



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 8 March 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 8 March 2017

The PRESIDENT (The Hon. John George Ajaka) took the chair at 11:00.

The PRESIDENT read the prayers.

Bills

FINES AMENDMENT BILL 2017

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Don Harwin.

The Hon. DON HARWIN: I move:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Motion agreed to.

The Hon. DON HARWIN: I move:

That the second reading of the bill stand an order of the day for a later hour.

Motion agreed to.

Documents

GREYHOUND RACING INDUSTRY BAN

Tabling of Documents Reported to be Not Privileged

Dr MEHREEN FARUQI (11:04): I seek leave to amend Private Members' Business item No. 1198 outside the Order of Precedence as follows:

- (1) Omit paragraph 1 (a) (iii).
- (2) In paragraph 1 (b):
 - (a) omit "within seven days" and insert instead "within 14 days"; and
 - (b) omit "subject to a claim of confidential personal information privilege (Category B)" and insert instead "subject to a claim of confidential personal information privilege (Category B) or commercial in confidence / regulatory documents (Category D)".

Leave granted.

Accordingly, I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 14 February 2017, on the disputed claim of privilege on documents relating to a further order for papers regarding greyhound welfare, this House:
 - (a) orders that the documents subject to the following claims of privilege and considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk:
 - (i) documents produced to the Special Commission of Inquiry into the Greyhound Industry in New South Wales (Category A);
 - (ii) client legal privilege (Category C).
 - (b) orders that Greyhound Racing NSW produce within 14 days of the date of passing of this resolution a redacted version of documents subject to a claim of confidential personal information privilege (Category B) of commercial-in-confidence/regulatory documents (Category D) considered by the Independent Legal Arbiter not to be privileged with the following information omitted:
 - (i) the personal information of those informants who may be at risk of harm in the event that those personal details were published;
 - (ii) the personal information of informants who have called the GRNSW 1800 Hotline; and
 - (iii) information of participants who, in GRNSW's view, have been the subject of spurious complaints.
- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.*Motions***FESTIVAL OF LIGHTS, MARTIN PLACE****The Hon. DAVID CLARKE (11:06):** I move:

- (1) That this House notes that:
 - (a) on Thursday 29 December 2016 a celebration of the Jewish Festival of Chanukah, also known as the Festival of Lights, was held in Martin Place, Sydney, attended by many hundreds of members and friends of Sydney's Jewish community;
 - (b) the celebratory event was hosted by Chabad Youth New South Wales, the Youth Outreach Department of Chabad New South Wales under its Director Rabbi Elimelech Levy, assisted by Chana Levy, and under the patronage of Rabbi Pinchus Feldman, OAM, Dean and Spiritual Leader of the Yeshiva Centre Sydney, and the Chabad Movement in New South Wales;
 - (c) those who attended as guests included:
 - (i) Mr Alister Henskens, MP, member for Ku-ring-gai, representing the then Premier of New South Wales, the Hon. Mike Baird, MP;
 - (ii) Mr Michael Daley, MP, member for Maroubra and acting Leader of the New South Wales Opposition;
 - (iii) the Deputy Lord Mayor of Sydney, Councillor Professor Kerryn Phelps, AM;
 - (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (v) Councillor Leon Goltzman, Waverley Council; and
 - (vi) Rabbi Dovid Slavin, Executive Director of Our Big Kitchen and Yeshiva College.
 - (d) this year's celebration of the Festival of Chanukah in Martin Place, Sydney marks 30 years since it was first organised in 1986.
- (2) That this House:
 - (a) congratulates Chabad Youth New South Wales and its Director, Rabbi Elimelech Levy, on the successful holding of the Festival of Chanukah celebration in Martin Place, Sydney; and
 - (b) extends best wishes to Australia's Jewish community on the occasion of the 2016 Festival of Chanukah.

Motion agreed to.**LIGHTS OF CHRISTMAS PRESENTATION 2016****The Hon. DAVID CLARKE (11:06):** I move:

- (1) That this House notes that:
 - (a) on Thursday 8 December 2016 the Most Reverend Anthony Fisher, OP, Catholic Archbishop of Sydney hosted a cocktail party at Cathedral House Sydney, attended by several hundred civic, religious and community dignitaries to mark the opening night of the Lights of Christmas Presentation 2016;
 - (b) the Lights of Christmas is an animated light and sound event projected onto the façade of St Mary's Cathedral Sydney;
 - (c) in 2016 the Lights of Christmas ran from 8 December to Christmas Night 25 December; and
 - (d) the Lights of Christmas is now in its eighth year and attracts in excess of 300,000 visitors annually.
- (2) That this House commends the Most Reverend Anthony Fisher, OP, Catholic Archbishop of Sydney and the Catholic Archdiocese of Sydney, for the holding of the Annual Lights of Christmas Presentation which has now become a major attraction in Sydney for the Christmas Season.

Motion agreed to.**PAKISTAN MINORITY ALLIANCE AUSTRALIA****The Hon. DAVID CLARKE (11:07):** I move:

- (1) That this House notes that:
 - (a) on Friday 9 December 2016, the Pakistan Minority Alliance Australia hosted a Christmas celebratory event at the New South Wales Parliament attended by members and friends of Sydney's Pakistani-Australian Christian community;
 - (b) those who attended as guests included:
 - (i) the High Commissioner for Pakistan in Australia, Her Excellency Neala Chohan;
 - (ii) the Consul-General of Pakistan in Sydney, Mr Abdul Yousafani;

- (iii) Mr Jihad Dib, MP, member for Lakemba and shadow Minister for Education, parliamentary host for the event;
 - (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, also representing the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism;
 - (v) Dr Mehreen Faruqi, MLC;
 - (vi) Ms Julia Finn, MP, member for Granville;
 - (vii) Pastor Azam Anthony;
 - (viii) Pastor David Khan, Care Ministries International (Australia);
 - (ix) Mr Amer Akhtar, Chairman, Pakistan Minority Alliance in Australia;
 - (x) Mr Tahir Naveed Chuadhary, Chairman and Founder, Pakistan Minority Alliance in Pakistan;
 - (xi) Mr Riaz Shakeel, Public Relations Officer, Pakistan Minority Alliance in Pakistan; and
 - (xii) Mr Mushtaq Barkat, Barkat Foundation.
- (c) the Pakistan Minority Alliance was founded in Pakistan as an organisation representing Christians and other religious minorities and is committed to human rights and interfaith social harmony.
- (2) That this House commends the efforts of the Pakistan Minority Alliance [PMA] Australia for its work on human rights and inter-faith harmony particularly its committee comprising:
- (a) Amer Akhtar, President;
 - (b) Patras Hukmi, Event Coordinator;
 - (c) Imran Aktar, Media Coordinator;
 - (d) Mariyah Khan, Administrator; and
 - (e) Elina Johnson, Finance.

Motion agreed to.

WESTERN DIVISION COUNCILS OF NSW ANNUAL CONFERENCE

The Hon. PETER PRIMROSE (11:07): I move:

- (1) That this House notes that the 2017 annual conference of the Western Division Councils of New South Wales was held on 27 to 28 February at Dareton, and was hosted by Wentworth Shire Council.
- (2) That this House congratulates the President, Councillor Leigh Byron, councillors and all others who were involved in making the conference such a great success.

Motion agreed to.

REPUBLIC OF KAZAKHSTAN TWENTY-FIFTH ANNIVERSARY OF INDEPENDENCE

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

- (1) That this House notes that:
 - (a) on Friday 2 December 2016 at the Amora Hotel Sydney, the Consul-General of the Republic of Kazakhstan in Sydney Mr Murat Smagulov, together with his wife, Mrs Nailya Mukanova, hosted a reception to celebrate the twenty-fifth anniversary of the independence of the Republic of Kazakhstan; and
 - (b) those who attended as guests included:
 - (i) consular representatives from numerous nations;
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, also representing the Hon. John Ajaka, MLC, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism;
 - (iii) Mr Igor Skryabin, representing the Australian National University;
 - (iv) Ms Sandra Margon, representing the Vice-Chancellor of the University of Sydney;
 - (v) representatives of numerous Australian commercial enterprises; and
 - (vi) members and friends of the Kazakh-Australian community.
- (2) That this House:
 - (a) congratulates the Republic of Kazakhstan on the twenty-fifth anniversary of its independence; and
 - (b) extends greetings and best wishes to the Kazakh-Australian community.

Motion agreed to.

EMPEROR OF JAPAN EIGHTY-THIRD BIRTHDAY

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

- (1) That this House notes that:
 - (a) on Tuesday 6 December 2016, a reception to mark the eighty-third birthday of His Majesty, Emperor Akihito, Emperor of Japan, was held in Bellevue Hill, hosted by the Consul-General of Japan, Mr Keizo Takewaka; and
 - (b) the celebratory event was attended by several hundred civic, diplomatic and community dignitaries and members and friends of Sydney's Japanese community.
- (2) That this House:
 - (a) congratulates and extends its best wishes to His Majesty, Emperor Akihito, Emperor of Japan, on the occasion of his eighty-third birthday; and
 - (b) extends its best wishes to New South Wales' Japanese community.

Motion agreed to.

OBERON COMMUNITY

Mr DAVID SHOEBRIDGE (11:10): I move:

That this House:

- (a) commends the work of the Oberon community, its council and residents' groups in standing up for their local democracy and defending their right to control their own local affairs;
- (b) expresses its appreciation for the local leadership provided by Mayor Kathy Sajowitz and the team of Oberon councillors and staff over the past four years; and
- (c) confirms its respect for local government as an essential pillar of government in New South Wales.

Motion agreed to.

WHITE RIBBON DAY

The Hon. SHAOQUETT MOSELMANE (11:10): I move:

- (1) That this House notes that:
 - (a) on Friday 25 November 2016 the Hon. Shaoquett Moselmane, MLC, Opposition Whip, together with long-term White Ribbon Ambassador, Mr Vincent De Luca, OAM, hosted a reception for White Ribbon Day in support of stopping violence against women;
 - (b) more than \$38,000 was raised for the White Ribbon Foundation, with Mr Roy Mustaca, OAM, of United Cinemas generously donating \$16,000;
 - (c) dignitaries attending the reception included:
 - (i) the Hon. Gladys Berejiklian, MP, Premier of New South Wales;
 - (ii) the Hon. Victor Dominello, MP, Minister for Finance, Services and Property;
 - (iii) the Hon. Fred Nile, MLC, Assistant President of the Legislative Council;
 - (iv) Ms Jenny Aitchison, MP, shadow Minister for Prevention of Domestic Violence and Sexual Assault;
 - (v) former member of the Legislative Council Ms Marie Ficarra;
 - (vi) Aunty Norma Ingram, who gave an Acknowledgement of Country;
 - (vii) Mr Clint Newton, White Ribbon Ambassador; and
 - (viii) Mr Peterson Opio, Mr Nicholas Cowdery, AM, QC, Ms Felicity Beissman, and Ms Eileen Leather from the White Ribbon Foundation;
 - (d) local government representatives in attendance included Ms Kylie Ferguson, Northern Beaches Council; Ms Katherine O'Reagan, Woollahra Council; Mr Leon Goltsman, Waverley Council; Mr John Rayner, Georges River Council; Mr Tony Fasanella and Mr Michael Megna, Canada Bay Council; Mr Noel D'Souza, Mr Scott Nash, and Mr Anthony Andrews, Randwick Council; Ms Jenny Anderson, Ku-ring-gai Council; Mr Tony Mustaca, OAM, Willoughby Council; and Mr Tony Bleasdale and Ms Carol Ashworth, Blacktown Council;
 - (e) volunteers assisting with the organisation of the event included Mr Sandor King, Mrs Robyn Yazbeck, Ms Cheryl Forbes and Mr Julien Vincent;
 - (f) sporting and community leaders attending included Mr David Trodden, Chief Executive Officer, New South Wales Rugby League; Mrs Diane Langmack, OAM, Penrith Panthers; Mr Neil Bare, Ms Jodie Evans, Mr Trent Barrett, Mr Brenton Lawrence and Mr Nate Myles, Manly Warringah Sea Eagles; Ms Kay Kelly,

Mr Neale Vaughan, Mr Jack Miller and Mr Gary Callaghan, Blacktown Workers; Ms Wendy Archer, AM, and Ms Carolyn Campbell, Netball New South Wales; Mr Shane Hamilton, Chief Executive Officer, New South Wales Aboriginal Housing Office; Ms Sarah Neill, New South Wales-ACT Girl Guides; Ms Kylie Hearne and Ms Sherrie Morton, New South Wales Touch Football; Ms Sally Fennell and Ms Nola Barkl, AM, National Council of Women; Mr Jim Longley, New South Wales Family and Community Services; Ms Jenny O'Keefe, Ms Sandra Marks, Ms Heather Smith and Dr Howard Bell, OAM, Amnesty International; Ms Roslyn De Luca, OAM, Ms Coralie Newman, OAM, Ms Raeleene Turner, Ms Margaret Murden, Ms Jenny Webster, Ms Vicki Elsley, Mr Dunstan De Souza, Ms Jenny Walker, Mr Phil Crawford, Mr Phil Lambert, AM, Mr John Grant, AM, and Ms Mary Digiglio;

- (g) generous donations and prizes were provided by Mr Ali Abraham, Mrs Jane Abbott-Vincent, Mrs Imelda Roche, AO, Mrs Joan Van Lieshout, Mrs Gina Rinehart, the Hon. Tony Abbott, MP, the Hon. Gladys Berejiklian, MP, Mr Rory Hampson, Mr Michael Mannington, Mr Mark Schreuder, Ms Rosita Luk, Mr Terry Hughes, Ms Ronda Kimble, OAM, Mr Stuart Wye, Mr Trevor C Rowe, Senator the Hon. Concetta Fierravanti-Wells, the Hon. Paul Green, MLC, the Hon. Virginia Judge, Mr Garry Hatcher, Stella Blu Restaurant, Dee Why, Pappardelle Restaurant, Haberfield, Manly Warringah Sea Eagles Rugby League Club, Penrith Panthers Rugby League Club, Netball New South Wales and Mr Martin Pappas; and
 - (h) Mr Tim Gilbert of Channel 9's *The Today Show* and Mr Tyler De Nawi of Channel 9's *Here Come the Habibs* generously donated their time as auctioneers and special guests.
- (2) That this House acknowledges and commends the White Ribbon Foundation and White Ribbon Ambassador and long-term organiser of the event, Mr Vincent De Luca, OAM, and all sponsors and volunteers for their continued outstanding work in prevention of violence against women.

