relates to other issues such as housing, mental health and substance abuse. We must recognise that the system fails many people, and particularly the children, because the fear of them being taken from their parents is so great that often engagement with support services does not happen until it reaches crisis point. This is why some who are at risk of homelessness do not seek assistance early for fear of the repercussions and the threat of child removal. The Government must provide the appropriate safe option for people to approach an agency early. A culture change is required for the well-intentioned system to meet the challenge



of supporting the most vulnerable and disadvantaged in our society. Early intervention is needed, and I hoped that a fiscally conservative government would recognise the value in that. Avoiding crisis is not simply a moral responsibility; it makes financial sense. Early intervention in human services would also deliver benefits for wellbeing. I include here the opportunity for justice reinvestment, and call on the Government to support it to break the cycle.

Another aspect of fiscal reality is how and what we value. The Government has the opportunity to recognise the social, cultural, ecological, and intellectual values of society. Only then can it truly assess the potential impact of new proposals that may erode those values. I am proud to be a member of a community that understands the challenge of strategic planning, and the responsibility of confronting future risks and developing strategies. This week's passage of the Biodiversity Conservation Bill was hard to witness, but I wanted to be here. I congratulate Dr Mehreen Faruqi and her staff on putting on the record the arguments in support of nature. I am also very proud of the activism and community cohesion response when government is not serving the people. Bentley and all the anti coal seam gas groups across the State have been a high point in the delivery of peaceful, creative, non-violent direct action, and the Knitting Nannas are inspirational—I think I will be wearing yellow in the future. Jeremy Buckingham and his staff achieved great outcomes.

That experience has driven the two pieces of legislation that I have introduced into the Parliament. I proposed the climate change bill that offered a governance model to address the State's responsibility to avoid the foreseeable future risks and to deliver a whole-of-government approach to the challenges and opportunities of climate change. The Government recently released an aspirational target of net zero emissions by 2050. However, that is not supported by statutory obligations, interim targets or government-wide planning on how to deliver or to address the risks posed for health, agriculture, disaster management and the environment. It is a breach of the Government's duty of care to the people of New South Wales not to have in place plans to ensure a safe future, and I fear that we are now in a state of climate emergency.

I also proposed a strategic whole-of-government approach with the Wellbeing Indicators Bill. Other governments and non-government organisations have recognised the platform for change available if we broaden our measures of progress beyond gross domestic product. Data capture and analysis can inform government about the progress and performance of existing programs, and where the need is greatest. The Productivity Commission in its report entitled "Deep and Persistent Disadvantage", recommended that governments do more by way of identifying information about the distribution of social and economic outcomes to better inform policies and programs. For too long the vulnerable and disadvantaged have been neglected while governments use overall statistics to claim the economy is delivering for our State and society.

I introduced these bills because I believe it is essential that this Parliament and the Government work to achieve long-term improvements in the quality of the lives of all citizens. I have also had some success with motions, and I hope that they will be looked at seriously. Members can be assured that I will be following up. In the area of Aboriginal Affairs, the House supported motions to provide the Seniors Card to Aboriginal people at age 45 in recognition of their reduced life expectancy, and to provide access to much-needed services. I also gained support for my proposed annual "New South Wales Close the Gap" report that includes social justice and housing. I encourage the Government to act in response to those motions. I also secured support for a motion relating to child protection. It called on the Government to ensure that young people in out-of-home care are supported by a leaving care plan as required by law. At the moment only 27 per cent of those young people are provided with that support. The Government must ensure that they are assisted to prepare for independent living and it must extend that support to the age of 25.

I thank the Government for delivering on the increase to the Taxi Transport Subsidy Scheme. I was also successful in moving motions about carer support, homelessness, mindfulness training, disability support, and a few other important issues affecting the lives of the most vulnerable in our society. I am also pleased that I have been able to secure support for a dozen motions on climate change. Of course, there are always libraries—no-one will forget our debates on libraries. I do not understand why the Government does not increase support for one of our most valuable community institutions. They are good value, but communities will suffer if their operations decline because of the financial strain that has been cost shifted to local government. I am pleased that a number of members strongly support our libraries and I thank them for that.

Although my focus has always been outward in an attempt to achieve meaningful outcomes, I have reflected on how the politics within this place and within my own party have impacted upon and contributed to my decision to leave. As a long-term member of The Greens, I had never imagined the pressures I would feel from my party colleagues, and that the greatest source of conflict in this role would come from internal politics and the failure to accommodate the diversity among our members. On 15 September 2011, several of my colleagues and I spoke to a motion about the Boycott, Divestment and Sanctions movement. We had different perspectives on the motion, reflecting the different perspectives of party members. *Hansard* records the considered

positions we each took. There was no vote on the motion. However, within The Greens the issue was fraught, and there were recriminations about the comments.

A complaint was lodged and it spiralled to the point of a threat of expulsion. That complaints process took 18 months, and ultimately remains unresolved. It led to the circulation of misinformation that inflamed some members and led to me being abused at a State Delegates Council meeting. The bullying and conflict involved in that situation left me feeling unsafe. Perhaps I was foolish to comply with the insistence on confidentiality, including not discussing the complaint with the members of my local group. To this day, many members of our party would be unaware of the tensions and machinations that were operating to create pressure and turmoil for some of their elected members. It was a complicated and stressful time. These issues were at the forefront of my mind when I made comments for an article about The Greens in the February 2012 issue of *The Monthly*. I recently looked again at that quote:

We have watched other parties self-destruct. That's a big test for us, to prove we're different. We want to be able to find another way of balancing that political process where division can be dealt with and inform us in our decision-making and not be a point of resentment or real division, but part of our strength.

At the time I thought those comments represented a constructive view, yet again they were a source of some criticism and tension. Having had another look, I stand by them. I firmly believe that the success of our party and the movement we represent relies on accepting that we will have differences, we will not always have unanimity, and yet we can continue to work together based on the values that we share and draw strength from the difference to operate in an open and welcoming way, not engage in secrecy and personal attacks. For 25 years I have been a member of The Greens. I have been committed to the principles but have also been aware of diverse views within the party. I do not shy away from diversity; I promote it and uphold its value. I believe we have a responsibility to protect not only biodiversity but also social diversity, which enriches and enhances our society and political life.

In recent times there has been public exposure of some of the nastiness that has emerged in The Greens, and it saddens me that some members exhibit behaviour contrary to the core principles of The Greens. My experience in recent years has left me convinced that The Greens need to focus on how to embrace and allow the party to engage in a more respectful acceptance of the diverse perspectives and approaches to being Green, and realise our shared commitment to a better, fairer and more caring society in future. The membership has recognised the need for review and reform. We have undergone a grassroots governance process and many positive ideas have come about, but reform has been slow and challenging. I wish the party the best of luck in a mature review of its operations.

At the end of the first session of Parliament this year and the completion of the Reparations for Stolen Generations inquiry, I returned home to the North Coast to assist with the Federal election campaign. I had been working closely with our Richmond candidate, Dawn Walker—who I am pleased is here today in the President's gallery—raising critical issues in Parliament, such as the Gold Coast airport, biodiversity protection, including the protection of the Cobaki Broadwater and Aboriginal land rights. The changes on the North Coast over the past 25 years have been fascinating. I have watched as the community has come to know us and trust us as we represent its interests.

In 2015 The Greens secured representation in the electorate of Ballina with the election of Tamara Smith—who was here until the bells rang. In Richmond, there was growing support for Dawn as a candidate. I spent election day in the Tweed and, feeling exhausted, I decided to skip the party to go home to watch the television. I was thrilled that Richmond delivered the highest swing in the State. A 5 per cent increase was great, but overall across New South Wales The Greens results were mixed, resulting in an overall low Senate vote. It was perplexing, considering that a lot of important work was being undertaken by an increased number of Greens representatives, yet our vote was not growing enough. That is the night I realised I needed to take a break to reflect on what I was doing and how it was impacting on my wellbeing.

Thankfully, since then, there has been some good news for The Greens. Justin Field was elected, which I am pleased about, and there were strong votes at the local government elections in September. We have done well in the regions, increasing the number of elected councillors and popularly elected mayors. In Byron, Simon Richardson was re-elected and I am extremely proud that we have now held the mayoralty for four terms. In Bellingen, Dominic King was elected as mayor with two Greens councillors. In Shoalhaven, the community elected Amanda Findley as mayor, with three Greens councillors. In the Tweed election, former Greens mayor Katie Milne received the highest vote and we await the vote of councillors for mayor. My hope is that Katie is returned to the role. Those are the positives that continue to inspire me.

I also wish to thank others who are here today. I thank Sandra Heilpern and my friends Jan Daly and Steve Dixon. I also thank Barbara and Ivan Stander, Becky and Tom Jagtenberg, Kate Brady, David Milledge and Annette McKinley, Cate Coorey, Philip Shine, Helena Norberg Hodge, John Page and Andrew Murray. Many

thanks to former Byron councillor, Tom Tabart. He has been by my side for the 25-year-long Greens political ride. I also thank his partner, Noelle, who has been very understanding. I thank my long-term friend Richard Healy, who has supported me during my time in the city. I thank Ian Cohen, former MLC who, to a great degree, was responsible for me achieving the political life I never would have imagined for myself. I thank Bob Brown for the decades of inspiration and friendship.

Times have changed, and I am now exhausted and unable to meet my own standards. Due to my depression, migraines, anxiety, anaemia and arthritis, I have lost the enthusiasm and optimism I once had. For those who have shown their concern, I advise them that I have not had self-harm responses, but I recognise my lack of self-care. I have chosen to take the action to remove the stresses and external pressures, and redefine my life. I will take time out to care for myself and be there for my mother and friends, and do more gardening and basket weaving—yes, I do! And there may be a book in me; I have a double garage full of stuff. I look forward to my health and energy returning so I can continue to serve the community. My present loss of hope will pass, I am sure of that.

I will continue to advocate for action to look after our communities and environment. I thank the people who have worked alongside me—Bronwen Regan, Sylvie Ellsmore, Ella Buckland, Tony Jones, Jocelyn Howden, Gail Broadbent, Scott Hickie, Charmaine Crowe and especially David Mallard, who has worked for me for the past four years. I also note that Sandra Heilpern, who is not only a friend has volunteered in my office for five years. I thank all the amazing staff in Parliament. I send special and warm wishes to Clerk David Blunt. I thank the Chamber and committee staff, the attendants and everyone who supports us and works to keep this Parliament operating. I thank President Don Harwin, who is the fairest President I have ever seen. To all members, I offer my respect. It is a tough job. I appreciate the opportunity to work with all of you and to develop some unlikely friendships that I am sure we will continue. Take care, all of you.

To the organisations and individuals who have assisted my office in advice and insight into issues, thank you. To my Green colleagues who all work extremely hard, I will always offer advice about working more respectfully and collaboratively. I am grateful for the experience of serving the community and for the opportunity of working in this place. Thank you all.

*Members stood in their places and applauded.*

**The PRESIDENT:** I will now leave the chair. The House will resume at 2.30 p.m.

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

*Questions Without Notice*

**NATIONAL DISABILITY INSURANCE SCHEME**

**The Hon. ADAM SEARLE (14:31):** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is the Minister's response to his Government's own report that found 57 per cent of people with disabilities were unaware the National Disability Insurance Scheme [NDIS] had begun and 62 per cent had no idea how to access those services in New South Wales? What steps is the Minister taking to address this?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:31):** I thank the member for his very good question. As the member knows, the NDIS is being rolled out across one half of the State on 1 July 2016 onwards. For the other one half of the State the rollout commences on 1 July 2017. The focus has been in relation to the first rollout. That is where the communication is occurring. That is where the work is being undertaken, with further communication to follow in regard to the other one half of the State.

Also, as the member would know, the Commonwealth—the National Disability Insurance Agency [NDIA]—was undertaking an information strategy in relation to this. As the member also knows, the Commonwealth has determined not to commence its advertising of the NDIA. As a result of that, my agency will be commencing an advertising information program in relation to the NDIA to ensure that further information is provided. In addition to that, my agency Ageing, Disability and Home Care [ADHC] has been working very closely in local areas to provide the necessary information.

What is important is that numerous seminars and information sessions have occurred right across the State with our service providers who are continually being updated with the information. Also the secretary of the agency has been writing to clients, to their families and to their carers to continue to provide them with the necessary information. This Government is committed to ensuring that the right information at the right time is provided to people with disability, their families and their carers. That is what this Government is doing and will

continue to do. That is why the Commonwealth Government and all the other States and Territories accept that New South Wales is leading the way in the transition of clients to the NDIS.

**The Hon. ADAM SEARLE (14:33):** I ask a supplementary question. Will the Minister elucidate on that part of his answer with respect to how much money his Government is spending on its advertising campaign?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:33):** The amount of money being expended by my agency in relation to the advertising information campaign is the right amount of money that is needed. We will spend the amount that is required. We will ensure that appropriate value is being utilised. That amount of money has been budgeted for, has been approved and will be utilised—something those opposite do not understand. It will not involve preparing glossy brochures like those opposite continue to do. Whenever they commenced an information campaign it was all about the photo and the words of the then Minister from the other side—and who will ever forget Carl Scully's information campaign, building up Carl Scully? This will be an information campaign that is based solely on providing the right information at the right time to people with disability, their families, their carers and the service providers. The right amount will be provided.