Motion agreed to.

PAKISTAN RESOLUTION DAY

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

- (1) That this House notes:
 - (a) 23 March is Pakistan Day, otherwise known as Pakistan Resolution Day or Republic Day, commemorating the date on which the Lahore Resolution was adopted in 1940;
 - (b) on the same date in 1956 the first constitution of Pakistan was adopted and enforced by the Pakistani Constituent Assembly, representing the changeover from the colonial Dominion of Pakistan to the independent Islamic Republic of Pakistan; and
 - (c) the Pakistani community in Australia has made important contributions and has helped make Australia a very successful multicultural nation.
- (2) That this House notes the significance of Pakistan Republic Day and congratulates the Australian Pakistani community in New South Wales on its contribution to the progress of our nation.

Motion agreed to.

TRIBUTE TO MR TONY KAZZI

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

- (1) That this House notes that:
 - (a) Mr Tony Kazzi, editor in chief of the Arabic newspaper *El Telegraph*, is the proud recipient of the prestigious medal of the Order of Australia;
 - (b) the Greenacre father of three was born in 1958 in the coastal village of Jieh, Lebanon;
 - (c) in 1979 Mr Kazzi completed a Diploma in French Literature and Civilisation and in 1981 he graduated from the Lebanese University [Beirut] with a Masters Degree in Literature and Languages;
 - (d) in 1988 when his village of Jieh was destroyed, Mr Kazzi migrated to Australia joining 750 families who fled Lebanon to make a new home in Australia;
 - (e) Mr Kazzi pursued a career in teaching as well as journalism, writing for the Lebanese *An-nahar*, *Sada Loubnan* newspaper, *Ishaa Elmarouni Monthly Magazine*, *Al-Bairak* newspaper and *El Telegraph* newspaper and was program manager at Australian Lebanese Broadcasting [Pay TV];
 - (f) in 1996 Mr Kazzi became the editor in chief of *El Telegraph* newspaper and continues in this role to this day;
 - (g) Mr Kazzi is also a writer, poet and author publishing more than 17 books, including *Brilliant Faces*; and
 - (h) Mr Kazzi is a credit to the community and is worthy of recognition.
- (2) That this House congratulates Mr Tony Kazzi on receiving the prestigious Order of Australia medal.

Motion agreed to.

*Documents***UNPROCLAIMED LEGISLATION**

The Hon. SCOTT FARLOW: According to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 7 March 2017. [*During the giving of notices of motions*]

*Notices***PRESENTATION**

The PRESIDENT: I remind members that the rules permit a copy of a lengthy notice of motion to be made available at the table. This course of action is at the discretion of the member giving the notice.

*Business of the House***POSTPONEMENT OF BUSINESS**

Mr DAVID SHOEBRIDGE: I move:

That Business of the House Notice of Motion No. 1 be postponed until Wednesday 29 March 2017.

Motion agreed to.

The Hon. DON HARWIN: I move:

That Government Business Notice of Motion No. 1 be postponed until a later hour.

Motion agreed to.

*Rulings***SUPPLEMENTARY QUESTIONS**

The PRESIDENT (11:19:0): Yesterday I reserved making a ruling on two matters. The first was in relation to a supplementary question and the use of the word "elucidation". The Hon. Robert Brown had indicated that a member failed to use the word "elucidation" and therefore the supplementary question was out of order. I reserved my ruling in that respect. Standing Order 64 (4) states:

At the discretion of the President, one supplementary question may be immediately put by the member who asked a question to elucidate an answer.

During question time yesterday I reserved my ruling on a point of order that the word "elucidation" must be used in a supplementary question. As ruled by President Primrose in 2009 and President Harwin in numerous rulings, supplementary questions must be directly related to the answer given by a Minister and must seek to elucidate, that is, make the answer clearer. As ruled by President Fazio in 2010, using the word "elucidate" in a question and then repeating part of the original question does not make it a supplementary question. Just as the use of the word "elucidation" does not mean that a supplementary question is in order, the use of words other than "elucidate" does not automatically mean that a supplementary question is out of order. Rather, the test of a true supplementary question is that it must seek to make clearer an aspect of an answer given by a Minister or expand on it by providing additional information to part of an answer that has been given.

HYPOTHETICAL MATTER

The PRESIDENT (11:21:0): In relation to the second matter, under Standing Order 65 (1) (g) questions must not contain "hypothetical matter". During question time yesterday I reserved my ruling on a point of order that a supplementary question from the Hon. Adam Searle was a hypothetical question. The question was:

In light of the Minister's answer, will he elucidate whether he is prepared to rule out the privatisation or long-term lease of Sydney Water Corporation, or any part of its operation?

The current rules for questions were first adopted by the Legislative Council in May 2001 and reflected the rules for questions that then applied in the Australian Senate. Interestingly, there have been very few rulings since 2001 defining "hypothetical matter". A question that asks, "If event X happens in 12 months' time, will the Government undertake action Y?" is clearly hypothetical. There will be some circumstances where a question containing the words "Will you rule out ..." will be out of order, but that wording in itself does not mean a question is out of order.

I remind members that, as ruled by President Primrose in 2009 and President Harwin in 2014, questions may be put to a Minister relating to public affairs with which the Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which the Minister is responsible. It is conceivable that there will from time to time be matters that are the subject of public debate and interest where a question

using the wording "Will you rule out ...?" will be in order. The supplementary question—the subject of the point of order yesterday—was, in my view, in order. I also remind members that a Minister should not debate the question, the Minister's answer should be generally relevant, and the Minister may answer the question in the way the Minister sees fit.

Business of the House

PRECEDENCE OF BUSINESS

The Hon. DON HARWIN: I move:

That on Wednesday 8 March 2017 proceedings be interrupted at approximately 6.00 p.m., but not so as to interrupt a member speaking, to enable Ms Dawn Walker to make her first speech without any question before the Chair.

Motion agreed to.

Bills

SPORTING VENUES AUTHORITIES AMENDMENT BILL 2017

Second Reading

The Hon. RICK COLLESS (11:29): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

The objective of the Sporting Venues Authorities Amendment Bill 2017 is to amend the Sporting Venues Authorities Act 2008 to give the Government full control and governance over the Stadium Australia business, currently known as ANZ Stadium, under Venues NSW, following its return to government ownership in July 2016. With the Government buying back the leasehold rights for Stadium Australia in July 2016, the Government has reached the point where all major stadia are now government owned and controlled. The major stadia include ANZ Stadium, Allianz Stadium, the Sydney Cricket Ground, Western Sydney Stadium at Parramatta, McDonald Jones Stadium in Newcastle, and WIN Stadium in Wollongong.

I turn to the comments made by the member for Fairfield in another place. He tried to imply that the stadia in Parramatta, Newcastle and Wollongong are regional. Nothing could be further from the truth. They are not regional stadia; they are in major metropolitan areas. There is an almost continuous metropolis from the north of Newcastle to the south of Wollongong, and they are in that major metropolitan area. The key point to make is that Parramatta is about as far west as members of the Opposition ever get. They do not understand regional sporting facilities and stadia that are west of the mountains. I advise the House that a reform of governance will have no impact on this Government's investment in community regional sporting programs. The New South Wales Government has delivered on its election commitments and has invested tens of millions of dollars in regional community sporting facilities. Since 2011 the Government has also invested some \$34 million in more than 2,700 projects—

The Hon. Lynda Voltz: Point of order: I refer to the long title of the bill and ask that the Parliamentary Secretary be brought back to the bill before the House.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): Order! The Parliamentary Secretary will confine his remarks to the long title of the bill and its contents.

The Hon. RICK COLLESS: The Government has spent a lot of money on regional sporting programs. Opposition members in debate in the other place indicated that the definition of regional stadia includes those in Newcastle, Parramatta and Wollongong. Major regional projects include \$1 million for the next stage of the Northern Inland Centre of Sporting Excellence at Tamworth, which will offer high-quality, modern facilities for multiple sports. An additional \$3.25 million—

The Hon. Lynda Voltz: Point of order: We are considering the Sporting Venues Authorities Bill 2017. I ask that the Parliamentary Secretary be brought back to the long title of the bill.

The Hon. Dr Peter Phelps: To the point of order: The tradition of this House is that second reading debates are generally broad and include points that are relevant to wider topics than those covered by the bill. While, strictly speaking, this bill relates to the administration of sporting stadiums, the key component is that it deals with sport in regional areas. On that basis, given previous rulings and the latitude granted to second reading speeches and debate during the Committee stage—although not to speeches on the third reading—I believe the Minister is within the leave of the bill and the generally accepted conventions of this House.

The Hon. Lynda Voltz: To the point of order: I have no problem with the Parliamentary Secretary outlining what the Government identifies as regional stadiums under the sporting venues authorities—which are

Parramatta, Newcastle and Wollongong stadiums. All the venues he is talking about at the moment are not under the purview of the Sporting Venues Authorities Amendment Bill 2017, which is the bill we are considering.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): Order! I ask the Parliamentary Secretary to confine his remarks to the bill before the House. He should outline the purpose of the bill and explain its importance for the State.

The Hon. RICK COLLESS: I am trying to point out that Opposition members in another place referred to the stadiums at Parramatta, Newcastle and Wollongong as regional. The Government does not see them as regional; they are metropolitan stadiums. A large amount of money has already been invested in regional stadiums. This bill will have no impact on the future of regional sporting stadiums and facilities outside Sydney, Newcastle, Wollongong and Parramatta. That is the point I am trying to get across to Opposition members. They seem nervous about accepting the details on the amount of money that has been spent on sporting facilities in regional New South Wales—outside Newcastle, Wollongong and Parramatta. The proposed amendments to the Sporting Venues Authorities Act will consolidate the governance structures for the stadia network from three entities to two. Those amendments will enable network-wide planning and decision-making.

Many of the drivers and influences are outside the direct control of the single venue owners but are enhanced or facilitated through decisions made at the network level. Governance reform for the stadia network will be possible through approval of those amendments to the Sporting Venues Authorities Act. The proposed amendments will ensure a number of benefits and outcomes for the State, including economic benefits such as the attraction of events and associated tourism to New South Wales, thereby enhancing the visitor economy, and community and social benefits such as amenity enhancement in areas surrounding the venues, thereby improving liveability for the people of New South Wales. It will also enhance sporting outcomes through improvements in the elite pathway for professional sport. Our world-class athletes deserve world-class facilities.

The proposed amendments to the Sporting Venues Authorities Act will permit full governance of ANZ Stadium and support the realisation of the benefits of the State-owned stadia network. The proposed amendments to the Sporting Venues Authorities Act will give the Government vesting powers through Venues NSW to become a party to ANZ Stadium contracts and facilitate the efficient transfer of ANZ Stadium assets and liabilities to full government control, and ensure that Venues NSW compliance with the vesting orders is exempt from the application of section 45 of the Commonwealth Competition and Consumer Act 2010. Section 45 of the Competition and Consumer Act 2010 prohibits entering into or giving effect to a contract that has the purpose or is likely to have the effect of substantially lessening competition in the market. Section 51 of the Competition and Consumer Act provides that the State can exclude certain activities from the operation of section 45 by way of legislative provision, such as that contained in the bill.

The vesting powers will ensure that the rights of members of the ANZ Stadium remain intact and that the ANZ Stadium operator, VenuesLive, negotiated contracts, including naming rights and other valuable assets, remain current. The amendments give the Government the opportunity to develop efficiencies for tenants and hirers to make the New South Wales stadium network more attractive and more efficient and to meet the current expectations of local, national and international sports and event professionals. The proposed improved stadia governance arrangements that the amendments will deliver will allow the Government to realise synergies across the stadia network, including: improved hiring agreements; better matching of supply and demand of sporting content and other major events to the appropriate facilities; an enhanced ability to offer a coordinated offering to attract large events; benefits from joint catering operations; benefits from joint procurement of supply rights such as ticketing and pourage rights; benefits from joint sponsorship opportunities; and economies of scale in operating expenses.

These legislative amendments will allow Venues NSW to support and concentrate on the delivery of the new Western Sydney Stadium at Parramatta and the redevelopment of ANZ Stadium. Streamlined, consistent and transparent governance over ANZ Stadium—alongside those venues currently overseen by Venues NSW, including the Western Sydney Stadium at Parramatta, Newcastle Stadium and Wollongong Stadium—will serve to maximise the Government's return on stadia investment and contribute positively to the visitor economy and the liveability of this State for residents of New South Wales. With these amendments, the State's major stadia precincts will be governed to maximise commercial viability and community benefit and the effective coordination of major events. I stress that this bill will not have any effect on regional stadia and sporting facilities outside Newcastle, Parramatta and Wollongong. I commend the Sporting Venues Authorities Amendment Bill 2017 to the House.

The Hon. LYNDIA VOLTZ (11:42): I lead for the Opposition in debate on the Sporting Venues Authorities Amendment Bill 2017. I state from the outset that the Labor Opposition opposes the bill. Since the release of the Brogden Stadia Strategy Implementation Report, the handling of the Stadia Strategy by the Minister for Sport has been a disaster. This is the first legislation that the Minister has brought to the Chamber. From the

start, the Minister for Sport has managed to take a \$1.6 billion investment in stadiums and turn it into a dog's breakfast. The vesting of a single authority in the bill before us is particularly concerning. The Brogden report recommended that a single governing entity be established for the Sydney Cricket Ground [SCG], the Sydney Football Stadium, Stadium Australia, Parramatta Stadium, the new 15,000-seat indoor facility, and the new Greater Western Sydney Stadium to maximise commercial viability and the coordination of sports and events. But of course that was when the Sydney Cricket and Sports Ground Trust had signed a heads of agreement and thought it was getting a new 55,000-seat stadium at Moore Park. On 3 September 2015 the *Sydney Morning Herald* reported:

The Minister cited an offer from the leaseholder and a desire to consolidate the management and operations of Sydney's stadiums under a single governance model as reasons why the government would consider buying the stadium.

An article in the *Australian* on the 10 February 2016 stated:

Mr Ayres also said the creation of a "super trust" to manage Sydney's major venues as part of the Government's \$1.6 billion stadium redevelopment plan would create an entity with positive cash flows and reduce cross city duelling for major events.

Yet this is not the legislation we see before us. Indeed, in responding to the second reading debate, the Minister for Sport stated:

I have made it clear that until we invest more in the SCG venues we should not merge those governance entities. They should not be merged until we have managed all of the delivery arrangements across the venues.

Not only do we not have a trust that deals with the Sydney stadiums in a single trust but also we have regional stadiums picking up the debt of the largest competitor in the market. Those stadiums will carry an estimated debt of \$220 million. Let us do the sums and consider the likelihood of investment in the Sydney Cricket Ground. The Government has allocated \$1.6 billion to its Stadia Strategy—which depends, by the way, largely on the sale of the Land and Property Information [LPI]. Although it has given no indication of how much the Sydney Olympic Park stadium upgrade will cost, Stadium Australia indicated at the time a cost of \$750 million for the reconfiguration of the grounds and the roof. When the Government finally announced its decision to build there, it put no cap on expenditure. But let us take the \$750 million figure at face value. I note that the original allocation for Parramatta Stadium was \$300 million but it has already grown to \$360 million.

On top of that, the Government promised \$40 million to the National Rugby League [NRL], which was meant for "development centres". However, I notice on the application form that it now allows for investment in stadiums, particularly the tier 2 stadiums that the Government originally argued against. The Government is allocating \$150 million to \$200 million for a 15,000-seat indoor sports stadium in the central business district and it is currently putting together a report about that. If we round up those figures, we get a total of \$1,350 million. That is before we add in the \$220 million that the Government spent buying Sydney Olympic Park stadium—which would have returned to government ownership in about 12 years anyway. That is a lot of money when the Government has not yet sold the LPI—a sale that is pretty resoundingly opposed by anyone who matters.

Here is the argument the Government cannot get around. In its own words, it needed to spend \$220 million to own the Sydney Olympic Park stadium to oversee the construction. But now we are presented with the argument that it will not take control of the Sydney Cricket Ground trust because it does not want to oversee the construction. Let us face it, the Government has no plans to place the Sydney Cricket Ground trust into a single Sydney Stadia Strategy at any stage. That undermines the Government's underlying argument, which the Minister has repeated, that it will allow the Government to realise synergies across the stadia network, including improved hiring agreements; better matching of supply and demand of sporting content and other major events to the appropriate facilities; an enhanced ability to offer a coordinated offering to attract large events; benefits from joint catering operations; benefits from joint procurement of supply rights such as ticketing and pourage rights; benefits from joint sponsorship opportunities; and economies of scale in operating expenses. And herein lies the problem for the Government.

The Coalition Government wanted to remove the competitive nature of the State-owned stadiums across Sydney. In particular, it wanted to remove the competition between the SCG and the Sydney Olympic Park venue. This bill increases competition. Indeed, it gives the Sydney Cricket Ground a competitive advantage over the Sydney Olympic Park venue—the very venue that is receiving the bulk of taxpayers' money for an upgrade. If we examine the business case for Parramatta Park, we see why this is a huge problem. The environmental impact statement for the stadium indicated that a total of 43 to 44 events would be held at the venue. The Government breakdown of events is: Western Sydney Wanderers, 11 to 12; the Parramatta Eels, 10; and others—which we assume are finals or concerts—one. That is a total of 23 events for a stadium that the Government says needs to hold 43 to 44 events. The other 20 events included: NRL team two, 10; and NRL team three, 10.

I urge Government members to do as I have done and ask around a few NRL teams to see which club will be moving its games to Parramatta Stadium. When I asked a few NRL clubs that question I received only

looks of astonishment. Given it is International Women's Day, I note that no women's games are scheduled to be held at the stadium. The NRL probably got the same astonished response when it tried to push the barrow to invest the stadium funding in Moore Park. At the time, the only Government support for that proposal came from the Minister for Sport, Stuart Ayres. The clubs basically went into riot mode at the NRL's suggestion. An article in *Sydney Morning Herald* stated:

The Roosters, Rabbitohs and Dragons would be encouraged to play at a new or upgraded 60,000 seat stadium at Moore Park, while Parramatta, Wests Tigers and Penrith could host matches at a rebuilt 35,000 seat stadium on the site of the Eels current home ground. Under the terms of the \$925 million free-to-air broadcast deal, the NRL will control the scheduling of matches from 2018 and could guarantee the number of games to be played at the venues, with agreement from the clubs. So the Parramatta Stadium build and the \$360 million business case still rests on three NRL teams playing there. But that is unlikely to happen under this bill—despite the Minister's statements about the better matching of supply and demand of sporting content and other major events to the appropriate facilities. Indeed, the moment the Government attempted to better match facilities and content, the Sydney Cricket Ground trust—which is an extremely experienced sports administrator and very keen for the ground to be seen as Sydney's premium stadium—would offer its facility with open arms. Wests Tigers and Penrith Panthers—teams that are emphatic they will not play at Parramatta—will not be matched to venues as the Government wanted. That policy has been undermined by this bill.

No plausible explanation has been given as to why Sydney Olympic Park stadium is being placed under this single entity but not the Sydney Cricket Ground, nor has it been explained why it has been tied to the regional stadiums. I use the term "regional" because that is how the Government has described the stadiums at Newcastle and Wollongong. It is concerning that during the recent transition from one Premier to another, media reports began to appear about a change in stadium funding. According to those reports, the Government was reconsidering where its investment was going. By "the Government reconsidering", I presume it means the Minister for Sport. There is little doubt that the Minister for Sport has continued to pursue a change of policy to move the funding away from the Sydney Olympic Park stadium and back to the Sydney Cricket Ground trust.

Indeed, I am bailed up with monotonous regularity about what the Labor Party's position will be when the decision is overturned based on conversations with the Minister. Here we see it again: the only New South Wales Government venue exempted from a single governance strategy is the Sydney Cricket Ground. The Minister for Sport does not have a plausible vision for a stadia strategy. The *Daily Telegraph* of 12 February 2016 quoted the Minister for Sport as saying at a Committee for Sydney function that the Government would spend \$300 million to \$350 million on the new Parramatta Stadium and \$800 million on the Moore Park stadium, and that the remainder of the \$1.6 billion in funding would be set aside for the new indoor stadium at Homebush. Last on the list was the Sydney Olympic Park stadium.

I turn now to the Government's handling of the Parramatta Stadium rebuild. There has been a deliberate attempt to keep information from the public for as long as possible regarding the demolition of the Parramatta and District War Memorial Swimming Pool. In February 2015, the member for Parramatta said that the pool would not close. In June 2015, the member confirmed in his local paper that there were no plans to remove or move the pool. Now the member for Parramatta is facing the outrage of local residents over the pool's demolition. When were the Liberal member for Parramatta and his community informed about the closure of the pool? In February 2016 the Office of Sport lodged a Standard Secretary's Environmental Assessment Requirements [SEARs] application with the Department of Planning. That application clearly showed the design for the stadium being built over the pool.

When did the Minister inform the council that the pool was to be demolished? Surprise, surprise, it was at the same time it was lodging the SEARs application with the Department of Planning—which was to be a public document. Elected councillors met with the Minister for Sport in February, when they were told that the pool would be problematic. The councillors then demanded that the Government rebuild the pool on site or fund the building of another one. For a year the member for Parramatta said that it would be too expensive to close the pool or to move it, as had been mooted by UrbanGrowth. When was the local member told that the pool would be closed? It was two days before the local council was informed. With friends like the Minister for Sport helping him out in his local electorate he does not need enemies.

The Hon. Niall Blair: Point of order: Although I am interested in the history lesson that the Hon. Lynda Voltz is giving the House about Parramatta, she is now straying outside the long title of the bill. The member should be generally relevant to the long title of the bill.

The Hon. Shaoquett Moselmane: To the point of order: The Hon. Lynda Voltz is entitled to wide latitude in her contribution to the second reading debate. Indeed, the Hon. Dr Peter Phelps indicated earlier that this was standard.

The Hon. LYNDIA VOLTZ: To the point of order: We are debating the Sporting Venues Authorities Amendment Bill 2017. The bill deals specifically with the Parramatta, Wollongong and Sydney Olympic Park stadiums.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The point of order related to the member's remarks about Parramatta pool, not the stadium.

The Hon. LYNDIA VOLTZ: Further to the point of order: Parramatta Stadium is being built over the pool. But I am happy to move on.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I thank the member.

The Hon. LYNDIA VOLTZ: The words "chaotic shambles" comes to mind whenever the Minister for Sport gets his fingers on any government infrastructure. I find it remarkable that the Premier has left him in charge of major infrastructure such as WestConnex—although the term "hospital pass" springs to mind. The Sporting Venues Authorities Trust structure places the Sydney Olympic Park stadium in a single trust alongside regional stadiums at Wollongong, Newcastle and Parramatta. Whilst Parramatta Stadium is receiving a significant upgrade, neither Wollongong nor Newcastle have received any investment. Importantly, the Newcastle Showground has been caught up in this trust in a way not envisaged in the original 2008 bill. That bill specifically stated the showground was not to be charged for the use of its lands. However, I understand it has been charged a significant amount for the entertainment centre—land formerly under its control—and that the car park revenue from the farmers markets has been withheld by the trust. Those financial impacts are greatly detrimental to the Newcastle Showground.

The 2008 inclusion of the Newcastle Showground was intended to allow more government investment to flow not only to the showground but also to the stadium and surrounding precincts to produce a more integrated site. Under the previous Labor Government, a draft master plan was created to ensure this would happen. Not only has this Government failed to act on that master plan but also neither Newcastle nor Wollongong has received any upgrades from the \$1.6 billion stadium spending by the Berejiklian Government. However, they are now captured in a trust that includes the Sydney Olympic Park stadium which is carrying a debt of \$220 million that the Government has stated must be repaid from revenue raised. According to the Government's original statements, we could have expected to see two trusts: one to cover the Sydney State-owned stadiums to limit cross-city competition, and one for the regional stadiums—that is, if the original Stadia Strategy is to be believed.

This bill has two of the city stadiums within six kilometres of each other in an uncompetitive trust tied to the regional stadiums, while the Sydney Cricket Ground operates in the open market. Events such as the State of Origin, rugby union test matches, Socceroos games, the Indigenous All Stars games and visits by overseas teams such as Manchester United and American baseball teams are secured in a competitive market not only nationally but also in New South Wales. The Government has not explained why the Sydney Olympic trust is not running as a standalone trust, on the same footing as the Sydney Cricket Ground trust. There is no vesting impediment that prohibits the Government from doing that. I am not convinced by the arguments put forward by the Minister for Sport, given his track record. Labor will oppose the bill.

In the lower House the Labor Party foreshadowed amendments to the bill concerning the Newcastle Showground. That appears to have spurred the Government into action. Last week the Hon. Catherine Cusack announced that the Government has allocated \$40,000 to ensure that the Newcastle show will proceed and that the Government will undertake a review of alternative revenue streams. The Labor Party will keep a close watch on that review. If we believe there has been no movement on this matter, we reserve the right to introduce a private member's bill to separate the Newcastle Showground and lands from the current trust structure. The ball is now firmly in the Government's hands.

Mr JUSTIN FIELD (11:58): On behalf of The Greens, I make a short contribution to debate on the Sporting Venues Authorities Amendment Bill 2017. As the Parliamentary Secretary said, the Government bought back leasehold rights for Stadium Australia in July 2016 and now all major stadia in New South Wales are government owned and controlled, including ANZ Stadium, Allianz, the Sydney Cricket Ground, the new Western Sydney Stadium at Parramatta, WIN Stadium in Wollongong and McDonald Jones Stadium in Newcastle, once it is constructed.

This amendment will result in the stadia being governed by two entities in New South Wales instead of three. For The Greens the question is: Why is it not one? The Greens agree with the concerns raised by the Hon. Lynda Voltz, and we will not support the bill for those reasons. Why has the Government decided to leave the Sydney Cricket Ground Trust and the venues it controls outside of this consolidation? In his second reading speech, the Minister for Sport acknowledges that many of the drivers and influences that attract events and negotiating with sports is outside the direct control of a single venue owner and can be enhanced or facilitated through decisions at a network level. In general, that is a fair point. So why not ensure that the network is complete so that the Government can achieve its stated aim?

I acknowledge the willingness of the Minister to meet with me to discuss this bill. It was made clear to me that it is the intention of the Government to bring all stadiums, including those currently controlled by the Sydney Cricket Ground Trust, under a single consolidated governance structure, but that it would not happen until after the completion of the current building work at the new Western Sydney Stadium at Parramatta and the transformation of ANZ Stadium at Homebush. Let us be frank, that is a long way away and, given everything that has happened with the politics of the major stadiums in New South Wales, I question whether it will happen in the long term. That fact undermines a core argument for this legislation. The consolidation of the governance structures leaves the Sydney Cricket Ground and Allianz Stadium at Moore Park separate to the governance of the other stadiums. The argument that this amendment will allow network-wide planning and decision-making clearly does not stack up as there will not be one network but, rather, ongoing competition between venues managed by the two bodies that remain.

Let us keep in mind where the money for the redevelopment at Parramatta and for ANZ is coming from: it is the sale of the world-class Land and Property Information service in New South Wales. While the detail of that sale is outside the scope of this bill, I merely point out the irony in the Government using the argument that public ownership of the stadium and centralised management are essential for the best management and future direction of these venues and their services, given the Government is selling a world-class institution—a secure and essential service the public relies on that keeps housing prices at a minimum and maintains people's confidence in the transfer of properties.

I would make the same case for the Land and Property Information service as the Government has made for the stadiums. I note that the sale is a concern shared by a growing number of professional bodies. Why the different approach by the Government? In the politics of sport and the intentions with regard to special events, it is bread and circuses in New South Wales; there is a big focus on the big events and the stadiums. The Greens recognise the economic, cultural and social value of sport to the New South Wales community and the real value of attracting these major events. My wife will be at the Adele concert on Friday with one of her good friends and I am sure it will be a fabulous night. I will be at home with my son, Banjo.

The Hon. Lynda Voltz: It's not quite a sporting event.