### ROAD SAFETY

**The Hon. BRONNIE TAYLOR (14:35):** My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on what the New South Wales Liberals and Nationals Government is doing to improve road safety across the State?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:35):** Mr President, I thank the honourable—

**The Hon. Greg Donnelly:** Take it on notice.

**The Hon. DUNCAN GAY:** I will table my answer—it is an excellent answer. I thank the honourable member for her question. As the House is aware, there has been a tragic increase in the road toll. Road users cannot continue to be complacent or reckless. In fact, there has been a tragic increase not only in New South Wales but also across the country and it is something we are seeing across the world this year. This message is particularly important as Christmas quickly approaches. With celebrations in full swing we must all be vigilant and responsible on the roads getting to and from any events that we are attending, particularly when we have our family in the vehicle.

During the festive season we need everyone to get home safely to their families and protect other innocent road users by making smarter choices. The message is the same: Get your hand off your mobile phone; do not rush; stay off the grog, stay off the grog, stay off the grog—and drugs; and make sure you are well rested before getting behind the wheel. Double demerits—if that is all that rings your bell—apply to speeding, seatbelts, motorbike helmets and mobile phone offences. I assure road users that if they flout the law they will be caught by the boys in blue. The wallopers have extra money to be out there with extra overtime and enforcement during the break.

This enforcement is part of the many efforts by the Government to make safety easier for the community this season and to remind them that each number is a person—someone's family member and someone's friend. Members would remember earlier this year we launched the Towards Zero campaign, which features on various platforms to get us to think twice about taking risks. It was an interesting ad. It was a real, unscripted ad where we had a young man who was asked the number that he would like to see the road toll drop to, assuming that it is about 300. I cannot remember the exact number, but I think he said 20 or 30, and 30 people walked out in front of him. Among those 30 people were his children, his parents, his wife and his friends. And it hits home that when we hear of people dying it is not just a statistic—it could be someone from our family; it could be someone that we know. We are running this Towards Zero campaign to make sure that people think twice about taking a risk, because I think people are more careful when they put it in personal terms.

We have announced key policy changes, such as enhancements to the New South Wales graduated licensing scheme and have increased community engagement, such as partnering with TOLL—and congratulations to the big logistics company—to expand Driver Reviver locations. As members go on their Christmas break they will see them all across the country. TOLL is helping provide the logistics for that and it is much appreciated. They are strategically located so people take that break and have a biscuit or cup of coffee, or whatever, but the key is to take that break. [*Time expired.*]

### NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. WALT SECORD (14:39):** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Yesterday in his answer about the National

Disability Insurance Scheme [NDIS] he referred to a morning meeting with Federal Assistant Minister for Social Services and Disability Services, Jane Prentice, where he said:

We pointed out to her that there are still some issues with the NDIA that needed to be tweaked and rectified.

Will the Minister detail the so-called tweaks that are required?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:40):** I thank the Hon. Walt Secord for his question. I am pleased he was listening to what I said yesterday. It is always great news that I was being heard. The Hon. Jane Prentice and I discussed a number of issues relating to the National Disability Insurance Agency [NDIA] and I raised with her a number of concerns that I still considered required—and I will use the word that I used yesterday—tweaking. As the member knows, during our three-year trial period in the Hunter the purpose was to ascertain clearly what was working, what could be tweaked to be improved, and what clearly was not working and needed to be changed. So when I referred to the term "tweaking" I referred to it on the basis that some improvement should be occurring. Some aspects of the work being undertaken by the NDIA require to be improved, enhanced or—to use the term I like to use—tweaked.

**The Hon. Walt Secord:** Name one.

**The Hon. JOHN AJAKA:** Let me name a couple for the Hon. Walt Secord. I know he wants me to name only one but I will name a couple for him. The first one we discussed was that there were still some issues with the portal that was creating some problems within the NDIA. We know that the computer system did not work when it was first launched. The Hon. Christian Porter, to his credit, employed another 100 employees to ensure that the matter was rectified. It came to my attention from a service provider that the week before the computer system failed again, on a Sunday. As a result of that no-one was able to access the computer system and they were not able to notify the NDIA to fix the computer system because it was not being monitored on the Sunday. That is a tweak that was required to fix the system.

That is a tweak that I mentioned to the Hon. Jane Prentice. I said to her that the system needs to be monitored 24-7 because service providers are accessing the system 24-7. We are not dealing with a working day from 9.00 a.m. to 5.00 p.m. for five or six days a week. She agreed with me and told me that it was being attended to. What is better, she told me that she is ensuring that an alarm system will occur within the computer system. Her words—an alarm system will immediately notify the NDIA. This alarm system will work on two occasions. First, if the computer goes down the NDIA will be notified immediately. Secondly—and this is the really good bit—if there is a lower trend of access to the computer system that is out of the ordinary the alarm will go off and again the NDIA will be notified so someone is there immediately to fix the system. That is what is happening. *[Time expired.]*

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

#### BLANTYRE FARMS BIOSECURITY

**The Hon. MARK PEARSON (14:45):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. There have been a number of complaints to Hilltops Council from Harden residents concerning the frequent spilling of animal effluent on the public roads from Blantyre Farms piggery. Residents have had difficulty obtaining accurate information about these spills, given that industry is only required to "self report" problems concerning the transport and disposal of animal waste off site. What steps has the Minister's department taken to investigate whether Blantyre Farms has failed to discharge a biosecurity duty under section 23 of the Biosecurity Act 2015?

*[Business interrupted.]*

*Visitors*

#### VISITORS

**The PRESIDENT:** Before the Minister commences his answer, I welcome to the President's gallery our former colleague the Hon. Rick Bull who, when I arrived a fair while ago, was the Leader of the National Party and Deputy Leader of the Opposition. He has certainly had many roles in this place. We welcome him back today.

*Questions Without Notice*

#### BLANTYRE FARMS BIOSECURITY

*[Business resumed.]*

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:46):** I thank the Hon. Mark Pearson for his question. I draw no correlation between the question relating to pig excrement and the last day of Parliament for the year. I take the opportunity also to welcome the Hon. Rick

Ball who chaired one of our local land services [LLSs] in New South Wales. It is good to see him in the Chamber. I will take the question on notice because I know that that element of the question concerning biosecurity directly related to my portfolio. But this issue relates also to local government and to Transport, the portfolio responsibility of the Hon. Duncan Gay. Some of the things that I know the Hon. Duncan Gay has been working on with local government and the Department of Primary Industries are the issues of truck washes—something to which we are attuned. It is not something that is isolated to one part of the State; it is something that we want to ensure is dealt with in a practical way.

It is one thing to have fantastic producers and fantastic growing conditions in this State, but it is also important to ensure we enable those producers to get their livestock transported easily throughout New South Wales. One of the reasons the Hon Duncan Gay put so much work into his pinch points and the Bridges for the Bush program was to ensure that we unlock some of those pinch points and not put extra costs or place burdens on our producers to transport commodities such as livestock, whether it is to saleyards, processing facilities or within different farms. To get a holistic answer, particularly in relation to biosecurity and my portfolio, I will take the question on notice and come back to the member.

#### NSW AGEING STRATEGY 2016-2020

**The Hon. CATHERINE CUSACK (14:49):** My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Can the Minister update the House on what the New South Wales Government is doing for seniors this festive season.

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:49):** As members of the House are aware, the Government recently released the NSW Ageing Strategy 2016-2020 which aims to ensure that people are not only living longer than before but also living better as they age. To support priority 5 of the strategy, Inclusive communities, we are committed to preventing isolation and providing opportunities for older people to stay connected to their communities. I am sure members would agree that our seniors deserve a special occasion which brings the joy of the festive season to them as we approach Christmas. The New South Wales Government seniors Christmas concerts will give seniors in outer metropolitan and regional communities a chance to celebrate the spirit of Christmas.

Last year, the Christmas concerts went to Newcastle, Dubbo and Parramatta. I was fortunate enough to attend a concert at each location, and I can attest to the fact that they were wonderful events, which were warmly received by local communities. Following on from this success, I am pleased to announce that this year two concerts will be held in each of the following three locations—Bathurst on Monday 21 November; Wollongong on 5 December; and Lismore on Friday 25 November. We are often so busy with day-to-day living that we do not realise how close we are to saying goodbye to 2016 and celebrating another Christmas. That is why this year the theme for our concerts is "Next Stop Christmas".

It is a recognition of the last-minute rush that most of us go through when we realise that Christmas is here, and the feeling of warmth and joy we get from being with family and friends—and our wonderful colleagues in this Chamber. I am pleased to confirm that we have secured some outstanding Australian talent again this year, including our host, Valarie Bader and singers Ben Bennett, Alexander Lewis and Christina O'Neill, and pianist Max Lambert. Concerts in all three locations will be free for New South Wales seniors over 60 years of age. Tickets are available to people over 50 years of age who are of Aboriginal and Torres Strait Islander descent or who have a lifelong disability.

**The PRESIDENT:** Order! I know that the Christmas spirit is well and truly invading the Chamber, but members should try to give the Minister a little consideration as he tries to give his answer.

**The Hon. JOHN AJAKA:** I appreciate the fact that everyone in the Chamber is excited about these concerts and cannot wait to get their free tickets. The Government will continue to produce a limited edition Christmas concert DVD for distribution to seniors, nursing home residents and anyone who cannot attend the concert. Those DVDs will be made available for distribution by members to their constituents. Sydney residents will also have something exciting to look forward to, with the next seniors concerts—the Premier's Gala concerts—underway in March next year. These will be one of the first events to be held in the newly built international convention centre at Darling Harbour, thanks to the great work of this Government. Finally, Sydney has a convention centre that is of international standard.

#### ETHANOL BLENDED FUEL

**Reverend the Hon. FRED NILE (14:53):** My question without notice is directed to the Hon. Duncan Gay, representing Premier Mike Baird. Is it a fact that the Government has mandated that petrol stations sell ethanol blended fuel? Is it a fact that in 2011-12, the year the Coalition came into power, 34 per cent of petrol used in government vehicles was ethanol-blended fuel? Why has the Government allowed this figure to

dramatically decrease to just 20 per cent in 2015-16? What is the Government doing to increase the use of ethanol blended fuel to reduce pollution?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (14:54):** Reverend the Hon. Fred Nile asked me an excellent question. The Government does have such a procedure in place which resulted from the legislation passed in this House with the support of the Opposition and crossbench members. So it is beholden on the Government to ensure that any terms and conditions that have been put in place are properly adhered to. While Reverend the Hon. Fred Nile asked me to refer this question to the Premier, I suspect that this issue comes within the portfolio responsibilities of the Minister for Innovation and Better Regulation. I will pass the question on to the Premier.

**Reverend the Hon. Fred Nile:** There has been quite a reduction in the number of State vehicles using ethanol.

**The Hon. DUNCAN GAY:** Yes, there has been. I used to use ethanol fuel in my vehicle but I do not do so any more.

**The Hon. Dr Peter Phelps:** Hear, hear!

**The Hon. DUNCAN GAY:** It is not because of the jaundiced view of my colleague; it is because I am driving a diesel powered vehicle and not one that uses petrol.

#### NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. PETER PRIMROSE (14:55):** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Given that in the most recent quarterly reporting period from 1 July to 30 September 2016 for the Administrative Appeals Tribunal 33 per cent of National Disability Insurance Scheme [NDIS] access appeals lodged by people with disabilities came from New South Wales, what revisions has the Minister made to the roll-out to respond to these problems?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (14:56):** I am well aware of these problems. As I indicated yesterday, as I travel around the State meeting people with disability, their families and their carers, and meeting with organisations, this is one of the issues that is raised with me. Another issue that is raised is that people have no idea who is the shadow Minister for Disability Services. On a number of occasions they have indicated to me that they thought the shadow Minister was the Hon. Peter Primrose, and they speak highly of him. A number of people still believe that the Hon. John Della Bosca is the shadow Minister for Disability Services but I tend to set them straight.

**The PRESIDENT:** Order! We seem to have a touch of the last day of school this afternoon.

**The Hon. JOHN AJAKA:** Of course, I correct them. Unfortunately, I cannot tell them who is the shadow Minister but I can tell them that it is not the Hon. Peter Primrose and nor is it the Hon. John Della Bosca.—Speaking of the Hon. John Della Bosca—

**The PRESIDENT:** Order! I refer the Minister to the question that was asked.

**The Hon. JOHN AJAKA:** Members do not understand that on occasions people with disability have applied to the National Disability Insurance Agency, sought to obtain a plan under the NDIA and it has not provided funding or accepted these people into the scheme. That is why people with disability have a right to have those decisions reviewed or appealed—something that has occurred frequently. That is why we have had a three-year trial period. A number of plans were not accepted as the NDIA did not accept that these people required assistance. Those people lodged requests for reviews or appeals and after the completion of those reviews or appeals they were accepted into the scheme.

What those opposite need to remember is that assessment by the NDIA is not based on a medical diagnosis. It is not the case that if people have a medical diagnosis they will automatically receive funding under the NDIS. Each and every person's circumstances are assessed based on functionality. We are aware of this fact. This is why my agency continues to work with the NDIA to ensure that if any tweaking is required that tweaking occurs so that appropriate plans are drawn up for people with disability. I have spoken with the Federal Minister and made it clear to my agency that I do not want people with disability to have to return to the NDIA several times in order to draw up an appropriate plan based on their functionality. Appropriate plans should be drawn up the first time, and people with disability should be given the opportunity to look at the plans—*[Time expired.]*

**The Hon. PETER PRIMROSE (15:00):** I ask a supplementary question. The Minister spoke about plan issues, which is a separate category at the Administrative Appeals Tribunal [AAT]. Could the Minister elucidate his answer in relation to access issues?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:00):** As I have indicated and will continue to indicate, each person with disability has the right to have their entitlement—

**The Hon. Penny Sharpe:** If you do not know, sit down.

**The Hon. JOHN AJAKA:** They ask a question, but they do not want to hear the answer. Each person with disability has the right to have their plan assessed based on their functionality. If the NDIA does not get the plan or the access right, or my agency assisting the NDIA does not get the plan or the access right, each and every matter is determined according to its circumstances. That is what is occurring. If the Opposition had a shadow Minister, they would understand how the system works. They do not have a shadow Minister because they are not interested in people with disability. They do not even have a spokesperson on disability services. They like to scaremonger.

**The Hon. Penny Sharpe:** Point of order: My point of order relates to relevance. The Minister was asked a specific question seeking elucidation in relation to access. The Minister's answer is nowhere near touching on that issue.

**The PRESIDENT:** I uphold the point of order.

**The Hon. JOHN AJAKA:** There are two types of participants in the NDIS. The first category consists of those who currently receive funding having been assessed to receive funding through the NDIA. The second category is the large number of newly eligible participants, who are also being assessed. Those opposite have to remember that approximately 80,000 to 85,000 people with disability are currently receiving funding. They have access to the NDIA. In addition, more than 50,000 new participants will access the NDIA and will be assessed between now and— [*Time expired.*]

#### COMMERCIAL FISHERIES BUSINESS ADJUSTMENT PROGRAM

**The Hon. TREVOR KHAN (15:03):** My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Could the Minister update the House on the New South Wales Government's Commercial Fisheries Business Adjustment Program?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:03):** The New South Wales Government is committed to reform of the New South Wales commercial fishing industry through the Commercial Fisheries Business Adjustment Program to secure the future of this industry for years to come. The program will link shareholdings with catch or effort in most share classes, giving those shares greater meaning and value and giving fishers more certainty about the value of their investment so they can grow or consolidate their businesses with confidence.

As I have said before in this House, the approach that the New South Wales Government is taking has been based on numerous reports that take into account environmental, social and economic factors. Our approach is robust and rigorous. Our approach has been consultative every step of the way and is the culmination of years of analysis. I understand there have been calls for a parliamentary inquiry, particularly from industry. As a member of this House I acknowledge and respect the role of the Legislative Council as a Chamber of review and will fully participate in such an inquiry if it is initiated.

There have been many previous reports into this industry, which the Government has drawn upon to build the evidence base for its reforms. I will name a few of the reports: the Stephens report of 2007, the Stevens report of 2012, the Structural Adjustment Review Committee Report 1 of 2015, the Structural Adjustment Review Committee Report 2 of 2016, the Neil MacDonald independent review into implementation of government reforms and the Productivity Commission review in 2016, not to mention dozens of working groups, community forums and meetings along the way.

At every stage of our reform we have listened and we have made numerous changes to constantly modify the reform process and so ensure it is responsive to the feedback we received from many in the industry. Although there have been a variety of views from industry participants on the New South Wales Government's business adjustment program, it is worth noting that more than two-thirds of industry participants now hold all the shares they need to continue operating at their highest level. As part of the ongoing consultation with industry and as a result of the MacDonald report, we recently ran a training round to give fishers a further insight into our share-trading system.

We will listen to industry comments throughout this inquiry if it is initiated, but I need to make 100 per cent clear from the word go that fishers should continue to prepare to enter into the share-trading scheme early next year. It is important that the Government continues to proceed with planning for share trading, given that many commercial fishers have already invested tens of thousands of dollars off the back of our share linkage



announcement on 31 May 2016. We want to listen to fishers, but we do not want this inquiry if it is initiated to be a distraction for fishers not to engage with our share-trading program. I do not want any fishers to be left behind.

### CROWN LAND REFORM

**Mr DAVID SHOEBRIDGE (15:06):** My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister advise which stakeholders he will be engaging with in determining the local land criteria under the recently passed Crown land reforms, the Act and regulations. In particular, will he be having public consultation and, if so, when will it commence?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:07):** Crown land reform is an issue that this Chamber spent many hours debating last week. I take this opportunity to thank members on both sides of the Chamber for the way in which that debate was conducted. I also thank members for the process that brought us to this point after genuine consultation with a range of stakeholders. We undertook a local land pilot throughout New South Wales and we also had the Crown land white paper. Establishing local land criteria will require further work once the reforms have been implemented. As was indicated during the second reading debate and the Committee stage of the Crown Land Management Bill 2016, more legislation will come before the Parliament in 2017 after we have looked at other aspects of Crown land reform. We will seek further information so we can discuss some of the issues relating to the reforms. Our intention is to spend the better part of next year engaging with stakeholders to explain the potential changes. That process will include talking about definitions and further consultation.

I was in Wollongong on Friday night for the Regional Achievement and Community Awards, which included reflecting on some of the great work undertaken by community managers, particularly those in our Crown land trusts. Something raised with me directly by a representative of a Crown land trust is: How do the potential changes impact on those trusts? The answer and the commitment I gave to that representative was that we will spend part of next year engaging with and contacting anyone impacted by the Crown land reforms that went through both Houses and making sure those reforms proceed appropriately. When both those bills and the second tranche of legislation is passed, we will make sure that they are implemented in a way that is easily understood by stakeholders, that meets expectations and that addresses the concerns raised during the debate. I will take the member's question on notice and get back to him with information that I have on timelines. It may not be known who will be engaged but, if it is, I will come back to the member with a detailed response.

### WILLIAMTOWN LAND CONTAMINATION

**The Hon. PENNY SHARPE (15:10):** My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. I refer to the Minister's 13 October 2015 statement relating to the Williamstown contamination in which he said that he would be:

... ensuring that as the polluter the Department of Defence pays for the impacts on people and their livelihoods, the clean-up and the costs to the New South Wales Government in managing the contamination and related costs ...

How much has been recouped so far by the New South Wales Government from the Department of Defence?

**The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (15:11):** As I have said on the matter of Williamstown, the NSW Environment Protection Authority [EPA] is the lead agency handling that response. It is not something on which my department has had the lead. The member will know that this Government is committed to providing reticulated water for those affected within the contamination zone. I know there has been some progress on recouping some of the expenses from the Commonwealth in relation to that outlay. I was alerted to an article today in the *Newcastle Herald* on water and the impact that contaminated water has had on a family. The commitment remains: We will uphold the polluter-pays principle. I cannot give a detailed answer but I will take this question on notice. I am sure that my agency will be able to speak to the EPA or to the Office of Environment and Heritage to see whether they have any information on the matter. I will come back to the member with that information.

All our offices rely on having information available and contacts within our agencies to draw on. That includes department liaison officers [DLOs] in our offices. Today I say farewell to Michelle Guido, the DLO from Sydney Water in my office responsible for providing information like this and linking to information from Hunter Water and Sydney Water. The Hon. Greg Pearce will attest to the role that DLOs, particularly in State-owned corporations like Sydney Water, play in ministerial offices. Today is Michelle's last day and last question time with me. I know that Sydney Water will be well served when she returns to her normal role. I thank Michelle for her service and wish her all the best in the rest of her career.

## REGIONAL TRANSPORT INFRASTRUCTURE

**The Hon. SHAYNE MALLARD (15:13):** My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on this Government's historic investment into road and freight projects in regional New South Wales?

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:14):** The Hon. Shayne Mallard really understands regional New South Wales. I thank him for his question. Since 2011 the New South Wales Liberal-Nationals Government has invested more than \$38 billion in roads, maritime and freight—the biggest investment in road and freight infrastructure in our State's history. More than 65 per cent of this total investment has delivered for projects in regional New South Wales, and that is obvious because there are more and longer roads in regional New South Wales. In other words, on average, about \$4 billion is spent each year on regional roads and freight—that is, a 67 per cent increase on past Labor allocations.

Since 2011 major regional highways have been undergoing massive upgrades. For example, in partnership with the Australian Government, almost \$8 billion has been committed to upgrade the Pacific Highway from Hexham to the Queensland border with duplication on schedule to be completed by the end of this decade. Since 2015 New South Wales and Australian Coalition governments have opened more than 65 kilometres of upgraded road along the Pacific Highway, including: the 22-kilometre, \$780 million Nambucca Heads to Urunga section, which opened to traffic in July 2016; the 26.5-kilometre, \$675 million Frederickton to Eungai upgrade, which opened to traffic in May 2016; the 17-kilometre, \$862 million Tintenbar to Ewingsdale upgrade, which opened to traffic in December 2015; the \$1.4 billion spent on upgrading the New England Highway, a whopping 129 per cent increase compared to Labor; the \$750 million spent on upgrading the Great Western Highway, a 45 per cent increase compared to Labor; and the \$80 million spent on upgrading the Silver City Highway, a 44 per cent increase in funding compared to Labor.

Additional funding will come via the Rebuild NSW infrastructure plan, including an extra \$500 million for major upgrades to that great highway and backbone of New South Wales, the Newell Highway. Since 2011 we have spent a record \$400 million on the Newell Highway, which was already a 25 per cent increase compared to past Labor allocations, and we will add \$500 million on top of that. We have already delivered 12 extra overtaking lanes on the highway, a truck bypass at Moree and a major intersection upgrade near Gilgandra. When one includes the extra \$500 million commitment under Rebuild NSW, this equates to a 177 per cent increase compared to past Labor allocations. Rebuild NSW funding for the Newell Highway includes: a new truck bypass at Parkes and overtaking lanes and pavement upgrades along the highway; an additional \$450 million in funding for Fixing Country Roads and \$400 million for Fixing Country Rail; an extra \$200 million for Bridges for the Bush; and a record \$300 million already spent on upgrading and building bridges in country New South Wales. How good is it to deliver for the bush and for country New South Wales.

## GOLD COAST AIRPORT CONTAMINATION

**Ms JAN BARHAM (15:19):** I direct my question to the Minister for Ageing, and Minister for Disability Services, representing the Minister for the Environment. In light of the fact that the Airservices Australia Gold Coast Airport preliminary site investigation report found that groundwater results at the source of per- and polyfluoroalkyl substances [PFAS] impacts reported concentrations above the ecological guidelines that have the potential to be toxic to aquatic organisms as well as exceeding drinking water guidelines, that groundwater and surface water down gradient of the identified secondary and other possible sources reported PFAS concentrations above drinking water guidelines, and that although surface water samples from Cobaki Broadwater reported PFAS concentrations below the laboratory limit it was noted that the safe levels for consumption of fish are lower than laboratory levels, what action is the Government taking to protect the safety of people and the environment from this toxic chemical contamination?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:20):** I thank the member for her extraordinary question, which I am still digesting. I will take parts of it on notice. I am not debating the question, but I want the member to know how honoured I am to be asked her last question in this place. I thank her for that. On 11 March 2016, the NSW Environment Protection Authority [EPA] received notification from a member of the public that a report prepared for the proposed development at the Gold Coast Airport contains information that the airport may be contaminated with perfluorinated compound [PFCs] from firefighting foam use. Although the Gold Coast Airport terminal is in Queensland and is operated by Queensland Airports Limited, the runway crosses the border into New South Wales, and the fire training ground is in this State. However, the land is owned by the Commonwealth of Australia.

As the EPA is a State authority, it is limited in its ability to regulate Commonwealth land and agencies such as Airservices Australia. The authority is undertaking a statewide investigation to gain a better understanding

of the extent of PFC contamination and how to address any contamination found. Department of Primary Industries agencies are monitoring the situation and providing technical expertise, including in relation to regional groundwater management, via the expert panel established for the Williamstown case and the EPA where required. The Department of Primary Industries—Lands is part of that group. I will refer the question to the Minister for the Environment for a more comprehensive response. I take this opportunity to thank my staff for providing a note about this issue.

### REFUGEE LIFETIME BANS

**The Hon. SHAOQUETT MOSELMANE (15:22):** I direct my question to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Given his past statements of support for refugee settlement in New South Wales, what is the Minister's response to the Federal Government's plan to impose a lifetime ban on refugees who arrive by boat from ever entering Australia?