Mr JUSTIN FIELD: It is not quite a sporting event. I know that some of the big economic drivers of stadium events like these are one-off events—they are big contributors, they are a big part of the social schedule in Sydney and I acknowledge that. I point out that there is so much interest in this, yet we read where school groups and community sporting groups are having difficulty accessing sporting fields and green space, and that development is constraining green space. I would like to see more attention paid in this place to access to sport at a community level, and ensuring the availability of facilities. I wonder if the cultural, social and economic value of sport to our community would be better delivered with a little bit more focus on sport on a smaller scale.

It is all about the big, flashy stadiums and events. This bill and the politics are part of that. The reason we will end up with two governance structures instead of one, as recommended in the report the Hon. Lynda Voltz quoted from at the beginning of her contribution, goes to some of the questions around the politics of sport. I am learning a lot in this space at the moment. As The Greens spokesperson for Sport, I have been very interested to hear the public debate. I am influenced by the contribution and the history lesson, to a degree, from the Hon. Lynda Voltz, and I appreciate it.

The Hon. Niall Blair: You are learning from the wrong people. You are learning bad habits.

Mr JUSTIN FIELD: I was not convinced by the Minister, to be honest.

The Hon. Lynda Voltz: You should be the Minister, Niall.

Mr JUSTIN FIELD: I would prefer the Minister for Primary Industries keep his current portfolios. But I was not convinced by the Minister for Sport. Over the next few years I will be very interested to see whether we have the consolidation that was suggested. The Greens will not support this legislation.

The Hon. PAUL GREEN (12:04): On behalf of the Christian Democratic Party, I make a contribution to debate on the Sporting Venues Authorities Amendment Bill 2017. The object of the bill is to give the Government full control and governance over Stadium Australia—known as ANZ Stadium—business under Venues NSW following its return to government ownership in 2016. Venues NSW is a statutory authority that manages government-owned sporting and entertainment venues under the Sporting Venues Authority Act 2008. The Government has advised that the proposed amendments will allow Venues NSW to become a party to ANZ Stadium contracts and facilitate the efficient transfer of ANZ Stadium assets and liabilities. The bill will also ensure that ANZ Stadium members' rights remain protected and that naming rights and other valuable assets remain current.

I am aware that Labor opposed this bill in the other place, Labor's main concern being subsidising debt. I spoke with the Government to ensure that money will not be sucked away from the taxpayers, and especially not from regional venues into city venues. We realise that these venues are important to Sydney, being a global city. If we want to be ahead of the game and get events before Melbourne and other competitors throughout Australia, it is most important that we have the very best to take to the table when we are vying for events. I note that the focus in this legislation is a bit more city-centric, so I will make some comments on regional venues.

The Minister has advised that regional venues will benefit from a government-controlled ANZ Stadium. Venues NSW has established that a coordinated management of stadia maximises government and community outcomes, and allows more economic opportunities for the regions. This amendment builds on the State's competitiveness to retain and attract sporting and major events to New South Wales. The Minister advised that Venues NSW will continue to focus on achieving the best performance for regional venues and communities and will continue to maximise commercial viability, community benefit and the effective coordination of major events to regions that it serves, including the Hunter and Wollongong.

I note the comments of the Hon. Lynda Voltz about ladies' sporting events, which are becoming incredibly popular, as we are seeing with the AFL. I believe now more than ever that we need more big stadiums because we have not really factored in the growth in ladies' sports and how popular they have become. Only one game can be played at a time, and when venues are trying to maximise their dollar and the participation of the community they get one chance to do that every game. If they can maximise the opportunity to get two good teams together they need to fill every seat possible, and that comes back to the opportunities that these new stadiums will provide.

Venues NSW has made it possible for the Hunter to host major events at McDonald Jones Stadium—formerly known as the Hunter Stadium—including the Rugby League All Stars, the rugby league trans-Tasman test, the AFC Asian Cup matches and international rugby union. Wollongong has also hosted international football, including the Matildas—which was a very good event—Nitro Circus and the National Rugby League Charity Shield. WIN Stadium particularly has had some challenges with capital works. Alliances are needed between major stadiums and budgets because regional centres cannot fulfil all their needs in terms of maintaining the asset. WIN Stadium is also home to the mighty Dragons, whom I wholeheartedly support.

The Hon. Scott Farlow: I thought you were a Tigers fan.

The Hon. PAUL GREEN: I was last Friday. I have three teams: the Dragons, Tigers and the Panthers. If they are not on the field I go for someone else because that is the Australian way; we have to pick a team.

The Hon. Lynda Voltz: Whoever is winning.

The Hon. PAUL GREEN: Whoever is winning. Go the Dragons! I am aware that WIN Stadium requires capital works, and I add my support to the stadium and look forward to a positive outcome in the 2017-18 budget. Previously \$31 million was spent on the redevelopment of the western grandstand, which was opened on 15 June 2012. There were issues with the roof due to high winds, and it was redesigned and rejoined. In 2011-12 the southern grandstand of WIN Stadium was allocated \$846,000 from the budget to renew the roof sheeting. During the early stages of the project it was discovered that the corrosion was worse than expected and additional work costing \$248,000 was undertaken and funded through Venues NSW. The total project cost on those occasions was about \$1.94 million.

These are challenges in regional areas, particularly when stadiums that are close to coastal communities overlooking beautiful beaches develop concrete cancer. It will be a constant challenge to meet their maintenance budget. As part of the 2015-16 budget the northern grandstand was allocated \$792,000 to undertake remedial work on the roof, including rust repairs. Expenditure to date has been \$164,000 and the remaining \$628,000 will be spent in the financial year. I note that that is south. Our friends in the north have the annual Newcastle Regional Show. I am sure my colleague the Hon. Catherine Cusack will make mention of that shortly. The Newcastle Agricultural, Horticultural and Industrial Association is a tenant at the Newcastle Entertainment Centre and Showground and conducts the annual Newcastle Regional Show.

This bill does not seek to change any of the access agreements to the sites mentioned previously. The association's access to the showground for the purpose of staging the annual show is preserved in the legislation and it is not proposed to amend any portion of that part of the legislation. No rental fee is charged for the use of the showground, including the entertainment centre, for the show and no rent is charged for the office occupied by the association year round. The Government advised that it provided \$20,000 to the 2015 show and a \$40,000 grant to keep the 2017 show afloat. A review will be undertaken to help secure the future of the 115-year-old iconic event. These are very important infrastructure needs, not just in Sydney but in regional areas.

When I spent some time with our friends at the Tigers, they talked to me about their hopes and dreams to create a centre of excellence to cater for the club's long-term administration and high-performance needs, as well as a significant facility to cater for community programs and organisations. The Government would be wise to assist in that project, which will bring together high-performance and grassroots sport, young people and the community at large in a high-quality, active and attractive environment. It would also encourage high levels of community participation in sport, health and wellness and personal development-oriented activities, and provide visible pathways towards achievement in high-performance sport.

The West Tigers have partnered with the Police Citizens Youth Clubs [PCYC]—which is a great organisation trying to give kids another pathway other than a life of crime on the street—with the aim of enabling the two organisations to work collaboratively towards engaging our next generation, and particularly those most at risk to achieve their full potential in life through sport. I go back to the ANZ Stadium transaction and debt and the bill before the House. The Minister advised that ANZ Stadium pays its own way and the transaction proceeded on the basis that the stadium generates the money needed for the Government to repay transaction price and external debt, which was concerning some members of the House. The Minister has advised that the independent legal commercial and financial due diligence of the stadium demonstrates that the transaction was value for money and will not be a drain on Venues NSW, and I am sure we all would like to see that.

With the new stadium at Parramatta—I know my colleague the Hon. Lynda Voltz has great concerns—I can only add that it is built with 100 per cent Australian steel. The Christian Democratic Party supports the Sporting Venues Authorities Amendment Bill 2017 and encourages the Government to ensure regional venues continue to grow alongside city venues, not only for Wollongong and Newcastle but also in areas such as Coffs Harbour, Tamworth and Wagga Wagga. It is very smart to have a network of stadiums to ensure that our communities far and wide enjoy all the events held at those venues for the good of the people.

When I was the mayor I tried to get the community to three major events a year, whatever they were. It might be a street parade, a sporting event or the local show. Any mayor would be very wise to make sure there is some major event in the city at least three times year that brings people out. Such events enable people to become part of the community and build a wonderful community spirit, to care for each other, to say "Gooday" and "How are you?", to catch up and to make sure that people's wellbeing is at the forefront of their minds. We commend the bill to the House. We do hear the Opposition and The Greens erring on the side of caution on this matter. We have considered the bill and commend it to the House.

[*Business interrupted.*]

Visitors

VISITORS

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I interrupt the business of the House to welcome delegates from the Reserve Forces Day Council, led by Lieutenant Colonel John Moore, retired, who are here for a special event tonight in the parliamentary dining room dealing with the overdue recognition of General Sir John Monash.

Bills

SPORTING VENUES AUTHORITIES AMENDMENT BILL 2017

Second Reading

[*Business resumed.*]

The Hon. CATHERINE CUSACK (12:18): The objective of the Sporting Venues Authorities Amendment Bill 2017 is to amend the Sporting Venues Authorities Act 2008 to give the Government full control and governance over the Stadium Australia business under Venues NSW following its return to New South Wales government ownership in July 2016. Sport and entertainment are at the forefront of what brings regional communities together. Whether it is having the chance to see international performers without having to travel to Sydney or watching national and international sporting events at one's home ground, our sporting and entertainment venues are the lifeblood of regional communities.

Both McDonald Jones Stadium in Newcastle and WIN Stadium in Wollongong are important economic drivers for the regions that support jobs and local businesses. They are important contributors to vibrant and liveable communities. Both stadiums are important venues in the New South Wales stadia network and this is evident from their inclusion in the New South Wales Government's Stadia Strategy, which was released in 2012. McDonald Jones Stadium in Newcastle has a capacity of 33,000. It opened in 1970, with major grandstand additions in 2005 and 2011 and a pitch upgrade in 2015. In fact, on coming to government in 2011 the Coalition

had to fix the western grandstand project, which was plagued with cost overruns. The original budget was \$60 million, but it ended up costing \$80 million.

The WIN Stadium in Wollongong had undergone major upgrade works in 2002 and 2012, with the \$31 million replacement of the western grandstand. This, too, was a troubled Labor project that had to be fixed by the Coalition when the new grandstand roof was damaged during a storm. Venues NSW has been instrumental in bringing major events to Newcastle and Wollongong. Some of the major events held at McDonald Jones Stadium in recent years include: the Rugby League All Stars, the Nitro Circus, the Special Olympics opening ceremony, the 2015 AFC Asian Cup matches, including the Socceroos, and trans-Tasman test matches, including the Jillaroos. McDonald Jones Stadium is also the long-term home to the region's two flagship sporting franchises, the Newcastle Knights and the Newcastle Jets.

Some events at WIN Stadium in recent years include international football, including the Matildas, the Nitro Circus and the National Rugby League [NRL] Charity Shield. WIN Stadium is also the long-term home for the St George Illawarra Dragons. It should also be remembered that it was this Government that was successful in getting Asian Cup matches to Newcastle. The bid, which was led by the Gillard Labor Government and the former State Labor Government, included only Sydney venues—ANZ Stadium, Parramatta Stadium and Allianz Stadium. Therefore, it was fantastic when the Coalition came to government and the former Minister and Venues NSW were able to convince the local organising committee to agree to transfer four games from Sydney to Newcastle.

In recent weeks the financial difficulties experienced by the Newcastle Agricultural, Horticultural, and Industrial Association in the lead-up to last weekend's Newcastle Regional Show have arisen. The association is a tenant at the Newcastle Entertainment Centre and showground site and it conducts the annual Newcastle Regional Show. The showground lands were originally dedicated for the purposes of the show in 1905. This dedication placed constraints on the types of modern-day uses for which the grounds may be used. Venues NSW is responsible for the Newcastle Entertainment Centre and showground and has a management agreement in place with AEG Ogden. I acknowledge the 115-year history of the Newcastle Agricultural, Horticultural, and Industrial Association and the Newcastle Regional Show on the showground site.

The bill does not seek to change any of the access agreements to the site. The association's access to the showground for the purpose of staging the annual show is preserved in the legislation. It is not proposed that any amendment to this part of the legislation would be made. Unfortunately, the show has suffered since 2008 when the authority lost control of its own showgrounds. Labor's Sporting Venues Authorities Act 2008, when first enacted, dissolved the Newcastle International Sports Centre Trust, dissolved the Newcastle Showground and Exhibition Centre Trust, which was trustee of the showground land, transferred the assets, rights and liabilities of the former trusts to the Hunter Region Sporting Venues Authority, and stated that no compensation is payable to or in respect of the Newcastle Agricultural, Horticultural, and Industrial Association as a result of the operation of the Act.

However, section 34 of the Act requires the Sporting Venues authority, which is currently Venues NSW, to allow the association to use a specified part of the authority's land for the association's annual show and provides for the way in which the terms and conditions applying to that use are to be determined. No rental fee is to be charged for the use of the showground, including the entertainment centre for the show. No rent is charged for the office occupied by the association year round. As provided for in the legislation, Venues NSW is able to recover costs from the use of the site during the Newcastle show. These costs include items such as cleaning, security, staffing, utilities and equipment hire. The Government provided assistance of \$20,000 to assist the 2015 Newcastle show. It also stepped in last week with an urgent \$40,000 grant to keep the 2017 show afloat and will undertake a review to help secure the future of the 115-year-old iconic event.

The past few weeks have been extremely stressful and worrying for volunteer members of the show society board. I acknowledge and thank board members and staff for their custodianship of the show society. They have weathered a perfect storm of governance issues and four consecutive years of truly shocking weather, which have undermined attendance and gate takings. I attended the show last Friday and I can confirm that it was very wet. In spite of the weather, more than 20,000 Novocastrians attended. This is tribute to the region's loyalty to the Newcastle show. When the going gets tough the tough get going, and the Anzac spirit has certainly been in evidence in the boardroom of the show society. Members dug in to ensure that the gates could open last Friday, as did the exhibitors, competitors and sideshow operators, whose experience and financial returns have been hit by four years of bad weather. But they carried on regardless to make the show a success.

Next Monday I will meet with president Brett Gleeson, a valiant soul, to discuss the journey ahead for the Newcastle show—to reform its governance internally, and to renew the showground and facilities that were built and cared for by locals over 115 years. I am committed to restoring the facilities and financial capacity required to maintain them to their true owners. I know Brett is eager to look at new directions and broader

partnerships to modernise the show's presentation and offerings so as to make it a truly Hunter Valley-wide showcase that reflects premium industries north, east and south of Newcastle. It is a glorious opportunity and I am very honoured and excited to be able to work on it with the society. These are the reasons one goes into politics.

In conclusion, I thank Minister Ayres and Venues NSW for opening the door to discuss new governance arrangements for the Newcastle show. I acknowledge that many members across all parties, here and in the other place, support this endeavour and all of us want it to work. The New South Wales Government is fully pledged to the effort and will embrace any and all constructive ideas. Most especially, if there are any white knights out there who share the vision of a thriving future for this event, we would love to work with them. I congratulate the Minister and commend the bill to the House.

The Hon. JOHN GRAHAM (12:28): I oppose the Sporting Venues Authorities Amendment Bill 2017. I commend the shadow Minister for her opposition and for spelling out the reasons why the Opposition has come to that conclusion. I commend the contributions of some members in the other place, namely, the members representing the electorates of Newcastle, Port Stephens and Wyong, on one aspect of the bill that I will focus on, which is the impact of the bill on the Hunter and the Hunter stadium. I note that the bill combines Sydney Olympic Park with the following stadia: Wollongong, Parramatta and Newcastle. That is to say, there is one rule for the Sydney Cricket and Sports Ground Trust and one rule for everyone else. The shadow Minister has informed the House that as a part of this plan, the combined body will inherit the \$220 million debt. The shadow Minister has detailed where the \$1.6 billion in funding will be allocated for stadium upgrades, and that is to metropolitan Sydney. That is the story. Those aspects of this plan, approach and bill are of concern to me. The Minister has responded to some of these issues. The Minister states:

It is categorically incorrect that this transaction will somehow take money away from other parts of New South Wales.

...

Nothing in this transaction asks Wollongong or Newcastle to contribute funding to Parramatta or ANZ stadiums.

But nothing in the Government's response or that has been said today in the House suggests that they will get an extra cent. It is an issue of priorities. Government is about priorities, and the people of the Hunter have a right to question whether they are a priority given the publicly spelt-out Government plan. The Minister further stated:

In fact I would argue the opposite.

...

The strengthening of the asset base for Venues NSW and the improvements of cash flow through better quality assets, such as ANZ and Parramatta stadiums, give us an opportunity to continue our long-term investment in Wollongong and Newcastle.

Even if the issue of the \$220 million debt that the stadia have been saddled with is put aside, I ask what long-term investment the Minister is referring to. I may have missed it, as I have only recently entered this place. I invite the Parliamentary Secretary to detail in his response exactly what the Minister is referring to when he speaks of continued long-term investment for the Hunter or Wollongong stadiums. I am unaware of those investments, but I am happy to be corrected. I turn to the second issue. The previous speaker referred to the Newcastle Regional Show. It has been a tough time for the Newcastle show. Newcastle Regional Show president Brett Gleeson publicly stated, "This is as critical a situation as the show has faced in its 115 years". A week ago the Hon. Catherine Cusack delivered the Government's contribution to the debate, which was welcome. A long-term solution is needed for this issue.

I say to the friends of agriculture in the Government: the community is watching, and the shadow Minister has indicated that the Opposition may introduce a private member's bill to pursue the issue. It would assist if the Government acted on its master plan and spelt out the future of these Newcastle venues. These are the issues I wanted to raise. I was cast back in time as I listened to the contribution from the Hon. Catherine Cusack highlighting some of the events at these stadiums. I recall the Asian Cup match on 27 January 2015. It was an Australia versus the United Arab Emirates thriller, where Australia came out on top 2-0. It was a fantastic match in a well-loved community venue. These are the venues that need to receive priority from this Government.

The Hon. SHAYNE MALLARD (12:33): I speak in support of the Sporting Venues Authorities Amendment Bill 2017. In doing so, I congratulate Minister Stuart Ayres for his reform and advancement of the stadia strategy and his work as Minister for Sport and the member for Penrith. Penrith is dear to my heart, as I was born there. The objective of the bill is to amend the Sporting Venues Authorities Act 2008 to give the Government full control and governance over the Stadium Australia, known as ANZ Stadium, business under Venues NSW, following its return to New South Wales government ownership in July 2016.

The bill will enable the Minister for Sport, by vesting orders, to transfer assets, rights and liabilities from the companies that underpin the operation of Stadium Australia to Venues NSW; ensure that the entry into and giving effect to any contract, arrangement or understanding in which assets, rights or liabilities are vested in

accordance with vesting orders made by the Minister is exempt from the application of the Competition and Consumer Act 2010; and preserve the rights of members of Stadium Australia Club Limited during the transition in ownership of Stadium Australia and thereafter.

Members have spoken about the passions and loyalty associated with stadium and sporting facilities. I am familiar with various stadia infrastructure and boards. I was a former trustee of the Centennial Park and Moore Park Trust, which regularly locked horns with the Sydney Cricket and Sports Ground Trust over issues of sporting facilities, activities and land issues. I recognise the issue which The Greens referred to as the politics of sport and how important it is to move forward with stakeholders, fans and the community with these types of changes. I also recognise the history, the passion and the sense of ownership by the community of these stadia. I cast my mind back to experiences I have had at stadia. I am a Rabbitohs fan, and the most famous event at any sporting stadium in Australia was the 2014 National Rugby League [NRL] grand final at ANZ Stadium. Their grand final win followed 43 years in the wilderness.

In the first preliminary final, the Rabbitohs defeated the Roosters 32-22. I hope some members are Roosters fans. That game and the accompanying community spirit was amazing, and the memory still makes the hair on the back of my neck stand up. That is one example of the passions surrounding not just big stadia but also local netball courts and swimming pools. This Government and the Premier have made a commitment to deliver infrastructure to local communities, and part of that commitment is sporting facilities at a local level. The Greens stated that they have not observed the Government doing that. I encourage The Greens to subscribe to lower House members' newsletters. Those newsletters contain announcements of investment by the Government into local sporting facilities. The Greens have not done their homework.

In July 2016 the New South Wales Government, through the State Sporting Venues Authority [SSVA], acquired the Stadium Australia Group, which holds leasehold rights for Stadium Australia. Although the SSVA now wholly owns each of the entities that comprise the Stadium Australia Group [SAG], the acquisition did not bring Stadium Australia under full government control. To meet the obligations of the New South Wales Government under the Commonwealth Competition and Consumer Act 2010, an independent board was established to oversee Stadium Australia. A New South Wales government entity needs to replace the SAG entities as a party to all current contracts, and for this reason the Minister is to be given the power to vest those contracts in Venues NSW.

Key stadia infrastructure with sound governance can deliver the social and economic benefits of a strong cultural and sporting sector, thereby significantly supporting liveability for the people of New South Wales. The stadia are tangible acknowledgements of the importance sport holds in our communities and the pride and economic impact generated by major events. Members from both sides of the House have acknowledged that in contributions to the debate. Joint governance and operation of Stadium Australia within the Government stadia network which includes the new Western Sydney Stadium will result in a number of advantages to the Government, the broader community and the taxpayers of New South Wales. Those advantages include hosting the right events at the right venues through the Government's greater influence over venue selection. It will result in improved outcomes.

It will improve the financial position of all government venues and increase the network's ability to invest in capital upgrades. It will improve utilisation across the stadium network. It will stop hirers playing government venues against each other. That competition results in lower margins for stadium owners, which in turn has an impact on their ability to make the desired investment in facilities. This reform will stop one venue competing with another venue and taking money out of the pockets of the taxpayers of New South Wales. The people of New South Wales will have a stadium network that can deliver commercial outcomes, boost the visitor economy and meet national and international trends in venue design and operation by providing innovative product offerings and customer-centric designs. There will be vigorous efforts to attract major events to our State. In short, it will be a stadia network that the people of New South Wales deserve and that we can be proud of.

New South Wales Government ownership of Stadium Australia also allows the Government to undertake a more effective and cost-efficient stadia redevelopment program. Since the Olympics, every capital city with major sports content has rebuilt old stadiums or built new ones—except Sydney. I will outline the history of that. The Liberal-Nationals Government has made a clear and consistent commitment to return New South Wales to the top of the tree with regard to stadia and sporting assets. That is consistent with our overall management of this State, after 16 years of Labor doing nothing.

The Hon. Lynda Voltz: Who built the Olympic stadiums?

The Hon. SHAYNE MALLARD: That is the point.

The Hon. Lynda Voltz: They were playing catch-up with our investment.

The Hon. SHAYNE MALLARD: After the 2000 Olympics Labor did not spend a dollar on sport. Following the 2000 Olympics our competitor cities and States made investments in their stadia networks. I will outline some of them. Our stadia strategy is part of our innovative asset renewal strategy. Our stadia strategy takes full advantage of the funds allocated. Our priority investments for sportspeople and sports fans, for tourism and for the taxpayers of New South Wales include a new build at Parramatta and upgrades to ANZ Stadium, Allianz Stadium and the Sydney Cricket Ground. The Government has also identified a need for an indoor facility in the central business district and is undertaking a business case for that at the moment. The Government has committed to ensuring that the people of Western Sydney have another stadium in the future. I know there is keen interest in locating that in south-western Sydney. There is also keen interest from the people of Penrith and other areas. That is a debate for another day.

Since the Olympics every capital city except Sydney has invested in a major rebuild of stadia. Victoria, South Australia and Queensland have recently made significant investments in developing world-class sporting facilities, and Western Australia is in the process of investing more than \$1 billion in a new sporting precinct. In September 2015 the New South Wales Government announced the Rebuilding the Major Stadia Network strategy. It is the biggest investment in sport and major event infrastructure in New South Wales since the 2000 Olympics—which the Coalition won for the State. The implementation of the strategy represents a once-in-a-generation opportunity for New South Wales to provide a high-level road map for government investment in the State's stadia infrastructure over the next 15 years. Implementation will ensure that New South Wales does not fall behind its competitors or potentially lose the benefits associated with the winning and retention of quality sports and other events. As we have heard today, those events include performers such as Adele.

The goal is to develop world-class, multi-sport, multi-tenanted sporting hubs with improved transport connectivity—which is important—and an associated entertainment precinct that balances major events and community usage. The New South Wales Government is currently developing the business case for the redevelopment of ANZ Stadium. It will be redeveloped with upgraded seating and corporate facilities, providing optimal playing conditions and optimal spectator experience for rugby league, rugby union and football. The feasibility of constructing a retractable roof over the playing area is also being investigated. Lendlease has been awarded the contract to design and construct the new Western Sydney stadium. It is expected to be completed by 2019. The new stadium will have 30,000 seats, high-quality food and beverage facilities, improved corporate and function spaces, big screens and advanced technology, including wi-fi and broadcast facilities. It will have improved security and administration facilities and enhanced pedestrian and public plaza areas.

The New South Wales Government has also secured long-term, multi-year content agreements to secure content for New South Wales stadia with the Football Federation Australia, the National Rugby League and the Australian Rugby Union. It includes 20 years of NRL grand finals and State of Origin matches. I am sure we will see the Rabbitohs there in that time. It also includes 10 years of Bledisloe Cup matches and an additional Test match each year, and an in-principle agreement with the Football Federation Australia for 12 years to host at least 12 Socceroos and 12 Matildas matches. The people of New South Wales will have a stadia network that can deliver commercial outcomes, boost the visitor economy and meet national and international trends in venue design and operation by providing innovative product offerings and customer-centric design. It will involve vigorous effort to attract major events to our State. This bill refines the stadia strategy. It reduces government boards, which is probably a good thing. It cuts red tape and saves taxpayers money. I commend the bill to the House.

The Hon. RICK COLLESS (12:44): On behalf of the Hon. Don Harwin: In reply: I thank all those who contributed to this very interesting debate: the Hon. Lynda Voltz, Mr Justin Field, the Hon. Paul Green, the Hon. Catherine Cusack, the Hon. John Graham and the Hon. Shayne Mallard. I will attempt to address the issues that those speakers brought up in the course of the debate. The objective of this bill is to amend the Sporting Venues Authorities Act 2008 to give the Government full control and governance over the Stadium Australia business, under Venues NSW, following its return to New South Wales government ownership in July 2016.

The proposed amendments to the Act will give the Government vesting powers, through Venues NSW, to become a party to ANZ Stadium contracts and facilitate the efficient transfer of ANZ Stadium assets and liabilities to full government control. It will ensure that Venues NSW compliance with the vesting orders is exempt from the application of section 45 of the Commonwealth Competition and Consumer Act 2010. Section 45 of that Act prohibits entering into or giving effect to a contract which has the purpose or is likely to have the effect of substantially lessening competition in a market. Section 51 of the Act provides that the State can exclude certain activities from the operation of section 45 by way of a legislative provision such as is contained in this bill.

I will briefly respond to points made by members. In September 2015 the New South Wales Government announced the Rebuilding the Major Stadia Network strategy. It is the biggest investment in sport and major event infrastructure in New South Wales since the 2000 Olympics. The implementation of the strategy represents a

once-in-a-generation opportunity for New South Wales to provide a high-level road map for government investment in the State's stadia infrastructure over the next 15 years. Implementation will ensure that New South Wales does not fall behind its competitors and potentially lose the benefits associated with the winning and retention of quality sports and other events.

The goal is to develop world-class, multi-sport, multi-tenanted sporting hubs with improved transport connectivity and associated entertainment precincts that balance major events and community usage. As the Hon. Shayne Mallard outlined in his contribution to the debate, the Government is currently developing the business case for the redevelopment of the ANZ Stadium. The stadium will be redeveloped with upgraded seating and corporate facilities, providing optimal playing conditions and optimal spectator experience for rugby league, rugby union and football. The feasibility of constructing a retractable roof over the playing area will be investigated as part of that process. Lendlease has been awarded the contract to design and construct the new Western Sydney Stadium, expected to be completed in 2019.