**The PRESIDENT:** Order! Opposition members are more keen to answer the question than the Minister.

**The Hon. JOHN AJAKA:** I am waiting for the debate to finish.

**The PRESIDENT:** If they want to take up the Minister's time, they are free to do so.

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:24):** I know they will eventually come to order. It would be remiss of me not to acknowledge the great work of Premier Mike Baird in resettling refugees in New South Wales. What an extraordinary course of action our Premier has taken to ensure that refugees have the best possible opportunities to integrate into communities across the State. It was our Premier who determined that we needed a person of quality and calibre to take on the role of coordinating all government agencies to ensure that our refugees have every opportunity possible. The Coordinator General of Refugee Resettlement, Professor Peter Shergold, is that person and that is what he is doing. This Government is doing everything it can to provide the best possible opportunities to refugees legally entering our country. It is a pity that members opposite are not cooperating and assisting in that endeavour. All they want to do is cause problems; they are providing no assistance whatsoever.

**The Hon. Shaoquett Moselmane:** Point of order: The question specifically asked what is the New South Wales Government's response to the lifetime ban that the Federal Government is proposing to impose on refugees.

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

**The Hon. JOHN AJAKA:** New South Wales is taking in more refugees than any other State or Territory in the country. The Government is proud of that; it is proud that New South Wales is taking the lead. This Government is taking appropriate action. I am also proud that my agency, Multicultural NSW—

**The Hon. Lynda Voltz:** Point of order: The question was specific to the Government's response to the Federal Government's plan to ban refugees arriving by boat from ever entering Australia. Mr President, I ask you to bring the Minister back to that question.

**The PRESIDENT:** Order! I refer the Minister to the original question.

**The Hon. JOHN AJAKA:** That is what we are doing; we are taking appropriate action. Sadly, criminals across the seas are endangering innocent people. Given that, I applaud the action that the Liberal-Nationals Commonwealth Government is taking to ensure that refugees are not drowning at sea. The New South Wales Government supports that course of action.

### AGEING AND DISABILITY SECTOR SOCIAL INNOVATION

**Mr SCOT MacDONALD (15:27):** I address my question to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister update the House on how the Government is encouraging social innovation in the ageing and disability sectors?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:28):** I have limited time in which to respond to that question, and I want to give crossbench members and members of the Opposition the opportunity to ask other questions. I do not want to take all the time available. However, I will put on the record how proud the Government is to be working with the non-government sector to support greater inclusion and accessibility. I also want to tell the House why the New South Wales Government has engaged with an Israeli-based social innovation accelerator to turbocharge sustainable innovation to support people living with a disability and seniors. It is the innovation in technology that is occurring each and every year that is helping people with disability to live life their way.

**SYDNEY OLYMPIC PARK HOUSING**

**The Hon. PAUL GREEN (15:29):** My question without notice is directed to the Minister for Ageing, representing the Minister for Planning. The Council of Civil Society New South Wales has co-signed a submission to the New South Wales Government calling for 30 per cent of residential floor spacing in Sydney Olympic Park to be set aside for affordable housing. This target would lead to the construction of approximately 3,200 new affordable housing dwellings in the precinct. Currently a master plan for Sydney Olympic Park contains a target of 3 per cent of dwellings to be affordable housing, which equates to approximately 180 homes. Will the Minister comment on the Government's response to this submission, given the current and growing need for affordable housing in Western Sydney?

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:30):** I thank the member for his question and I congratulate him on his continued interest in social housing, which is a priority for this Government. Extensive work is being undertaken not only by the Minister for Planning, Mr Rob Stokes, but also by Mr Brad Hazzard, the Minister for Family and Community Services. As there are a number of specific points to the question I will refer it to Mr Rob Stokes for a detailed answer.

**The Hon. DUNCAN GAY:** I have sat here for an hour waiting for a question from the Opposition and there was not one. I am so upset that I declare the time for questions over for the day.

**The PRESIDENT:** Order! There is too much audible conversation in the Chamber.

*Documents***TABLING OF PAPERS**

**The Hon. NIALL BLAIR:** I table the following reports:

- (1) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2016:  
Department of Justice, incorporating report of Independent Liquor and Gaming Authority;  
Department of Premier and Cabinet;  
Department of Transport, incorporating Transport for NSW volumes 1 and 2;  
New South Wales Crime Commission;  
NSW Police Force;  
Office of Local Government;  
Parliamentary Counsel's Office;  
Public Service Commission.
- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2016:  
Art Gallery of New South Wales Trust;  
Australian Museum Trust;  
Barangaroo Delivery Authority;  
Chief Investigator of the Office of Transport Safety Investigations;  
Independent Pricing and Regulatory Tribunal;  
Independent Transport Safety Regulator;  
Infrastructure NSW;  
Library Council of New South Wales;  
Natural Resources Commission;  
NSW Electoral Commission;  
NSW Trains, volumes 1 and 2;  
Rail Corporation New South Wales, volumes 1 and 2;  
State Transit Authority of New South Wales, volumes 1 and 2;  
Sydney Opera House Trust;  
Sydney Trains, volumes 1 and 2;  
Trustees of the Museum of Applied Arts and Sciences;  
Trustees of the Parliamentary Contributory Superannuation Fund.

- (3) Contract Cleaning Industry Act (Portable Long Service Leave Scheme) Act 2010—Report entitled "Report of the Statutory Review of the Contract Cleaning Industry Act (Portable Long Service Leave Scheme) Act 2010", dated December 2016.
- (4) Greyhound Racing Act 2009—Report of Greyhound Racing New South Wales for year ended 30 June 2016.
- (5) Health Practitioner Regulation National Law—Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation 2016.
- (6) Law Enforcement and National Security (Assumed Identities) Act 2010—Reports under section 35 for year ended 30 June 2016:  
     Australian Crime Commission  
     Police Integrity Commission
- (7) Long Service Corporation Act 2010—Report entitled "Report of the Statutory Review of the Long Service Corporation Act 2010", dated December 2016.
- (8) Parliamentary Remuneration Act 1989—Parliamentary Remuneration Tribunal: Annual Report and Determination.
- (9) Public Health Act 2010—Report entitled "Report on the Statutory Review of the Public Health Act 2010".
- (10) Public Interest Disclosures Act 1994— Reports of Public Interest Disclosures Steering Committee for year ended 30 June 2014 and for year ended 30 June 2015.
- (11) Rail Safety National Law (NSW) No 82a—Report of Office of the National Rail Safety Regulator for year ended 30 June 2016.
- (12) Report of Public Service Commission entitled "Leadership matters: State of the NSW Public Sector Report 2016".
- (13) Report of the New South Wales Electoral Commission entitled "Report on the Conduct of the Charlestown State By-election, 25 October 2014".
- (14) Report of the New South Wales Electoral Commission entitled "Report on the Conduct of the Newcastle State By-election, 25 October 2014".
- (15) Statutory and Other Officers Remuneration Act 1975—Report dated 15 July 2016:
  - (a) Reports and determination under section 13:  
     Court and Related Officers Group: Annual Determination;  
     Judges and Magistrates Group: Annual Determination;  
     Public Office Holders Group: Annual Determination.
  - (b) Report and determination under section 24C—Chief and Senior Executive Service: Annual Determination;
  - (c) Report and determination under section 240—Public Service Senior Executive: Annual Determination;
  - (d) Report and determination under section 14(2):  
     President of the Mental Health Review Tribunal;  
     Full-time Deputy Mental Health Commissioner;  
     Part-time member of a board of Governors of a Corporation constituted by the Electricity Retained Interest Corporations Act 2015.
- (16) Thoroughbred Racing Act 2009—Reports for year ended 30 June 2016:  
     Harness Racing NSW  
     Racing NSW

I move:

That the reports be printed.

**Motion agreed to.**

### *Bills*

### **BIODIVERSITY CONSERVATION BILL 2016**

### **LOCAL LAND SERVICES AMENDMENT BILL 2016**

### **Returned**

**The PRESIDENT:** I report receipt of messages from the Legislative Assembly returning the abovementioned bills without amendment.

**ROCK FISHING SAFETY BILL 2016****Messages**

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

**BIODIVERSITY CONSERVATION BILL 2016****LOCAL LAND SERVICES AMENDMENT BILL 2016****Protest**

**The PRESIDENT:** I inform the House that the following protest has been signed and lodged with the Clerk of the Parliaments:

Protest against the passing of a bill titled "An Act relating to the Conservation of Biodiversity; and to repeal the Threatened Species Conservation Act 1995, the Nature Conservation Trust Act 2001 and the animal and plant provisions of the National Parks and Wildlife Act 1974 and a bill titled "An Act to repeal the Native Vegetation Act 2003; and to amend the Local Land Services Act 2013 in relation to Native Vegetation, Land Management in Rural Areas".

Dissentient:

1. Because, if enacted, these bills will significantly weaken environmental protections for native vegetation, threatened ecological communities and threatened species.
2. Because these bills do not have the objective of maintaining and enhancing environmental outcomes.
3. Because these bills will have very significant adverse impacts on biodiversity, trees and wildlife.
4. Because the case made for these bills and the analysis of their impacts is not well founded.
5. Because these bills will allow the clearing of land with very little oversight or sufficient safeguards; and will lead to soil erosion, poor water quality and loss of land productivity.
6. Because these bills will result in the release of large amounts of greenhouse gas emissions further exacerbating climate change.
7. Because these bills undermine the NSW Government's goal of achieving no-net carbon emissions by 2050.
8. Because these bills expand the flawed notion of biodiversity offsets and will result in a net loss of biodiversity.
9. Because these bills do not have sufficient protections to prevent harm to wildlife.
10. Because the key tools required for implementing these bills including native vegetation regulatory map, land management (native vegetation) codes and biodiversity offset methodology have not been developed.

Dr Mehreen Faruqi, MLC

David Shoebridge, MLC

Jan Barham, MLC

Justin Field, MLC

Legislative Council Chamber

16 November 2016

According to standing order, a copy of the protest will be forwarded to His Excellency the Governor.

*Committees***GENERAL PURPOSE STANDING COMMITTEE NO. 5****Reference**

**The Hon. ROBERT BROWN (15:35):** In accordance with paragraph 2 of the resolution of the House relating to the establishment of general purpose standing committees, General Purpose Standing Committee No. 5 resolved on this day to adopt the following terms of reference:

- (1) That General Purpose Standing Committee No. 5 inquire into and report on commercial fishing in New South Wales, and in particular:
  - (a) the history of commercial fishing in New South Wales, including reforms to the industry since 1994;
  - (b) the value of the commercial fishing industry to the New South Wales economy;
  - (c) the scientific research underpinning fisheries management;
  - (d) current arrangements for the assessment of fisheries by the NSW Department of Primary Industries Fisheries Resource Assessment Unit; and
  - (e) the New South Wales Government's Commercial Fisheries Business Adjustment Program and its aims, including:

- (i) the relevance of the Draft Productivity Commission Report into Marine Fisheries and Aquaculture;
  - (ii) the implementation of the restructure to date;
  - (iii) the impact on industry and regional communities to date, including economic, social and cultural impacts;
  - (iv) the economic modelling underpinning the restructure and any independent analysis of that modelling; and
  - (v) the approach of other jurisdictions.
- (2) That the Committee table an interim or final report by 28 February 2017.

#### **GENERAL PURPOSE STANDING COMMITTEE NO. 4**

##### **Extension of Reporting Date**

**The Hon. ROBERT BORSAK (15:36):** I inform the House that on this day General Purpose Standing Committee No. 4 resolved to extend the reporting date for its inquiry into museums and galleries to 30 March 2017.

##### *Committees*

#### **JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**

##### **Report: Administration of the 2015 Election and Related Matters**

**The Hon. ROBERT BORSAK:** I table report No. 2/56 of the Joint Standing Committee on Electoral Matters entitled "Administration of the 2015 NSW Election and Related Matters", dated November 2016. I move:

That the report be printed.

**Motion agreed to.**

**The Hon. ROBERT BORSAK (15:37:0):** I move:

That the House take note of the report.

**Debate adjourned.**

##### *Special Adjournment*

#### **SPECIAL ADJOURNMENT**

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

That this House at its rising today do adjourn until Tuesday 21 February 2017 at 2.30 p.m. unless the President or, if the President is unable to act on account of illness or other cause, the Deputy President, prior to that date by communication addressed to each member of the House, fixes an alternative day or hour of meeting.

**Motion agreed to.**

##### *Motions*

#### **SEASONAL FELICITATIONS**

**The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:38):** I move without notice:

That this House notes its thanks to the members and staff of the Parliament with seasonal felicitations to all.

On behalf of this House, as I indicated, thank you to the members and staff of this Parliament and best wishes and safe journeys for the Christmas season. We have all finally made it to the end of another successful, if not tedious and tough on some days, year for the Legislative Council. Well done to all of you and thank you all for putting in the hard yards. This place would not run smoothly if it were not for the members and, more importantly, the support of all the staff—whether our personal staff or the parliamentary staff—who put up with all of us peculiar animals.

I thank my friends in the leadership team: the deputy leader of the Government and Liberal leader, my friend John Ajaka; and my friend and newly elected Deputy Leader of The Nationals, which gives him his second Nationals deputy leadership—it is a bit like New York, New York; so good that they named it twice—Niall Blair. It has been a big year for the Legislative Council with some big changes, some happy, some unexpected and others sad. I also thank President Don Harwin for his sometimes tough—especially to the Leader of the Government—but always fair rulings, and for always striking the best balance. As a former Deputy President I also congratulate the Deputy President, the outrageous the Hon. Trevor Khan. Having watched a lot of chairmen of committees and

having been one myself and knowing how tough the job is, I believe he has set a new bar in the role of Chair of Committees. I am not always a greedy bloke but this year I have been lucky enough to have had two excellent Government Whips—not one but two. First there was the Hon. Dr Peter Phelps—

**The Hon. Dr Peter Phelps:** Shame! He was the worst Whip ever!

**The Hon. DUNCAN GAY:** He has just added to his own curriculum vitae [CV]. Once when I was defending him—someone was saying something unfriendly about him in the House—he said, "Duncan, do not defend me. Just tell them I am mad, because I am." So he is understated but mad. Now the Hon. Natasha Maclaren-Jones has picked up the reins and has hit the ground running. I thank the Leader of the Opposition. We are in conflict a lot of the time but often we are in agreement. It would not be possible to run a Parliament without a good relationship with the Opposition. He is a good and honourable man to work with and on some days his deputy is as well—that is when he is in the Chamber; his attendance record is not looking good lately.

I thank the Hon. Ben Franklin who also has continued to excel in his role as Deputy Whip and The Nationals Whip. I also thank the Hon. Shaoquett Moselmane for performing his role. Certainly on days he takes it up to the A-team on the government benches. Good on him and his deputy, the Hon. Greg Donnelly, for the roles that they perform. I thank my great Nationals team: the Hon. Niall Blair, the Hon. Trevor Khan, the Hon. Bronnie Taylor, the Hon. Sarah Mitchell, the Hon. Ben Franklin and the Hon. Rick Colless, for all their hard work throughout the year and wish our small but great team a fabulous Christmas break.

We do not always have good times in this place and we often find the toughest experiences bring all the parties and people together. We sadly lost a great talent and sitting member of the House this year. I am sure we all pay tribute to the late Dr John Kaye for his considered contribution to this Parliament—one whose loss has been felt and will be felt. I extend love from the members of this place to his family. I say congratulations and good luck to the Hon. Sophie Cotsis who has taken on new challenges as the member for Canterbury. Debate time in this place has been shortened dramatically since her departure. It is probably less entertaining too. We have also welcomed two new members to the House: Mr Justin Field and the Hon. John Graham. From my observations so far I am sure we will see them grow into two major contributors in this House. I know after a bit of soul-searching and scratching we will have a new member of The Greens next year, as Ms Jan Barham will be leaving us. We will miss her. Her gentle nature, decency and passion are the things that we will miss about Jan. We wish her all the best.

The year saw a lot of major reform legislation passed by the House. There were long nights and there was heated debate but we got together and got through 66 bills, which is a pretty good result considering the scrutiny we give those bills in this place. As always, all bills were examined in detail by the Government, the Opposition and the crossbench, with 521 amendments moved to legislation. Reluctantly the Government agreed to 73 of those 521 amendments. I am sure some of those amendments will make the legislation better—at least some of them.

**Mr David Shoebridge:** So gracious, as always, Duncan.

**The Hon. DUNCAN GAY:** I know. Now for some statistics: More than 800 questions were asked this year in the Legislative Council during question time. With only three Ministers that means it was a fair bit.

**The Hon. Walt Secord:** They were most to the Hon. John Ajaka.

**The Hon. DUNCAN GAY:** I used to get them all and now I am pleased that my colleagues are getting a good share as well. That is 270 to almost 300 questions for each Minister. As far as my key performance indicators [KPIs] as Leader of the Government and Leader of the House go, I am pleased to report that we only sat past midnight on four days this year, which is pretty good. We thank the catering staff for putting the extra hours in each day to keep us well fed and energetic on those nights. The House owes its unique makeup to the parties in the House, which include the Christian Democratic Party, the Shooters, Fishers and Farmers—and nurses and about six other things—Party; The Greens; and the Animal Justice Party. I certainly thank them for their work. Given that it is a Parliament in which the Government does not have a majority, the crossbenchers in this House have a really hard job. The amount of work they have to do is incredible.

The scrutiny and work that the members and the staff of the crossbench have put in with respect to bills is quite exceptional. Not nearly enough people understand the amount of work and wisdom called on from the crossbench in this House. We thank all those members for their work—even on days when we do not agree with them. I know everyone will support me in thanking the unsung heroes of the Parliament: the Chamber and support staff, Maurice, Richard, Mike, John and Mark—and not forgetting our long-term favourite friends, Charles and Lucy, who left us during the year and who hopefully in the future we will see from time to time on sitting days from April next year—and Hansard, who make us all look terrific. They turn rubbish into readable. I cannot believe how erudite I am sometimes when I read the *Hansard*.



**Mr David Shoebridge:** "Terrific make us look."

**The Hon. DUNCAN GAY:** If they can make me look good, David, I know you would look exceptional—I know that you would feel that. Karen Turner—who had a fall, and I hope that she is better soon—and the Editor of Debates, Scott Fuller, and his team; the Department of Parliamentary Services with the new Executive Manager, Mark Webb; his deputy, Julie Langsworth; Simon Chalmers, Rob Nielsen, John Gregory, Phil Freeman and their hardworking staff.

I also thank the procedure team with Stephen, Stewart, Jenelle, John, Velia, Christine, Shu, Liz and Kerry, which this year implemented a reform to include the proceedings in Committee of the Whole in the *Minutes of Proceedings*. This has added a large amount of work. The Committee proceedings on the biodiversity and local land services bills, for example, cover 21 pages. It has enhanced the information available about proceedings and it is an important reform that the procedure team has taken in its stride—well done. I thank the committees; Beverly and this great team that has continued to provide the absolute high standard of professional support that committee members have come to expect and the members appropriately acknowledge each week during debate on committee reports. They do not just say it; we know they mean it from the interaction they have.

I thank the Usher of the Black Rod, Susan Want, and her staff, Alex, Andrew and Brett for all their hard work. I thank the Office of the Clerk, the great David and Steven, whose advice is invaluable to us all, and I know that they have been pretty patient and have gone beyond in helping my team. Katie Cadell is the backbone of the office and she always greets us with a smile and as Clerk of the Parliaments David Blunt is without peer and outstanding. During the year I replaced my adviser as Leader of the Government and now have Natalie Heazlewood in that role. Nat is demure, quiet and absolutely outstanding in the role. She certainly asked me to acknowledge the help that she has received from David's team. All of our staff work so hard and tirelessly throughout the year and do a fantastic job. I wish everyone a merry Christmas.

I acknowledge my staff: my Chief of Staff, Andrew Huckle; my deputy, Siobhan McCarthy; my former deputy chief, Emma Higginson, who has just had a baby and is currently on maternity leave; and all the other members of the team; Sally-Anne, who runs us all, Reg, Vanessa, Ramza, Natalie, Clementine, Megan, Patrick, Whitney, Dora, Damien and Michael; those who have recently left us to return to their departments or to go on to bigger things. Finally, Christmas and New Year is notorious for car accidents. I implore all of you, because I mostly like you—in fact I like you all on most days—to be careful because it has been a horror year out there and I would like to see your friendly faces back to resume the arm wrestle again next year. All the very best and thank you for your help and support during the year.

**The Hon. ADAM SEARLE (15:53):** On behalf of the Labor Opposition I support the motion moved by the Leader of the Government. Our special thanks go to the clerks of the Parliament, and in particular to the Clerk of the Parliaments, Mr Blunt, whose continued support, guidance and wisdom are not only valued and appreciated by every member of this Chamber but without whom we could not do our jobs. I thank all the workers in the Parliament who help us in our duties: the cleaners, the catering staff, the Special Constables, attendants, the IT staff, without whom our iPads and phones would not work; the staff of the library, and in particular for those who are not in government, its research function; as well as the staff of members of the Legislative Council. I pay tribute to the good people in the Table Office and everyone who works for the Department of Parliamentary Services. I note the hard work and service of the now former printing office.

I recognise the work of Hansard who make amazing efforts to translate what goes on in this place into readable text to record not only accurately but mostly sensibly the deliberations of this Chamber, and any imperfections are ours and not theirs. I thank Maurice and his team of attendants who make the place run smoothly and without whom we could not do our job. To all members I wish you well and thank you for your contributions during the year. Mr President, on behalf of this side of the Chamber I thank you. You continue to hold the respect of all Labor members for your firm but fair stewardship of deliberations in this Chamber. Our thanks also to your deputy, the Hon. Trevor Khan, not only in his role as Deputy President but also more often than not in his role as the Chair of the Committee of the Whole when he has to maintain order and good humour during those handful of occasions when we have sat late into the night.

I thank my Labor colleagues for their support and assistance in my role as Leader of the Opposition in this place. I thank my deputy, the Hon. Walt Secord, and Whips, the Hon. Shaoquett Moselmane and the Hon. Greg Donnelly. Herding cats is a very difficult task and they do it well. I thank my shadow ministerial colleagues Peter Primrose, Penny Sharpe, Mick Veitch, and Lynda Voltz, although she is no longer new to the shadow Cabinet; this time last year she was not in the shadow Cabinet. I made mention of her indefatigable pursuit of people in the other Chamber, in particular the member for East Hills. She has now switched her attention to the member for Penrith, Mr Stuart Ayres. Keep up the good work, Lynda. I recognise the work of the Hon. Courtney Houssos, soon of course to be a new mother again—congratulations—and the Hon. Daniel Mookhey, and of

course the Hon. Ernest Wong. Again, I welcome John Graham to our team. I thank Sophie Cotsis, now a member in the other place, for her contribution this year and over previous years. We will miss you, Sophie.

I thank my friend and my staff member, Rob Allen, who not only keeps me on the straight and narrow—which of course is an almost impossible task—but who with Luke Maxfield, who works for my deputy, Walt Secord, does a lot of the research and other logistical work, underpinning not only our question time efforts but also our operations in this Chamber more generally. Without you two we would be in a shabby state. My thanks also go to Trish Marinozzi and all of those who work for the Labor members of this Chamber. I was once a Labor staffer in this place and I know that without the work you do we could not function. It is a continuing difficulty in this place, the underresourcing of the Opposition by all governments. But we are lucky on this side of the Chamber because our staff are so hardworking and creative and they go that extra yard. Their work, the ongoing rebuilding of Labor in this place and in the State, will continue apace, I know.

To the crossbench, I thank you for your courtesy and consideration of issues that we have sought to advance during the course of this year, sometimes successfully, often not. You play an important role in our parliamentary democracy, and I acknowledge that. Like the Leader of the Government, I note the loss to this House, the people of the State and his family and friends, of Dr John Kaye. I know it has hit The Greens very hard, but we all mourn him. I acknowledge also the loss to this House from next year of the Hon. Jan Barham, my friend. I will miss you; we will miss you. Last year, perhaps a little cheekily, I noted the rise in importance in this place of The Nationals. Of course, they have taken a bit of a backward step in the community but this year I can congratulate the Shooters, Fishers and Farmers Party on their strong showing and likely victory in the Orange by-election.

I thank the Leader of the Government for his friendship and good humour, even during those handful of late night sittings. I must say he has managed to maintain his sunny disposition more than in previous years. Perhaps it is the prospect of spending less time here and having more time to pursue more hobbies, at least over the summer break. I thank the Deputy Leader of the Government, the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, the Hon. John Ajaka, and of course the Minister for Primary Industries, and Minister for Lands and Water, the Hon Niall Blair.

Last year I said of Minister Blair that his training wheels had come off. His ascension to the Deputy Leadership of his party this week has proven that remark to be true. Given the bumpy ride of his new Leader and Deputy Premier in the other place, and that member's small electoral margin, I look forward to Minister Blair becoming Leader of The Nationals in the near future. Those on this side of the Chamber will do anything they can to help with that. I hope all members join me in thanking any of those workers who will now be working on Christmas Day and Boxing Day. I wish members and workers in this building all the best for Christmas and the New Year. As members enter into a long, hot summer I hope that everyone has a safe festive season, and a happy and productive New Year, and that they return well in 2017.

**The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (15:59):** It is my great pleasure, as the Leader of the Liberal Party and Deputy Leader of the Government in this Chamber, to deliver Christmas felicitations. What a year it has been! Politics is a challenging business in any year, and 2016 has been no exception. However, it remains a privilege to serve in this place. I say to my good friend and Leader of the Government in the Legislative Council, the Hon. Duncan Gay, that it has been a privilege to work alongside him in this place, as it has been to work alongside my colleague the Hon. Niall Blair. I thank the Leader for his wise council and guidance throughout the year. Of course, I wish my ministerial colleagues the very best.