The state-of-the-art facility will have 30,000 seats, high-quality food and beverage facilities, improved corporate and function spaces, big screens and advanced technology, including wi-fi and broadcast facilities. There will be improved security and administration facilities, with enhanced pedestrian and public plaza areas. The Government has also secured long-term, multi-year content agreements to secure content for New South Wales stadia with the Football Federation Australia, the National Rugby League [NRL] and the Australian Rugby Union. That includes 20 years of NRL Grand Finals and State of Origin matches, 10 years of Bledisloe Cup matches and an additional rugby union test match each year, and a 12-year in-principle agreement with the Football Federation of Australia to host at least 12 Socceroos and 12 Matildas matches.

Establishing a single entity for the Sydney Cricket and Sports Ground Trust will be considered after the completion and full realisation of the future benefits and management of the new Western Sydney Stadium and the redeveloped ANZ Stadium. PricewaterhouseCoopers advised the Government that implementing the expanded Venues NSW in a single stage was unnecessarily risky. A single stage has potentially lower transition costs but would create substantial delivery, financial and reputational risks. While achieving the intended benefits in a shorter period is possible, the risks of this approach would, in all likelihood, jeopardise stakeholder confidence. While a two-stage transition inevitably will take longer to achieve than a single-stage approach, a two-stage process will better manage delivery risk and present opportunities to redefine and redevelop the transition. While the Government is undertaking significant investment in the new Western Sydney Stadium and a redeveloped ANZ Stadium, it wants to reduce unnecessary risk, and a staged approach to governance is the best option.

The heads of agreement between the Sydney Cricket and Sports Ground Trust and the Stadium Australia Group was proposed to resolve the potential impact of the material adverse effect [MAE] clauses in the Government's existing project agreement with the Stadium Australia Group. The heads of agreement between the Sydney Cricket and Sports Ground Trust and the Stadium Australia Group, which was aimed at enabling the trust to operate the ANZ Stadium on behalf of the Stadium Australia Consolidated Group, was no longer required when the decision was taken for the New South Wales Government to acquire the ANZ Stadium. The ANZ Stadium pays its own way. The transaction proceeded on the basis that the stadium generated the moneys needed for the Government to repay the transaction price and the external debt.

The acquisition of the stadium business represents a smart business decision and a solid investment for the New South Wales Government. It allows the State to take full advantage of the benefits that the ANZ Stadium provides 15 years ahead of schedule and to realise the full potential of any investment in redevelopment. The purchase of the ANZ Stadium was funded by a loan from TCorp. The cash flow from the ANZ Stadium business services this debt, and monthly dividends are paid to the Office of Sport by Stadium Holding Pty Ltd for that purpose. Quite a few comments in the debate related to the Newcastle show. The Newcastle Agricultural, Horticultural and Industrial Association is a tenant at the Newcastle Entertainment Centre and Showground and conducts the annual Newcastle Regional Show.

The showground lands originally were dedicated for the purposes of the show in 1905. This dedication placed constraints on the types of modern-day uses for which the grounds may be used. Venues NSW is responsible for the Newcastle Entertainment Centre and Showground and has a management agreement in place with AEG Ogden. I acknowledge the Newcastle Agricultural, Horticultural and Industrial Association and the Newcastle show's longstanding history on the showground site. This bill does not seek to change any of the access agreements to the site. The association's access to the showground for the purposes of staging the annual show is preserved in the legislation. It is not proposed that any amendment to this part of the legislation would be made. Unfortunately, the show has suffered since 2008 when the authority lost control of the showgrounds under Labor.

However, clause 34 of the Act requires the Sporting Venues Authority—currently Venues NSW—to allow the association to use a specified part of the authority's land for the association's annual show and provides

the way that the terms and conditions applying to that use are to be determined. No rental fee is charged for the use of the showground for the show, including the Entertainment Centre, and no rent is charged for the office occupied by the association year round. As provided for in the legislation, Venues NSW is able to recover costs from the use of the site during the Newcastle show. These costs include items such as cleaning, security, staffing, utilities and equipment hire. The Government also provided assistance of \$20,000 to assist the 2015 show, stepped in with a \$40,000 grant to keep the 2017 show afloat and will undertake a review to help secure the future of this iconic 115-year-old event.

Venues NSW is developing a concept plan for the Hunter Stadium Sports and Entertainment Precinct in Broadmeadow, Newcastle. When Labor was in government it never publicly released any type of plan for the Hunter Stadium Sports and Entertainment Precinct. It is a bit rich for Labor to now criticise this Government, which is working with stakeholders and looking at different options for the precinct. The precinct includes Hunter Stadium and the Newcastle Entertainment Centre and Showground along with a variety of commercial and community sporting and entertainment facilities. The Newcastle International Hockey Centre and Newcastle Basketball Association, both located within the precinct, recently received Restart NSW grants of \$10 million and \$5 million respectively to upgrade facilities. The plan will assist in identifying the key building blocks to explore opportunities and options for the long-term development of the precinct.

The Hon. Paul Green referred to the NRL Centres of Excellence Program, which was announced as part of the Government stadia announcement of 14 April 2016. The \$40 million program is intended to support capital investment in elite training facilities at tier 2 rugby league stadia and/or other suitable venues. The program will fund up to 50 per cent of a successful bid's anticipated capital costs. The New South Wales Government expects clubs to contribute and it is a condition of the program that the clubs and partners provide the remaining 50 per cent. The expression of interest [EOI] phase is now finalised. The clubs have been given feedback on their EOIs and invited to consider making a formal bid for program funding. The full application phase will close on 31 March 2017.

The Hon. Paul Green also referred to women's sport. As already has been mentioned in the debate, the rugby league Jillaroos have been playing at Newcastle in the Trans Tasman Test. In relation to future women's sport, an announcement was made today that Coffs Harbour will host two of the historic Ashes one-day international women's cricket test matches in October 2017. This Government is certainly getting on with the job of promoting women's sport in New South Wales.

In closing, these legislative amendments will allow Venues NSW to support the delivery of major stadia redevelopments. Streamlined, consistent and transparent governance over the ANZ Stadium, alongside the venues currently overseen by Venues NSW, will serve to maximise the Government's investment return on stadia investment, contribute to the visitor economy and liveability for New South Wales residents. With these amendments, the State's major stadia precincts will be governed to maximise commercial viability, community benefit and the effective coordination of major events. I commend the bill to the House.

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

The House divided.

Ayes20

Noes16

Majority.....4

AYES

Amato, Mr L
Clarke, Mr D
Farlow, Mr S
Gay, Mr D
Khan, Mr T

Blair, Mr N
Colless, Mr R
Franklin, Mr B (teller)
Green, Mr P
MacDonald, Mr S

Brown, Mr R
Cusack, Ms C
Gallacher, Mr M
Harwin, Mr D
Maclaren-Jones, Ms N
(teller)
Nile, Reverend F

Mallard, Mr S
Phelps, Dr P

Mason-Cox, Mr M
Taylor, Ms B

NOES

Buckingham, Mr J
Field, Mr J

Donnelly, Mr G (teller)
Graham, Mr J

Faruqi, Dr M
Mookhey, Mr D

NOES

Moselmane, Mr S
(teller)
Secord, Mr W
Veitch, Mr M
Wong, Mr E

Pearson, Mr M

Sharpe, Ms P
Voltz, Ms L

Primrose, Mr P

Shoebridge, Mr D
Walker, Ms D

PAIRS

Mitchell, Ms S
Pearce, Mr G

Houssos, Ms C
Searle, Mr A

Motion agreed to.

Third Reading

The Hon. RICK COLLESS: On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Motion agreed to.

STATE REVENUE LEGISLATION AMENDMENT BILL 2017**First Reading**

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Don Harwin.

The Hon. DON HARWIN: I move:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Motion agreed to.

The Hon. DON HARWIN: I move:

That the second reading of the bill stand an order of the day for a future day.

Motion agreed to.

The PRESIDENT: I will now leave the Chair and cause the bells to be rung at 2.30 p.m.

*Members***MINISTERS ABSENT DURING QUESTIONS**

The Hon. DON HARWIN: In the absence of the Hon. Sarah Mitchell today from question time honourable members may direct their questions to her or the Ministers she represents to me as Leader of the Government.

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

*Questions Without Notice***SYDNEY WATER PRIVATISATION**

The Hon. ADAM SEARLE (14:30): My question without notice is directed to the Minister for Energy and Utilities. I refer to two emails sent to the Minister's office from Chanel 7's Lee Jeloscek on 1 March, one of which said:

We are doing a report tonight on Sydney Water. The United Services Union says it's been told by Sydney Water that unless it can find further savings the wastewater services part of the business may be outsourced. The Sydney Water board meets in late March. We would like to interview the Minister about this please.

How does the Minister reconcile this with his statement yesterday during question time where he told the House that, "I was not asked to make any comments on the privatisation of Sydney Water"?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:31): In fact, it is entirely consistent. Let me tell the member why. The question that he asked me was about the privatisation of Sydney Water, which I took to be a question about the ownership of Sydney Water itself, and not a question about an industrial issue between the management of Sydney Water and the

workers involved in that matter of bargaining, to which I gave a full answer yesterday in the House. I take the view that there is no inconsistency whatsoever.

The Hon. ADAM SEARLE (14:31): I ask a supplementary question. Given that yesterday I had asked the Minister to rule out the privatisation or long-term lease of Sydney Water Corporation or any part of its operation, would the Minister please elucidate his answer regarding what he thinks the difference is between privatisation and outsourcing?

The Hon. Scott Farlow: Point of order: As the President ruled earlier today, supplementary questions should seek to elucidate an element of the Minister's answer. That did not at all seek to elucidate a part of the Minister's answer, but rather referred to yesterday's question as an entirely new question. I ask it be ruled out of order.

The Hon. ADAM SEARLE: To the point of order. I was in fact asking the Minister to clarify his answer, or indeed to provide further information, given that the Minister seems to be under a misapprehension about what he was asked yesterday.

The PRESIDENT: The supplementary question is in order. The Minister has the call.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:33): Outsourcing and privatisation are two totally different concepts. The subject of discussion between Sydney Water and the United Services Union is not privatisation at all. Let us be clear, privatisation is when the entire business is sold and owned by the private sector. This should not at all be confused with what Sydney Water is looking at, which is a potential outsourcing model. As I outlined yesterday to the House, this was something that the previous Labor Government did with any number of facilities and any number of functions. Sydney Water's preference is to retain both its civil and treatment business areas in-house. Where there are significant gains to be made to its customers Sydney Water will look to external partners to provide these services, but that is not what is under contemplation at the moment. The preference is to keep this all in-house and there is absolutely no question whatsoever of the sale of Sydney Water as a business. It is just not on the agenda.

ENERGY SECURITY

The Hon. BEN FRANKLIN (14:34): My question without notice is addressed to the Minister for Energy and Utilities. Will the Minister report on how the Government is working with the Commonwealth and other jurisdictions to ensure secure, reliable energy for households, businesses and industry?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:35): I thank the Hon. Ben Franklin for the question. The Council of Australian Governments [COAG] Energy Council brings together the energy Ministers of all Australian jurisdictions, and oversees the operation of the country's electricity and gas markets. I represented New South Wales at the ninth meeting of the COAG Energy Council, which was held by video conference on Friday, 17 February 2017. It was timely for us, occurring the week after our new record demand day during the heatwave, during which our community heeded the call for moderation and responded so well. I used the meeting to report on our successful management of the electricity system during the heatwave. There was strong interest in how New South Wales performed so well on a voluntary demand.

The PRESIDENT: Order!

The Hon. Niall Blair: Point of order: This is an incredibly important answer the Minister is trying to deliver in relation to the electricity sector and it is absolutely impossible for Hansard to be able to hear the Minister's answer over the racket that is coming from the Opposition.

The PRESIDENT: I uphold the point of order. I remind all members that it is imperative that Hansard be given an opportunity to hear the answer so that it can be properly transcribed. It is just as important for the Chair to be able to hear the answer, should a point of order be taken.

The Hon. DON HARWIN: There was strong interest in how New South Wales performed so well on voluntary demand management on the day. As I mentioned at the time, the events highlighted the pressing need for national reform to our energy market. We need a market that frames long-term investment to ensure that we secure clean, affordable and reliable energy into the future. At COAG I highlighted the Government's priorities of energy security and affordability. Investment under the renewable energy target helped us meet the peak demand on 10 February when renewables met 27 per cent of our demand at the peak. But we need more fundamental market reform to create the right investment climate for energy storage to allow us to integrate a greater proportion of renewables during an orderly transition. The council is concentrating on security as the electricity industry transitions to a low emission future. This focus complements action I have taken to establish

a New South Wales Energy Security Taskforce with New South Wales Chief Scientist and Engineer Professor Mary O'Kane as the Chair.

Accurate temperature information was highlighted as an issue in managing the power system during heatwaves, so I am glad council endorsed action to provide additional weather forecasting expertise to the market operator through the Bureau of Meteorology. The meeting also noted progress on a number of other security-related initiatives. These included an update from Dr Alan Finkel as Chair of the Independent Review into the Future Security of the National Electricity Market. This review identifies the forces of change confronting the market and is developing a blueprint for our nation's electricity future. The council is also pursuing a comprehensive gas market reform plan to improve the outcomes for domestic gas users, particularly on the east coast. I look forward to representing the interests of all New South Wales electricity and gas consumers at future meetings of this council and making the case for reform.

SYDNEY WATER PRIVATISATION

The Hon. WALT SECORD (14:40): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given his answer today and yesterday in State Parliament on Sydney Water, has he misled the House?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:40): No.

LOCAL LAND SERVICES

The Hon. MARK PEARSON (14:40): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. In response to a question posed by the Hon. Rick Colless regarding recent bushfires, the Minister stated that the primary role of Local Land Services [LLS] staff on the ground had been animal welfare assessment, destruction and disposal. Can the Minister advise whether in the period from initial assessment to likely euthanasia pain relief, such as spraying burning animals with water or the application of analgesia such as Tri-Solfen, was administered to animals that were suffering these horrendous burns?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:41): I thank the honourable member for his very important question. As all members of the House are aware, Local Land Services played a very important role, particularly in relation to the fires that we have discussed in this Chamber. Local Land Services have a number of primary functions particularly in the emergency management space, in biosecurity and in agricultural extension advisory services, to name a few. During the last sitting week I highlighted in the House the emergency response component of LLS to those bushfires. In relation to the specifics of the question, obviously there is a range of different circumstances in which Local Land Services were able to attend to each of the affected properties throughout the emergency area.

I do not have detailed information of the stage at which Local Land Services attended each of the properties. Therefore, it would be inappropriate for me to answer at what stage they arrived at each property and at what stage any of the livestock was affected as a result of the fire front. Therefore, I am not able to advise the member on direct action taken by each of the Local Land Services staff on each of those properties. But what I can say from feedback of those who observed the actions of Local Land Services staff is that they did a fantastic job—a job that many of us in this House could not even turn our minds to. Some of the trained veterinarians in Local Land Services were faced with a scene that many farmers could not confront. I have received anecdotal information from some landholders that some of them were not aware that Local Land Services could turn up to assist them.

We know the farmers of New South Wales take great pride in their livestock. We know that local farmers working right throughout New South Wales have a deep and emotional attachment to a lot of their livestock and will do everything they can to avoid any of their livestock being put through any sort of distress or pain. The impact of such a fire front on some of those farmers will be long-lasting. Thank God for the role of Local Land Services. Thank God for the structure we have in New South Wales. Although it has 11 regions we run off the poorest border model and can drag resources from other Local Land Services into particular parts of the State in times of need. That is what Local Land Services did so well on this occasion. I thank all of the staff in Local Land Services who attended these scenes. I thank all of their peers and the people they work with for looking out for them because it is a job not many of us could do. We are very thankful that they are there to do it on our behalf.

The Hon. MARK PEARSON (14:45): I ask a supplementary question. Can the Minister elucidate in relation to the specifics of the question relating to whether the use of pain relief such as water or an analgesia was used in the care of the animals?

The PRESIDENT: Order! That is not a supplementary question. I rule it out of order.

SHARK MANAGEMENT STRATEGY

Mr SCOT MacDONALD (14:45): My question without notice is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on how the Government's aerial surveillance program protected beachgoers over the recent summer school holidays?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:46): I thank the honourable member for the question. Public safety at our beaches is the New South Wales Government's number one priority. We have some six million people who visit our beaches in New South Wales each year, so protecting beachgoers along our coastline is a massive task. As I have said on a number of occasions, there is no one solution to prevent shark attacks. However, this Government is working hard to reduce the risk through the New South Wales Government's \$16 million Shark Management Strategy, which involves Shark Management Alert in Real Time [SMART] drum lines, a network of 20 Vemco VR4Global [VR4G] listening stations, the North Coast net trial, shark tagging of target species and a trial of Clever Buoy technology.

The PRESIDENT: Order! I will start calling members to order if I hear any more interjections, particularly repeated interjections by the same members. The Minister has the call.

The Hon. NIALL BLAIR: I can update House about the results of a recent trial of drones to determine their role in shark mitigation measures. The research, which took place over the recent summer school holidays, highlighted the effectiveness of drones as an important tool in a suite of measures to reduce the risk of shark attacks at New South Wales beaches. Researchers from the Department of Primary Industries, in conjunction with the Southern Cross University, carried out the fourth phase of trials at five New South Wales beaches including Ballina, Lennox Head, Evans Head, Redhead and Kiama. The drones were up in the air every day of the school holidays, weather permitting. During the trial, 46 shark sightings were made, of which 26 were two metres or longer in length and therefore considered potentially dangerous, leading to eight water evacuations. The majority of shark sightings by drones were made at one beach—Redhead Beach, Lake Macquarie—where there were 23 shark sightings.

I highlight a particular incident where the drone at Kiama was used successfully in the rescue of two swimmers who were being swept out to sea. In January this year the drone pilots were the first to spot the distressed swimmers, reported the situation to the local lifesaving authorities and subsequently kept the drone over one swimmer until the swimmer was safely ashore. This highlights the multifaceted benefit of using drones in enhancing overall beach safety in coastal waters. Alongside our drones we also had regular helicopter surveillance. Over the summer period, seven regions were flown by trained helicopter crews between Tweed Heads and Eden. They flew a staggering 92,929 kilometres.

The helicopters carry purpose-built radios for direct communication with beach authorities, plus a siren and public address system to communicate with water users if a potential risk is located in the area. The helicopter crews reported 525 potentially dangerous sharks and on 167 occasions crews notified beach authorities of the presence of sharks in close proximity to bathing areas. There were also 78 water evacuations initiated by helicopter crews following sightings of sharks within 100 metres of water users.

I will be clear: Aerial surveillance by helicopters or drones is not the only solution to reduce shark attacks. However, they are one part of a suite of measures that can help reduce the risk of shark encounters. These eyes in the sky are saving lives. This technology is playing an increasingly important role in shark mitigation measures, and is a unique and useful tool for detecting sharks off beaches while also minimising harm to marine life. I look forward to updating the House about the aerial surveillance measures. I am proud that New South Wales is leading the world in this regard. The Government committed to look at a range of shark mitigation measures and has done so, including new technologies and record funding.

The PRESIDENT: I have no objection to members discussing matters in the Chamber, so long as I cannot hear them. While the Minister was giving his answer I could hear discussions to my right and left, behind me in the President's gallery—which I am not prepared to accept—and in the Opposition's gallery. That will cease. If members want to have discussions they should take them outside the Chamber. I refer particularly to those behind me.

OPERATION PROSPECT

Mr DAVID SHOEBRIDGE (14:50): My question without notice is directed to the Hon. Niall Blair, representing the Minister for Police. Will the Minister inform the House when the Government will accept the

recommendations of both the upper House committee on Operation Prospect and the Ombudsman, and finally issue a public apology to Nick Kaldas, Steve Barrett and others who were wrongfully bugged by both the police and the Crime Commission?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:51): There could be a case for argument in that question. This is an important issue that members on all sides of politics have been interested in. I was a member of the upper House inquiry. The question may have contained argument.

The PRESIDENT: Order!

The Hon. NIALL BLAIR: I am treating the question with the respect it deserves. Those on this side of the House are not taking a point of order because of the issue involved. The Minister for Police advises that the New South Wales Government is considering the extensive findings and recommendations made by the Ombudsman regarding Operation Prospect. I am advised that the NSW Police Force has also been considering the recommendations of the Ombudsman in Operation Prospect. I am further advised that the commissioner has signed letters of apology to two individuals.

Mr DAVID SHOEBRIDGE (14:52): I thank the Minister for that answer. I ask a supplementary question. Will the Minister clarify for the House the time frame within which that consideration will occur? Can the Minister name the individuals who have received an apology?

The PRESIDENT: The supplementary question is in order. The Minister has the call.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:53): I can inform the member that no further comment will be made until the outcome of any referrals to the Director of Public Prosecutions from Operation Prospect and the outstanding Supreme Court action are known.

COAL SEAM GAS EXPLORATION

The Hon. PENNY SHARPE (14:53): I direct a question without notice to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given the Government's previously stated commitment to implementing each of the recommendations of the New South Wales Chief Scientist and Engineer in her September 2014 final report on coal seam gas, will the Minister inform the House why the Government is not taking steps to implement recommendation 9?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:53): The New South Wales gas plan endorsed all of the Chief Scientist and Engineer's recommendations, and set out a significant program of action to reset the approach to gas development in New South Wales. Key actions that have been implemented include establishment of a strategic release framework for coal and petroleum to ensure that any future gas exploration is done on the Government's terms and terms that meet community expectations. The Government has also implemented reforms to the framework for agreeing land access arrangements and compensation aimed at restoring industry and landholder confidence in the arbitration process.

Finally, the Government has established the Environment Protection Authority as the lead regulator for compliance and enforcement of all conditions of petroleum titles, with the exception of work health and safety. The Government recognises that the Chief Scientist and Engineer made complex and thorough recommendations that will take time to fully implement. Work continues. Stage one of the Government's online portal for sharing and labelling environmental data was completed.

The Hon. Niall Blair: Point of order—

The PRESIDENT: Order! I call Mr Jeremy Buckingham to order for the first time. I call the Hon. Walt Secord to order for the first time.

The Hon. Niall Blair: I restate the point of order I raised earlier: Not only is the rabble on the other side interrupting the Minister, but as I take a point of order the Opposition continues to interject.

The PRESIDENT: Order! I call the Hon. Shaoquett Moselmane to order for the first time. I remind the Hon. Walt Secord that he is on one call to order. I have missed most of the point of order due to interjections. The Minister has the call.

The Hon. Niall Blair: My point of order is that interjections are disorderly at all times, yet the repeat offenders continue interjecting while the Minister is trying to answer the question.

The PRESIDENT: I remind all members of that excellent ruling by President Primrose, "Members should allow Ministers to answer their questions without interruption". If there are any further interjections I will call members to order.

The Hon. DON HARWIN: In December 2016 stage one of the Government's online portal for sharing and enabling environmental data was completed. The portal provides a central easy-to-use resource to access environmental data in New South Wales. Work continues on possible expansion of the portal to include data from research bodies and the resources industry. In respect of the Chief Scientist and Engineer's recommendation to ensure the training of all coal seam gas industry personnel, the Government has established a duties-based framework requiring personnel in the gas industry, including subcontractors, to be appropriately trained.

In February 2016 key elements of the framework commenced with amendments to the Work Health and Safety (Mines and Petroleum Sites) Act. The changes include a requirement on all site operators to plan for their site and for the safety of workers and to ensure each and every worker is provided with information, training and instruction about hazards on the work site. That training is reviewed as necessary. Work continues on the cost recovery for the regulation of coal seam gas. We have acted and will continue to act on the advice of the Chief Scientist and Engineer because we are committed to the continued development of a safe, sustainable gas industry in New South Wales. Recommendation 9 was:

That Government consider a robust and comprehensive policy of appropriate insurance and environmental risk coverage of the CSG industry ...

I am happy to advise the honourable member that the Environment Protection Authority, under the ministerial jurisdiction of my colleague the Hon. Gabrielle Upton, is leading the implementation of this action. I would be very happy to obtain additional information in answer to the question and provide it to the House on a subsequent occasion.

TROPFEST

The Hon. SCOTT FARLOW (14:59): My question without notice is addressed to the Minister for the Arts. Would the Minister provide an update on Tropfest, which was recently held at Parramatta?

The Hon. Walt Secord: Here we go! "Tit-willow, tit-willow, tit-willow."

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:59): The Hon. Walt Secord seems to have a fascination with *The Mikado* today.

The PRESIDENT: I strongly recommend that the Leader of the Government answer the question asked of him.

The Hon. DON HARWIN: I thank the honourable member for his question. Despite the extreme heat, I was delighted to recently attend both the launch of Tropfest 2017 in Parramatta, at Old Government House, and the twenty-fifth anniversary of Tropfest in its new home of Parramatta Park for the first time.

The Hon. Walt Secord: That was your first time in Parramatta.

The Hon. DON HARWIN: No, it was not. Sixteen locally made films—

The Hon. Walt Secord: Second time.

The Hon. DON HARWIN: I spent a lot of time there in 2011, as it happens. That is why we have such an excellent member for Parramatta. I take this opportunity to congratulate the winner of Tropfest 2017, *The Mother Situation*, a dark comedy about euthanasia and the cost of Sydney housing, which was produced by Matt Day. I acknowledge each of the Tropfest finalists that made this year's event so competitive and provided so many high-quality short films. They were: *Accomplice*, directed by Michael Noonan; *Another Olga*, directed by Cecilia Rumore; *The Beekeepers*, directed by James Dewhirst-Prineas; *The Birth*, directed by Sarah Hatherley; and *Can't I Sh#t in Peace* directed by Holly Hargreaves.

Other finalists were: *Service Update*, directed by Ollie Sindle; *Going Vego*, directed by Hannah Bath, Christopher Burke and Mikey Owen; *Love, Steve*, directed by Alex Roberts; *Meat and Potatoes*, directed by Arielle Thomas and Ellenor Argyropoulos; *The Mother Situation*, directed by Matt Day; *Mutonia Situation*, directed by Eugene E nrg; *Passenger*, directed by Catherine Mack. *Talc*, directed by Jefferson Grainger; *The Wall*, directed by Tristan Klein and Nick Baker; and *Wibble Wobble*, directed by Daphne Do. The winning films were selected by a panel of local and international judges, including Sydney's own Rose Byrne, who has been one of our finest exports to Hollywood in recent years. With a series of industry events for local screen practitioners held at the Western Sydney University, strong support from partners in Parramatta and great audiences, Tropfest has already established a wonderful new base and audience from which to grow in future years.

The Hon. Penny Sharpe: How many people went?

The Hon. DON HARWIN: I am delighted that, through Screen NSW, the Government has long been a supporter of this iconic Sydney event, which provides free screenings for large audiences and great opportunities for emerging screen practitioners. Over the past six years the Government has provided almost \$90,000 to help stage Tropfest, including \$20,000 for this year's event. Tropfest is just the latest cultural event supported by the Government in Western Sydney. I will not list all the others on this occasion. There is a lot to talk about. In response to the interjection from the Hon. Penny Sharpe, 40,000 people attended. This summer Arts NSW also supported the Sydney Symphony Orchestra in hosting Symphony Under the Stars, as part of this year's Sydney Festival, and will continue to do so in the future. [*Time expired.*]

COAL INDUSTRY

Mr JEREMY BUCKINGHAM (15:04): My question without notice is directed to the Minister for Energy and Resources. Scientific surveys of global fossil fuel reserves have concluded that 90 per cent of coal must stay in the ground if the world is to have a 50 per cent chance of keeping global warming under two degrees. What is the Government doing to ensure that we limit the amount of coal extracted in New South Wales to protect the climate?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:04): This is a subject on which I spoke extensively yesterday. The question is no doubt a follow-up to the announcement that The Greens made at the end of last week, from memory, about their view on the extraction and export of thermal coal.

The Hon. Adam Searle: On Friday at 2.00 p.m.

The Hon. DON HARWIN: The Leader of the Opposition obviously was paying very close attention to the views of his putative future coalition partner. We all know what Mr Jeremy Buckingham's view is about him being a junior partner in a future Government, under the stewardship of the Labor Party. Perhaps I need to remind the House that if the policies that Mr Jeremy Buckingham and his party are advocating were implemented, 20,000 direct jobs would be lost in regional New South Wales, across the Hunter Valley and in Gunnedah, in the period of time that he is talking about. This is gesture politics from The Greens.