I thank all of my Government colleagues in this place for their friendship and support throughout the year. Without a doubt, their work has been outstanding all year long. I also note the service to his House of the former Whip, Dr Peter Phelps, and the current Whip, Natasha Maclaren-Jones. I thank her for all that she does. I also thank the Deputy Whip, Ben Franklin. I thank all of the staff of the Whips. They keep this place in order. They keep all the members on this side of the Chamber in order every day that we sit here.

I also acknowledge and thank the Leader of the Opposition, the Hon. Adam Searle and the Deputy Leader of the Opposition, the Hon. Walt Secord. I acknowledge each and every member of the crossbench. It has been great working with them all year long. There have been a few occasions when we have not agreed. I am very pleased to say that the debate has always been respectful and passionate. That is the way it should be. I acknowledge the loss of Dr John Kaye. We said much at the time, but I would like to repeat that Dr Kaye was, without a doubt, an honourable man, who fiercely defended his beliefs in this Chamber. I believe that this is a lesser place without him.

I also acknowledge Sophie Cotsis, who is now the member for Canterbury. I congratulate her on her election as the member for Canterbury. Sophie and I exchanged many words across this table, but we also agreed

on many things, and I wish her the very best in the other place. I also add my thanks to Ms Jan Barham, and wish her well on her retirement from this place. It has been an absolute pleasure and honour to deal with her. Whilst at times we disagreed, in general we came to the same view when it came to looking after the vulnerable. I will truly miss her and her wise counsel. I know that she will be ringing me continually if she thinks that I am doing something she does not agree with. I look forward to those phone calls.

I acknowledge the Clerk, David Blunt, and all our clerks, the Usher of the Black Rod, the staff of Hansard and all of the House staff. Much has been said by the Leader of the Government, Duncan Gay, and I put on the record that I agree with everything he said, and with what the Leader of the Opposition, the Hon. Adam Searle, said. Those members of staff truly keep this place civil, lawful and, most importantly, functioning. As far as I am concerned, they are the unsung heroes of our democracy and they truly set an example to us of how the members of this Chamber should behave at all times.

I thank the President for his impartial judgement and friendship, and his rulings. I take this opportunity to apologise for the number of times that he has had to call me to order, although I know that others have been called to order more often than I have been. It goes without saying that the President runs this Chamber like no other President I have known, and I thank him very much for the work that he has continued to do.

I move now to my staff, led by my Chief of Staff Adam Zarth, Michael Shaw, Chelsea Collignon, Julian Crowley, Tamara Serant, Nicolle Nasr, Emma Dunn, Amelia Lincoln, Damien White, Peter Oastler, Barry Heyder and Julie Schembri. I thank them for what they do for me, the Government and the people of New South Wales. I wish each and every member of this House a very merry Christmas. I trust that everyone and their families stay safe over Christmas. I look forward to seeing everyone again in 2017.

**Mr DAVID SHOEBRIDGE (16:05):** I support the motion moved by the Leader of the House. This has been a hard year for The Greens, with the loss of our colleague John Kaye. We all felt that extremely deeply. I think it is fair to say that 2016 has been a pretty rugged year for many of us in The Greens. We have seen our way through it; our party has always been bigger than any individual member. We have welcomed Justin Field into the Chamber, but at the end of the year we are sad to see Jan Barham go. Those kinds of transitions are things that every party has to deal with. While we will miss you, Jan, we, too, will be stronger next year. We thank Jan for all her contributions in her time in this House.

I particularly thank the Clerk and the Deputy Clerk for their work and assistance throughout the year. Members of the public do not quite understand their role in this place, but each and every one of us—whether in government, opposition or crossbench—require the dedicated, impartial and incredibly erudite advice that we get from each of them. There are difficult issues that we face in calls for papers and standing orders, and making this place function in a civilised way. On every occasion that I have asked for their advice I have received some of the most intelligent, prompt and forthright advice. Sometimes that advice is that I do not proceed with a course of action. Sometimes the advice is that if I do proceed then trouble will ensue. Every time they have said that they have been right—although it has not really stopped us. I thank them for the work that they do.

I thank the committee staff. It looks to the public as though members of Parliament deliver parliamentary reports—and they look very erudite and intelligent—but we know who writes them. I thank the committee staff for their tireless work. They often turn thousands of pages of submissions, transcript and debates among members into genuinely intelligent contributions to public life in New South Wales. Any member who has had the misfortune of seeing how other places operate with respect to committees can only give thanks for the fact that we have the committee process, staff and structure in this place. When we get into those committees we quite often put our politics behind us and engage in a collective contribution to come up with recommendations that, by and large, end up being consensus recommendations. So let us get the recommendations on racial vilification implemented next year.

I turn now to the attendants, who keep the place operating. I do not know how they keep their good humour when everyone around them is losing theirs. Whether it is 2.00 a.m. or 9.00 a.m. the attendants are always here for us. I genuinely thank them on behalf of The Greens. As the Leader of the Opposition said, the library staff give us the assistance we need to do the research so that we can hold the Government to account and to understand the impact of actual or potential government policy. I thank the staff for their research. They, too, make us look good. We always feel sorry for the staff at Café Quorum and all the catering staff, when they are there at 2.00, 3.00 or 4.00 in the morning. We do not blame them for the price rises, but we thank them for all of their help and assistance.

I give my unambiguous thanks to all the cleaners. Politicians are a messy lot, and the cleaners do their best to clean up after us in our offices and in the hallways. We appreciate the work that they do. I also thank the special constables. I think The Greens members of Parliament have a particular relationship with special constables. We have read closely the demonstration policy and supporters—whether they are our Sniff Off

supporters or our Lock the Gate supporters or our WestConnex opponents—often try to challenge the procedures of this House. Our supporters try to make politics relevant, as we see it, to the many people in New South Wales. Sometimes that leads to conflict with the special constables, but on every occasion when we have that conflict, it has been handled in an intelligent, considerate and peaceful way by the special constables. I thank them for the cooperative way in which they go about their duties. The special constables have their job, members of the public have their job, and they engage in a civilised and constructive way.

I say sorry and thank you to Hansard. When the House continues deliberations until 4.00 a.m., I know that when we leave many in Hansard stay on for a considerable time to get the record right for the following day. I know members feel tired at the end of long contributions, but they should remember that Hansard go the extra yard afterwards. I thank Hansard for the work that they do. I suppose I thank the Leader of the Government and members of the Government. The Hon. Duncan Gay may be surprised to hear that he is known as a difficult man, but he engages with us in the most part in good spirits. That is appreciated. We may have billion-dollar disagreements, but all of us know that this place requires respect and the process of legislative scrutiny requires respect. I hope that those opposite accept that The Greens respect the process when we engage in scrutiny. The Leader of the Opposition in the Legislative Council, the Hon. Adam Searle, makes longer speeches than I do, which is a challenge.

**The Hon. Adam Searle:** But not as frequently.

**Mr DAVID SHOEBRIDGE:** I note that interjection. When The Greens can engage cooperatively with the Opposition, and by and large we do endeavour to engage cooperatively, I think the people of New South Wales benefit. We should endeavour to do that if we can, but of course we do have policy differences at times. The Greens more often than not disagree with the Christian Democratic Party, and the Shooters, Fishers and Farmers Party, but when we do agree we endeavour to do good for the people of New South Wales. I thank members of the crossbench parties.

**The Hon. Robert Brown:** And we do some very sneaky things together, don't we, David?

**Mr DAVID SHOEBRIDGE:** I note the interjection. Mr President, I will not call you fair because that would get you into trouble with your party. I believe you are a fair President. I experienced one other President for a short time and when I look back I remember that there are different ways of being President. I am grateful for the way in which the current President undertakes his role. The Deputy President and I have definitional disagreements, but if it were not for the fact that the current Deputy President took over from Jenny Gardiner, I would say that he is undoubtedly the best Chair of Committees. Jenny is a pretty hard act to follow, but the Hon. Trevor Khan undertakes the position of Deputy President with honour, and we are grateful for the way in which he engages in Committee debates.

The Greens wish everybody season's greetings and happy holidays. I thank all of my staff—Kym Chapple, Chandi Bates, Nicola Grieve and Tom Raue—for the assistance that they provide. Last but not least I note the contribution of Natalie Heazlewood. She engages in the difficult job of trying at all times to be honest with the crossbench when telling us what will happen or what will not happen, but she always retains a little bit of information that the Government needs to ensure that it has the whip hand. She undertakes this role with dignity, and we appreciate the forthright way in which she goes about her business.

**The Hon. ROBERT BROWN (16:13):** Reverend the Hon. Fred Nile has allowed me to speak before him because I think what this House needs at the conclusion of today is a blessing. I do not have a long list of people to thank, because everybody who has spoken on this motion has named everybody we need to thank. If I did start to thank the cleaners, I would have to name them and I can name every one of them. I can name every attendant and I know almost all of the cafe staff. The work they do is to support the headliners, and there are plenty of headliners in this place. We are approaching a joyous season.

We have had some sadness this year, including the sad retirement of Ms Jan Barham. I hope that her retirement years are happy. I pay special felicitations to the returning officers at Orange, who are working very hard. I also thank the staff of the Shooters, Fishers and Farmers Party, even those on unpaid leave at the moment. Without their help we would not cope. Crossbench parties in this House have to do a lot of work to match the workload of the major parties, the Government and the Opposition. Mr President, diminishing as you are, I say that you are an inspiration. I wish everyone a merry Christmas, and may God smile on you.

**Reverend the Hon. FRED NILE (16:16):** I am pleased to support the motion moved by the Leader of the Government, the Hon. Duncan Gay. On behalf of the Christian Democratic Party, particularly my colleague the Hon. Paul Green, and our staff, particularly my secretary Kay Allen, I wish all members and their families a very warm, friendly and merry Christmas as we adjourn for the Christmas season and celebrate the birth of Our

Lord Jesus Christ, the Saviour of the world, as described in the Holy Bible, which I regard as the word of Almighty God, in Matthew chapter 1 at verse 18:

Now the birth of Jesus Christ was on this wise: When as his mother Mary was espoused to Joseph, before they came together—  
which means before they had sex—

she was found with child of the Holy Ghost.

Then Joseph her husband, being a just man, and not willing to make her a public example, was minded to put her away privily.

But while he thought on these things, behold, the angel of the Lord appeared unto him in a dream, saying, Joseph, thou son of David, fear not to take unto thee Mary thy wife: for that which is conceived in her is of the Holy Ghost.

And she shall bring forth a son, and thou shalt call his name Jesus: for he shall save his people from their sins.

Now all this was done, that it might be fulfilled which was spoken of the Lord by the prophet, saying—

quoting Isaiah:

Behold, a virgin shall be with child, and shall bring forth a son, and they shall call his name Emmanuel, which being interpreted is, God with us.

Then Joseph being raised from sleep did as the angel of the Lord had bidden him, and took unto him his wife:

And knew her not till she had brought forth her firstborn son: and he called his name Jesus. It is important as we adjourn for the Christmas season to be reminded what the Christmas season is all about. May God bless each one of you. I appreciate all the help and cooperation I have received from all the members of the House, particularly the President, the Hon. Don Harwin, and the Deputy President, the Hon. Trevor Khan. I express my appreciation for the cooperation received from the Leader of the House, the Hon. Duncan Gay, and his associate the Hon. John Ajaka, as well as the Leader of the Opposition, the Hon. Adam Searle and the Hon. Walt Secord. I thank all of the staff who assist us in the Parliament: the Clerk of the Parliaments, David Blunt; and the Deputy Clerk, Steven Reynolds; the Usher of the Black Rod, Susan Want; and the Legislative Council officers, especially those who serve and help us in the committees: Teresa McMichael, Madeleine Foley, Rebecca Main, Stephen Frappell and Beverly Duffy.

I thank also our Legislative Council attendants, Mark and Richard, and of course Lucy and Charles, who have retired. I particularly thank Natalia, our liaison officer. She has been a great help to us in sorting out the agenda each day. I also thank Hansard, the library and catering staff and, at this time, the security staff and the New South Wales special constables. Like others, I experienced the loss of Dr John Kaye and I was pleased to attend his memorial service representing the Christian Democratic Party. I also enjoyed working with Sophie Cotsis, who has now gone to the other place. We will all miss Jan Barham as she moves on to other things: Thank you for all your help and advice over the years, Jan. May God bless you. May God bless each one of you and your families. God loves you.

**The PRESIDENT (16:20):** Before I put the motion I wish to make some brief remarks. I associate myself with the remarks that a number of members have made relating to the Clerks at the table, the Chamber attendants, the procedure and committee staff of the Department of the Legislative Council as well as the staff of the various operational units of the Department of Parliamentary Services [DPS] and the special constables. Their service is greatly appreciated by me and by everyone else in the President's office. In particular, I single out the two people in front of me, the Clerk of the Parliaments, David Blunt, and the Deputy Clerk, Steven Reynolds, and the three people at the front who play such an important role in supporting my work—Dr Brian Lindsay, Mrs Kate Cadell and Ms Susan Want. I thank the Office of the Usher of the Black Rod. Its establishment in the Fifty-fifth Parliament started as a trial and has been a great success.

My staff work closely with Susan Want and her team on a range of precinct and protocol issues, and their dedication is greatly appreciated. This year they have also taken on the administration of the New South Wales branch of the Commonwealth Parliamentary Association [CPA] for the first time in the history of the branch. Previously it was always a jealously guarded prerogative of the Department of the Legislative Assembly but thanks to David, Kate and, in particular, Brett for managing a smooth transition to the new arrangements, which will apply during the Fifty-sixth Parliament. It is an important time for the CPA. We have been fortunate to gain an excellent new Secretary-General, Mr Akbar Khan. I look forward to working with him over the next few years as a representative of the Australian region on the executive committee to ensure that the association refocuses on its important work—the professional development of its members and capacity-building in emerging parliaments.

This year Madam Speaker and I selected Mark Webb to take the helm at DPS. We are greatly encouraged and pleased by his leadership during the year with Julie, Simon, John, Phil and Rob. We are continuing to see improvements to services to members and enhancements of the precinct. The Hon. Robert Brown was kind enough to refer to me as an inspiration. I hope that all members understand he was referring in particular to the fact that I am a shadow of my former self because of my diminishing size. I pay tribute to the catering staff under the leadership of David Learmonth. They have been enormously helpful in trying to help me help myself. Their work is greatly appreciated. I also pay tribute to Robson and Vitor, the staff members in the President's Dining Room

who do such a good job looking after all those who host functions, and looking after me when I am undertaking my duties as President.

I have said before, and I cannot say often enough, that we owe an enormous debt to Barry O'Farrell, Mike Baird, Andrew Constance and Gladys Berejiklian for biting the bullet and funding long-overdue work in this building. This year I am delighted that we have been able to conclude work on the rejuvenation of our iconic Jubilee Room, which looks absolutely superb. Planning has begun for the construction of a purpose-built education centre on level 6, of which I am particularly proud because it is a project for which I have pushed for a long time. This year it was funded. Construction will commence in a matter of days for a fourth public space on level 7 for committee hearings and other events. It is to be named after the New South Wales Parliament's first female member, Millicent Preston-Stanley.

Women in this Parliament will be a major focus of visitor engagement in 2017. I pay particular tribute to all the departmental staff who contribute to this work in addition to their normal duties. I hope that you will all be delighted with the Women in Parliament exhibition to be held between January and April in the Fountain Court. Special thanks to those sponsors who make our exhibitions and art prizes possible, in particular, Telstra for the New South Wales Parliament Plein Air Painting Prize and Desane Group Holdings for the New South Wales Parliament Landscape Photography Prize as part of the Head On Photo Festival. These exhibitions are enjoyed immensely by members, staff and visitors, and Telstra and Desane make this possible.

For eight years I was a Whip, and I know what a tough job it can be. To the Hon. Dr Peter Phelps, the Hon. Natasha Maclaren-Jones, the Hon. Ben Franklin, the Hon. Shaoquett Moselmane and the Hon. Greg Donnelly, thank you for all the work that you do and, in particular, thank you for your part in attending meetings regularly with the Speaker and me to discuss matters of parliamentary administration. We are trying as far as possible to ensure we consult you on some of the important decisions we have to make so that there is consensus. To the other occupants of the chair, thank you so much for all your efforts, in particular, the Deputy President, the Hon. Trevor Khan, as has been mentioned, not only for his work in the Committee of the Whole but also for taking on a share of the administrative workload when I am not able to be in Sydney. I also acknowledge Ms Jan Barham for her service in the chair since August 2013. It is very much appreciated and we look forward to recognising it appropriately tomorrow.

It is always a pleasure to work with Madam Speaker, Shelley Hancock, my local member, and all her staff, in particular, Lynne Arnold in the Nowra office along with Sean, Brigid, Bryce and Jane in the Speaker's Office at Parliament House. Finally, it is a special time in the President's office. Janet Parnwell is a beacon of integrity and professionalism, and I thank her for everything she does to help me look good. Mark Jones is a wonderful person and a great ambassador for me around the building. I certainly need it from time to time, since I have strong views. Stephen Marriott finished with us at the beginning of the year but will return to work for me in a new role next Monday. After 3½ years in my office, Joel Schubert has finished university and is now ready for some serious adult work. Thank you to Joel for attempting to explain all sorts of mysterious concepts—like the Cloud, Spotify playlists, Dropbox and Netflix—which I would not have understood without him. I think he has taught me more than I have taught him. I wish him well as he enters this new phase of his life. He has been a great friend to me, and I have really valued my time with him.

Finally, and in particular, I turn to my chief of staff, Dr Brian Lindsay. There are only five members who are still here who were here when Brian first started working for me 13½ years ago. This is also his last sitting day. As I was reflecting on those years, it became clear to me that all I have achieved here has been his achievement, too. No parliamentarian could have asked for a better staff member than Dr Brian, as he is affectionately called by Kate. Kate has sent me a note telling me what she wanted me to say about Dr Brian. It reads:

If an opportunity arises, could you mention just how much all the staff will miss our dear Dr Brian. We really will miss him.

Everyone in the President's office will also miss him. He has had to turn his hand to a wide variety of activities that he probably never expected to take on. In the long haul of opposition, he did tremendous work for me on material that I used in debate in this Chamber and in my work as a duty member of the Legislative Council. However, it is in his role as my chief of staff for the past 5½ years that he leaves a substantial legacy. He will be greatly missed. His impact was considerable, but I make mention in particular of his role in helping to roll out our visitor engagement strategy, which has been a priority for me. He has been outstanding.

As I noted last year, the Politics and Sacrifice exhibition was substantially his work as project manager in addition to his other duties. I know how much he is looking forward to leaving us, even though we are sad. Many members know that he is a film history expert. Somehow, as well as being chief of staff, he has managed to have a book published. Members should visit [www.amazon.com](http://www.amazon.com) and search for his book *Category Fraud*, which

is all about studios gaming the Oscar nominations. The first book is on the market, and I am sure there will be more next year. Dr Brian will be greatly missed.

I thank members for saying nice things about me, including Jan earlier and others this afternoon. As of 11 February next year, I will have been working in this building, on and off, for 30 years. To the extent that I am a good President, it is because during that time I have had the examples of Johnno Johnson, Max Willis, Virginia Chadwick, Meredith Burgmann, Peter Primrose, and Amanda Fazio, all of whom have taught me something. I appreciate all six of them and the work they have done. I know what a wonderful job this is, but also what a important responsibility it is. Merry Christmas and have a great summer.

The question is that the motion be agreed to.

**Motion agreed to.**

*Adjournment Debate*

## **ADJOURNMENT**

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

That this House do now adjourn.

## **FORESTRY INDUSTRY AND BIODIVERSITY**

**The Hon. RICK COLLESS (16:33):** Commercial native forests and timber plantations in New South Wales cover more than two million hectares of the State, creating one of the most diverse natural habitats for native wildlife in Australia. The South Coast is one of the State's most productive timber regions, and is leading the fight back in the recovery of native species such as the southern brown bandicoot and the long-nosed potoroo. Both endangered species are mounting a resilient comeback under the active management of the State's Forestry Corporation. Under the goals for sustainability mapped out by the corporation to maintain or enhance biodiversity in the State's forests, the future of our native wildlife not only looks brighter but also reflects the goals of the timber industry to create a sustainable future incorporating the State's natural biodiversity and wildlife at its core.

Timber production in New South Wales plays a vital part in local economies like the south-east, while only a small area—about 3 per cent—of native forests are harvested. The management of State forests takes into account the different ways people use forests, and community values such as the protection of biodiversity, habitat and cultural heritage. The population increase of the southern brown bandicoot and long-nosed potoroo in State forests in the south-east testifies to the long-term value and sustainability of our forests. One of the biggest threats to native wildlife across the State, especially in areas like the south-east, are feral animals, in particular introduced species such as foxes, feral cats, and wild dogs. According to the Forestry Corporation, the biggest threat faced by the southern brown bandicoot is not timber production or fire, from which they recover well, but predation from foxes.

Adult southern brown bandicoots are about 30 centimetres in length, can weigh just over one kilo, and can be found north of Sydney and in bigger populations in the vast State forests on the South Coast. They are distinct from the long-nosed potoroo, which has a thick tail similar to a wallaby. To protect the species in State forests, a comprehensive baiting program targeting feral predators has been underway since 2008, and it has had tremendous success. Targeted baiting programs have helped local populations to recover and they have also been relocated to national parks to redistribute populations across the South Coast.

State forests have become a model for the protection of native species and a safe breeding ground in which populations can grow. Permanent baiting programs run by the Forestry Corporation to decrease predator numbers have shown positive results. Following the acknowledgement that feral pests posed the biggest risk to native wildlife, the forestry industry's swift response to implement targeted baiting programs has led to today's encouraging results. The corporation notes there has been a major decline in the amount of bait taken by feral pests, which amounts to a drop in pest populations in native animal habitats. This correlates with a sustained increase in the detection of the southern brown bandicoot. Prior to the start of a permanent baiting program introduced by the Forestry Corporation, detection went from the sighting of a single southern brown bandicoot in 2007 to well over 100 sightings across 20 different locations in recent surveys.

Like the success of its fellow marsupial, the long-nosed potoroo has seen a major recovery in forest areas across the south-east. In the past 12 months, more than 30 potoroos have been released from forests south of Eden into the Booderee National Park at Jervis Bay. The reintroduction of native species from State forests into national parks signifies the maturity of active and adaptive management in New South Wales forests and the ongoing contribution that the forestry industry makes to the health and biodiversity of the forests. Success in maintaining and improving the State's biodiversity has been demonstrated to work when the community has an active stake in the economic, social and cultural potential of our natural resources. It is significant that harvested timber is one

of the State's most sustainable crops and plays a vital role in the future survival of native wildlife. The success of the forestry industry, conservation of native wildlife and recreational use of our forests are interlinked, and are creating a more sustainable future together.

This is a truly remarkable economic, environmental and social outcome from an important area of public land. It is important that we recognise the value of this partnership and actively invest in its success in the future. I congratulate the forestry industry on making a significant contribution to the State's biodiversity.

### GREYHOUND RACING INDUSTRY DRUG USE

**The Hon. MARK PEARSON (16:38):** I take this opportunity to inform the House that 23 different drugs that have been banned at the Olympic Games are being force fed to New South Wales greyhounds. This information is in the boxes of documents that have been provided by Greyhound Racing NSW. Greyhounds are being given cocaine, ice and amphetamines to improve their performance. I have read several descriptions of greyhounds running in a race, gaining a place and then collapsing, thrashing about, having fits and dying. In recent years the greyhound industry has faced numerous challenges to its tenuous grasp on any social licence it may have or its right to exist in a civil and progressive society. Some of the challenges include links to money laundering, animal cruelty, the annual slaughter of thousands of healthy dogs, the practice of live baiting, and genetic loading of the greyhounds in an attempt to make them run faster and faster, which results in them having muscular skeletal problems that are bred into every greyhound in the industry. Frankensteins of greyhounds are being created like broiler meat chickens.

Animal doping and widespread abuse of prohibited substances can now be added to the list. Since 2010, 321 investigations of misconduct by registered trainers and owners in the greyhound industry have commenced. Almost 70 per cent of those investigations relate to the use of drugs and other prohibited substances in the greyhound racing industry. In some of the cases where criminal guilt has been established, the substances used on greyhounds are illicit drugs of addiction that cause problems in families in Australia, including cocaine, morphine, crystal meth, or ice, and amphetamines and speed. Throughout the investigations 203 people have been found guilty of drug abuse and using prohibited substances in the New South Wales greyhound racing industry alone. Greyhound Racing NSW currently has 43 open inquiries and investigations where laboratories have evidence of prohibited substances being used. Cumulatively, 20 per cent of those admissions of guilt and the independent evidence of prohibited substance abuse have occurred in the New South Wales greyhound racing industry. This has become apparent after looking only at 27 per cent of the material that has become available for public scrutiny.

The documents that have been procured led to a *Four Corners* story being aired in February last year. As Greyhound Racing NSW and its members were preparing for the aftermath of that program being broadcast, it was recommended that those who were up to their eyeballs in criminal activity should seek refuge and solace at News Limited. It was made clear that that is who they should turn to when trying to find a way of digging themselves out of the unacceptable situation of being embroiled in criminality. The other recommendation was to go to Ray Hadley at 2GB. They were the two avenues that were specifically recommended for people to use to protect themselves from having to answer to the community about whether they have a social licence to undertake activities in the greyhound industry. [*Time expired.*]

### UNITED STATES ELECTION

**The Hon. ADAM SEARLE (16:43):** I make some reflections on the recent election in the United States of Donald Trump, what it says about American society and what it means for the world. There has been a lot of commentary around the election being the result of the squeeze on the blue-collar manual working class in rust-bucket States such as Wisconsin, which was the location of the popular Netflix television series *Making a Murderer*. When we look at the economic circumstances of the people belonging to the society depicted in that show, we can perhaps understand the economic distress that fuelled the anger that was seen across the United States and the reason that people supported Mr Trump.

The election of Donald Trump comes in the wake of the Brexit vote earlier this year, which was not expected or predicted by—I do not like the word "elites"—the people running the major parties and those responsible for the media commentary. We can see some of the same forces at work in those two events. People are angry because they feel they have been left behind by globalisation and successive decades of economic reform, which means former social and economic protections have been dismantled and people are having to make do with less. Although Europe, and particularly Britain and America, have nominal structures that provide for minimum wages, they do not have the system of award wages that we enjoy in Australia, although to lesser degree—

**The Hon. Dr Peter Phelps:** They do in the United Kingdom.



**The Hon. ADAM SEARLE:** They have a minimum wage, but it is not as established and as sophisticated as our minimum wage regime. The question that some commentators have been asking is whether it could happen in Australia. Is the rise of Pauline Hanson's One Nation Party at the recent Federal election a sign of things to come? I do not think so. When we look at the popular support of Ms Hanson's party in 1998, which in many ways was its high watermark, we see that it received nearly one million votes in an electorate of 11.1 million. This year's Federal poll involved nearly 13.5 million voters and her party did not receive more than 440,000 votes. The party support today is a third of what it was in the late 1990s. There are some signs of hope. For the past few decades Australia has been a successful multicultural society. Although community tensions have arisen from time to time we have worked hard to make new arrivals feel welcome more than many other places.

However, it is not all plain sailing. We are kidding ourselves if we say that our community is not also suffering economic stress. That view may fuel a desire for populist solutions, which almost inevitably mean the wrong solutions. The world and the world economy are complicated. People yearn for simple solutions, but they are usually wrong. Recent data from the Australian Bureau of Statistics shows that there has been no wage growth in this country. People are having to wait more than double the time that they used to wait for wage increases. Four years ago the average wait was 12 months. It is now 21 months and wages have shrunk from an average of 3.6 per cent to only 2.3 per cent. Today wages are down to 1.9 per cent when inflation is expected to reach 2.5 per cent.

That is not only a reflection of the economic circumstances but also, in many ways, the uncoupling of our industrial relations system and a lack of connectivity between profitability and industry and people sharing in wages growth. We must be mindful that this situation does not lead to the same kinds of pressures that fuelled the tensions that we have seen in Britain and Donald Trump's America. The French and German elections are looming next year. The allure of the Alternative for Germany Party and the National Front in France, now led by Jean-Marie Le Pen, are terrifying prospects not only for the stability of the European Union but also for the world.

**The Hon. Dr Peter Phelps:** And Austria and Hungary.

**The Hon. ADAM SEARLE:** Austria and Hungary as well. Australia is weathering the international storms of society, economics and culture better than other places, but we have to be mindful about community harmony and ensure that we leave no-one behind socially or economically.

#### DEATH OF MARK ANTHONY HAINES

**Mr DAVID SHOEBRIDGE (16:48):** On 16 January 1988 in the early hours of the morning, a 17-year-old Aboriginal boy, Mark Anthony Haines, was found dead on the train tracks outside Tamworth. It had been pouring with rain that night. At all times Mark's death has been treated as suspicious. The circumstances and manner of his death, however, have not been determined despite two coronial inquests, each of which returned open findings. The forensic and police accounts given at the inquests raise far more questions than they answer. Mark was last seen saying goodbye to his girlfriend at approximately 3.30 that morning. Sometime after 3.30 a.m. a train driver travelling north from Werris Creek to Tamworth thought he had struck a sheep. He resolved to closely check the tracks when he returned over the same tracks heading south about an hour later. When he did, he saw a body lying prone between the tracks and called for assistance from the Tamworth station assistant. When the station assistant and paramedics arrived they found Mark's body lying between the tracks with his head to the south, his feet to the north and, remarkably, his head resting upon a towel.

The working theory from police that was delivered at two coronial inquests was that Mark had travelled in a stolen car, which had crashed and turned over approximately 1.5 kilometres from where his body was found. Then in the pouring rain on a dark night he had walked away from Tamworth, climbed up a steep embankment and travelled along 1.5 kilometres of railway line, including over a narrow, dangerous bridge, carrying stolen goods. Mark was then thought to have laid down between the tracks and waited until the train arrived when he raised his head and was struck by the train. The forensic evidence at the coronial inquests made it clear that Mark died from traumatic head injury and he had suffered substantial blood loss. The remarkable prospect from the forensic investigation was that Mark had tumbled under the train and ended up with his head resting on the towel after being struck by the train.

Despite his substantial blood loss, when the paramedics removed Mark's body and the towel they saw a stain of blood approximately only the size of a 50 cent coin under the towel. Despite it raining heavily that night, Mark's shoes had no mud on them. Despite there being a significant number of objects nearby, many of them were collected by the family the following day and taken to police. None of the objects were fingerprinted. The stolen car 1.5 kilometres from Mark's body was also not fingerprinted. The investigation that was carried out by the Oxley Local Area Command could at best be described as substandard. Mark's family continues to be critical of both the extent and the quality of the investigation. The working theory that was presented by police at the coronial inquiries is clearly utterly untenable. Mark's parents and many of his family members have since passed away.

One of his last remaining relatives, Uncle Don Craigie, a Gomeroi elder, has been seeking answers since 1988. He gave that commitment to Mark's parents before they died.

I met with Uncle Don in Tamworth last month. He still has a fire in his belly and is demanding justice for Mark. His commitment has been vital because without him Mark's death may well have been forgotten entirely. As Uncle Don said, "It is sad but no-one cared about a dead Aboriginal teenage boy in Tamworth in the late 80s." Thankfully, fresh information continues to come to light. In 2001 fresh witnesses came forward giving evidence of a group of people being seen around the crashed car earlier that fateful morning, but nothing more was done by police. In April this year another witness contacted Crime Stoppers. Her details were provided to the Oxley Local Area Command. It was not the first time she had contacted police. To date, police have still not taken a statement from her. That witness and her daughter would be in a position to tell police that her own son had tragically taken his life a little over six months after Mark died. Crucially, he told his family he had driven the stolen car on the night of Mark's death. He also left three notes before he died. One has since been destroyed but the other two are potentially still able to be obtained, at least if one looks.

To find out this detail, however, it would be essential that police treat Mark's death with the seriousness it deserves and, at the very least, interview the witnesses in person and take formal statements. It is hard to understand why that has not already happened. Today I call on the NSW Police Force to recognise that the investigative efforts of the local area command have to date been inadequate. The case remains open, but for the family and community to have faith in the police investigation there needs to be a break with the past. For this reason I am today writing to the New South Wales police commissioner seeking to have the investigation into Mark's death transferred to the homicide squad. A lot has changed in policing since 1988—I recognise that—but Mark's family is still living with the failures of the past. Uncle Don Craigie will not rest till justice is done, and nor should any of us.

#### NORTH COAST ENVIRONMENTAL PROTECTION

**The Hon. BEN FRANKLIN (16:53):** As members of this House know, I am passionate about the North Coast and believe one of my fundamental roles as a parliamentarian is to protect, defend and support that community in whatever way I can. To that end, I would like to discuss a very special place in the Byron Shire called Ti Tree Lake. This lake, north of Broken Head, is a stunning part of our local environment; is home to significant native plants and animals, rainforests and wetlands; and has deep significance to Aboriginal culture, particularly to the Bundjalung women. I have been advocating for months that it be placed on the State's register of sensitive lakes, which would mean that the 5.25-hectare lake as well as its entire catchment area would be protected. The Minister for Planning, Rob Stokes, and the Minister for Aboriginal Affairs, Leslie Williams, have both visited Broken Head to meet with me and Delta Kay, a local Arakwal leader and current Byron citizen of the year, on this issue. Last week Minister Stokes announced that he had been convinced and publicly announced that the lake would be protected into the future. That is a wonderful outcome for our community.

A similarly terrific outcome has also been achieved this week in Suffolk Park, where Department of Education land excess to their requirements was slated to be publicly sold off for development. This land is critical to the local community. It is the only significant open space for 5,000 residents, and houses everything from the local soccer club and community garden to a skate park, playgrounds and BMX biking area. Last Sunday I met with a range of community leaders at the site, which drove home its importance to me even further. It would have been a tragedy if this land had been sold. I have been actively lobbying the Minister for Education, Adrian Piccoli, and other Ministers ever since I heard about this proposed sale and was thrilled on Tuesday when at yet another meeting with Minister Piccoli he advised me that he would withdraw the land from public sale and negotiate with the council so it can remain in the hands of the community.

I am proud to have been able to achieve these outcomes. Being involved in both issues, as well as witnessing other political events both in Australia and around the world, has really forced me to reflect on our role as members of Parliament—what we should do, how we should act and behave, and how can we fulfil our role with integrity and in a way that lives up to what the community expects of us. Our motivation should always be about them, and we forget that at our peril. Tonight I want to acknowledge two members of this place who I believe both exemplify, although perhaps in different ways, some of the best attributes of parliamentarians. This week my friend the Hon. Niall Blair was elected to the position of Deputy Leader of the NSW Nationals. Since I have been here I have heard all members of this place speak positively about him—about his consultative style, his intellectual clarity and his fundamental sense of decency and integrity, which clearly drive all that he does. Niall was an outstanding chairman of the party and has been a superb Minister. I have no doubt he will execute this new role just as well. He will be a strong and powerful clarion voice for regional people, and I look forward to supporting him for many years to come.

At the other end of the spectrum perhaps, today we heard the fine valedictory speech of Ms Jan Barham. I think I speak for all members of this Chamber when I say there is no doubt that Jan has always been motivated

by a deeply held and quite noble passion to represent her community. Jan and I may have some significant differences of opinion in a range of policy areas but I absolutely acknowledge that she has always, without fear or favour, stood up for people—for their interests and their concerns—and has pursued ideas and ideals that she profoundly believes will lead to a better world. Jan Barham can look back on her parliamentary career with pride. Her passion, honesty and decency will be deeply missed by all, and especially by me. She goes into the next phase of her life with the warm goodwill of every member of this place.

I highlight these two people because they embody the civility and respect that was spoken of by the honourable member earlier today. This is a combative and necessarily confrontational job, and it does take a toll. But in the theme of seasonal felicitations I make a plea to all, both inside and outside this Chamber: Be strident advocates of your views and fight hard for their implementation, but know that you can do that very effectively and still remember what it is to be civil, respectful and human.

### LITERACY

**The Hon. JOHN GRAHAM (16:58):** I proposed in my inaugural speech a new principle for New South Wales: the right to read. I did so because growing up reading opened the world for me. That was in an era of books—before the internet and the information revolution. Reading has always been important but in the information age it is a human right. Without it, filling in forms, reading newspapers, utilising social media or using a map is difficult or almost impossible. I commend a recent SBS report advising that 44 per cent of Australian adults lack the literacy skills required for everyday life, which makes daily tasks difficult. In New South Wales that is more than two million people. The report sourced its figures from recent Australian Bureau of Statistics research, which showed that 3.7 per cent of our citizens are below level one—a very low level of literacy—and only another 10 per cent reach level one in the five levels of literacy. For each of these people life in the information age is getting harder, not easier.

I was encouraged to see the release of a report this week by the McKell Institute titled "No Mind Left Behind—building an education system for a modern Australia." In launching that report a director of the McKell Institute, Sam Crosby, wrote movingly of his own challenges learning to read after a struggle with dyslexia. That was another reminder about how reading changes lives. The report spells out the challenges of a changing world. It describes the impact that technology, automation and robotics will have on jobs in coming decades. It correctly identifies how important literacy will be in that world. The report reminds us that Australia's performance in this area has been slipping internationally. We have to do better. The report contains 10 recommendations to redesign the education system—they commence at three years of age and extend through the university system. I encourage people to read the report and to support the work of the McKell Institute in general.

The right-to-read principle I am calling for goes beyond those measures in one important respect: its focus on reading for the whole community. In the past we have hoped to do better with the next generation of young readers but it is never too late to join the information revolution. With so much information in modern life, reading is critical for young and old alike. That is why I support stronger literacy programs in schools and TAFE, an outreach program using our public libraries, and a government commitment to every New South Wales citizen of a right to learn to read with State support, whatever age they choose to do so. The international research on literacy shows a massive pay-off for this sort of investment. A 1 per cent rise in literacy skills might lead to a 1.5 per cent increase in gross domestic profit and, in the longer term, a 2.5 per cent increase in labour productivity. More importantly, we know that change is coming in future decades driven by technology, automation and robots. A right to read provides a guarantee that our citizens will have the opportunity to join in the information age. There is no initiative of government that could better prepare us for the changing world that will confront us all.

**The PRESIDENT:** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 17:03 to Tuesday 21 February 2017 at 14:30.**