We heard yesterday that there would be very limited benefit in emissions reduction or in addressing climate change because the nations who buy our exported thermal coal would replace it with inferior quality coal—fossil fuel that would be extracted in countries that do not have the same stringent environmental regulations and the same approach to mine safety and workplace safety that we have in Australia. They are the policies of The Greens in this Parliament. That is what The Greens are advocating. In the heatwave that we experienced in the second week of February it was quite clear that it is not possible for us to transition from coal-fired power generation as part of the mix in the short and medium term—and perhaps even in the longer term. On that weekend the full spectrum of generating options, from coal-fired power stations to gas-fired power stations, pumped hydro and solar—all of them—was needed.

Mr Jeremy Buckingham: Pumped hydro?

The Hon. DON HARWIN: Absolutely. Does Mr Jeremy Buckingham not know how much of a contribution Snowy Hydro made to getting us through that event? My goodness. Apparently, Mr Jeremy Buckingham does not know how much of a role pumped hydro played in getting us through that event. I thank Mr Jeremy Buckingham for the question, but the New South Wales Government will not be following the policies of his party on the role that coal plays in power generation.

Mr JEREMY BUCKINGHAM (15:08): I ask a supplementary question. Will the Minister elucidate his answer and indicate whether he believes the heatwave at the end of February to which he referred was exacerbated by the impacts of human-induced climate change?

The Hon. Scott Farlow: Point of order: While Mr Jeremy Buckingham made a noble attempt, his question sought an opinion of the Minister which is out of order.

The PRESIDENT: I rule the supplementary question out of order because it was a new question. For the benefit of members, simply citing one word from an answer given by a Minister and asking an entirely new question is not a supplementary question.

MURRAY VALLEY GROUNDWATER CLASS ACTION GROUP

The Hon. MICK VEITCH (15:10): My question without notice is directed to the Minister for Regional Water. Is the Government pursuing costs against the plaintiffs in a High Court case, *Arnold and Others v Minister Administering the Water Management Act 2000 and Others*?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:10): This question follows the question the Hon. Mick Veitch asked me yesterday in relation to my diary. I quite clearly highlighted the difference between the transparency of Government members, particularly Ministers on this side, and the shadow Ministers on the other side, who refuse to publish their diaries.

The PRESIDENT: Order! I remind Government members that I will call them to order if they continue to interject.

The Hon. NIALL BLAIR: Obviously the Hon. Mick Veitch cannot search on Google. I met with a group called the Murray Valley Groundwater Class Action Group, the chairman of which is Mr Greg Sandford, on 16 September 2015. The group was involved in a legal challenge to the commencement of the water sharing plan for the lower Murray groundwater source and reductions to groundwater licence entitlements. I met with the group in September 2015 to discuss the water sharing plan and legal proceedings. I am advised it is the department's general practice to recover costs awarded following litigation. Discussion between the applicant and the department are ongoing regarding payment of those costs.

FERAL ANIMAL CONTROL

The Hon. BRONNIE TAYLOR (15:12): My question without notice is addressed to the Minister for Primary Industries. Will the Minister provide the House with an update on what the Government is doing to reduce the impact of feral animals and to boost outcomes for agriculture and the environment?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:13): At the end of last month, I had the pleasure of making a joint announcement with Deputy Prime Minister Barnaby Joyce on the first new rabbit biocontrol agent since calicivirus was released some 20 years ago. The creatively named RHDV1 K5 is part of Australia's 20-year plan to reduce the negative impacts rabbits have on agriculture and the environment. Its delivery has been a collaborative effort between the Commonwealth, State and Territory Governments, research and industry organisations, community groups and individuals across the country.

The European rabbit is Australia's most destructive agricultural pest animal, costing more than \$200 million in lost agricultural production annually and wreaking havoc on the environment and biodiversity, affecting 304 threatened native plant and animal species, including the bilby. The national release of the rabbit virus has been delivered through the Invasive Animals Cooperative Research Centre, with major financial and in-kind resources provided by the Commonwealth and New South Wales governments, CSIRO, Meat and Livestock Australia, Australian Wool Innovation and the Foundation for Rabbit Free Australia.

The Czech strain, also known as calicivirus, was released in 1996 and proved extremely effective, reducing pest rabbit populations in some parts of Australia by 90 per cent. However, with some limitations, a global search for a new strain began in 2014. From 38 variants of RHDV tested, a Korean strain was selected which had superior performance in wetter and cooler regions. The Department of Primary Industries [DPI] has played a lead role in developing and driving its rollout nationally and in New South Wales. As part of the national release at more than 600 sites, more than 200 New South Wales-based community-led groups are managing the strategic release and continued monitoring of the virus across New South Wales, with support from DPI and Local Land Services.

Information has been provided to pet rabbit owners, advising that the Australian Veterinary Association recommends pet rabbit owners to vaccinate their pet rabbits to protect them from infection. We are addressing animal welfare issues too. The best practice methodology for bait delivery ensures that destruction of the pests is achieved in the most efficient, clinical and ethical manner. Our rabbit management strategy is a win for agriculture, the environment and communities across New South Wales. It is a win for many people but there is one loser. We all remember that the logo of the animal welfare strategy of the Australian Labor Party [ALP] was a rabbit. Unfortunately that will be the loser. The Government will make sure Labor's logo disappears. My fantastic office has been looking at other logos that Labor might want. Maybe the rat could be the new logo. What about the Indian myna or the feral pig?

The Hon. Shaoquett Moselmane: Point of order: The Minister knows full well he should not use props in the Chamber.

The PRESIDENT: Order! I remind the Minister that in accordance with a ruling by President Primrose and President Harwin, it is unparliamentary to use props in the Chamber.

The Hon. NIALL BLAIR: I do know I should not use props, just as the ALP should know it should not use Australia's number one agricultural pest as the logo for its animal welfare policy. It is a simple mistake by

someone out of touch in Sussex Street to use Australia's number one agricultural pest as its animal welfare logo. We are here to help. We are taking care of business. We are taking care of the rabbits and I am more than happy to help with a new logo.

NATIONAL FIREARMS AGREEMENT

The Hon. ROBERT BROWN (15:17): My question without notice is directed to the Minister for Primary Industries, representing the Minister for Police. Given the new National Firearms Agreement was quietly released by the Federal Government online last month, will the New South Wales Government simply follow what has been dictated to it by the Federal Government or will it consult properly with farmers, hunters, target shooters and other firearm owners on any proposed changes to legislation or regulation?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:18): As the question contains a lot of detail, I will take it on notice. I know the Hon. Robert Brown is very interested in this area and if I have any information that may be relevant to this question I will come back at the end of question time and update the House.

WOLLONGONG COAL

The Hon. SHAOQUETT MOSELMANE (15:19): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. What is the status of the Resources Regulator's investigation into Wollongong Coal and whether that company is "fit and proper" to hold a New South Wales mining licence?

The Hon. Walt Secord: We have been researching, Don.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:19): That is excellent.

The Hon. Walt Secord: You give us a lot of material.

The Hon. DON HARWIN: I would be disappointed if the Hon. Walt Secord could not be entertained in question time. On 8 July 2016 the chief compliance officer of the New South Wales Resources Regulator approved a full review of Wollongong Coal's fitness to hold an authority under section 380A of the Mining Act 1992—the fit and proper person test. The review has gathered information from a number of departments, as well as financial information and records from the company under statutory notices. On 21 December 2016 the chief compliance officer wrote to the company in relation to two recent developments, which have given rise to further serious concerns about Wollongong Coal's financial capacity to comply with its obligations. These relate to the company's interim financial report, dated 30 November 2016, and the recent decision in the Land and Environment Court dismissing the company's appeal challenging the validity of the second review by the Planning Assessment Commission.

The company had been given until 23 February 2017 to respond to the most recent request. At the conclusion of the fit and proper person review, a report will be compiled on whether there is sufficient basis to take action under section 380A to cancel a right or suspend or restrict operations. The New South Wales Resources Regulator has also recently issued to Wollongong Coal five penalty notices of \$1,000 each for the continued late payment of rents and levies. Subsequently, Wollongong Coal again failed to meet payment requirements on a further three occasions and the New South Wales Resources Regulator is now considering escalated enforcement action in relation to those matters. In 2013 Wollongong Coal encountered significant financial difficulties.

In March 2016 it was reported that creditors of Wollongong Coal's parent company, Jindal Steel and Power, were calling in \$745 million of its \$8 billion debt due to a recent downgrade of its credit rating from double-B to D. On 10 October 2016 it was reported that Jindal Steel and Power were late with interest payments for non-convertible debentures and that it currently has \$6.7 billion of debt. To secure its future long-term viability, Wollongong Coal has modified its application for expansion and development for the Russell Vale Colliery. That project is seeking to mine eight traditional longwall panels, with associated surface facility upgrades. Those matters remain of some concern. I will obtain further additional information for the member if there is any.

The Hon. SHAOQUETT MOSELMANE (15:24): I ask a supplementary question. Will the Minister elucidate his answer as to what is involved in a "fit and proper person" test?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:24): I believe that was addressed at the beginning of my answer.

The Hon. Catherine Cusack: Point of order: The member is seeking a legal opinion, which is outside the standing orders.

The PRESIDENT: The Minister had commenced his answer. The Minister has the call.

The Hon. DON HARWIN: The Mining Act 1992 and Petroleum (Onshore) Act 1991 contain mechanisms to ensure the integrity of those conducting exploration and mining activities in New South Wales. Extensive compliance and technical checks are conducted by the New South Wales Department of Industry—although that will change after new administrative orders are adopted—on all applications to grant, renew or transfer an authority. Schedule 1B of both Acts require applicants to demonstrate that the proposed work programs meet minimum standards and that the application has the necessary technical and financial capabilities to undertake those works. Where an applicant is unable to satisfy the decision-maker that they have the required technical or financial capabilities, or where they have an unsatisfactory compliance history, the application will be refused. These requirements ensure that the community can have confidence in the individuals and organisations being granted approvals.

In addition to the assessment process undertaken on applications, the framework is further supported and strengthened by the "fit and proper test" now in place under both Acts. Under these provisions, a decision-maker has discretionary powers to consider a range of other factors when determining whether to grant, renew, transfer, suspend or cancel mining and petroleum authorisations. These considerations include whether the person or, in the case of body corporate, its directors, have compliance or criminal conduct issues. They also include contraventions under New South Wales legislation relating to mining, work health and safety, planning or environmental legislation; and convictions within the last 10 years under New South Wales or Commonwealth laws that are punishable by imprisonment for five years or more, or by a fine of \$500,000 or more, or if convicted elsewhere they would attract these penalties if committed in New South Wales. More information can be supplied. *[Time expired.]*

MINING INDUSTRY COMPLIANCE CAMPAIGN

The Hon. DAVID CLARKE (15:26): My question without notice is addressed to the Minister for Resources. Can the Minister outline what the Government is doing to ensure that mining companies make their payments and submit legally required reports on time?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:26): I thank the honourable member for his question. Last financial year there were more than 450 offences committed by mining companies related to not making payments on time or not submitting reports on time. These companies are extracting the State's resources so it is vital that regulatory obligations are being met and payments are being made when they fall due. These payments are used to meet the costs of regulating the sector and to fund industry development initiatives. For example, regular and timely reporting on the performance of rehabilitation activities against rehabilitation commitments is critical to ensure that rehabilitation obligations are being met and that the State and community are not exposed to increasing rehabilitation costs. This is the sort of report that we require.

These offences accounted for nearly 75 per cent of all non-compliance issues identified under the Mining Act, which is totally unacceptable. The Resources Regulator is therefore undertaking a targeted compliance campaign focusing on repeat offenders. Those mining companies that time and again have failed to make payments or submit reports on time have been placed on notice. The Resources Regulator is taking an escalated approach to these offences and enforcement action will be taken if they do not comply. Indeed, the Resources Regulator was created precisely to deal with compliance issues like this and to build greater transparency and community confidence in how the resources sector is being regulated.

New processes are now in place to ensure the industry meets its obligations and improves its compliance rates. Reminder notices clearly detailing all required actions are being sent to mining companies 30 days before their payments or reports are due. Companies have been given more time to make their payments. They now have 30 days—up from 14 days. Any late payment is an offence under the Mining Act, so it is important that mining companies are given a reasonable period of time within which to comply.

However, once a report or payment is overdue, the regulator will be taking action. Enforcement options for not paying or submitting reports on time include official cautions, penalty infringement notices, prosecution or even the cancellation of a company's authorisation. Any non-compliance will also be considered by the department when determining whether to grant, renew or transfer an authorisation. Titleholders are ultimately responsible for meeting their obligations under the Mining Act and should take steps to identify when their payments and reports are due. The regulator is constantly reviewing compliance issues across the sector and will be taking steps throughout the year to address them.

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

*Bills***BIOSECURITY AMENDMENT BILL 2017****Returned**

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

*Members***UNPARLIAMENTARY LANGUAGE**

The Hon. Dr PETER PHELPS: Point of order: I did not take this point of order earlier because I appreciate the importance of question time in keeping the Executive to account. However, during the Leader of the Government's answer to the first question, the Hon. Walt Secord described him as a fibber, someone who tells fibs and was fibbing. Given that the definition of "fib", according to the *Oxford English Dictionary*, is "a lie", albeit a trivial or minor one, it is an accusation that the Minister is lying. Mr President, I ask you to follow the precedents established by former Presidents Harwin, Primrose, Burgmann and Johnson that accusing a Minister of fibbing—that is, lying—is unparliamentary and should be withdrawn.

Mr Jeremy Buckingham: To the point of order—

The PRESIDENT: I will give Mr Jeremy Buckingham the call in a moment.

The Hon. Adam Searle: Mr President—

The PRESIDENT: I do not need to hear anymore. I will rule on the point of order, but I will listen if the Leader of the Opposition wants to assist.

The Hon. Adam Searle: I was going to make the point that surely under the standing orders it has to be the affected member who has to take such a point of order.

The Hon. Walt Secord: He doesn't mind being called a fibber.

The PRESIDENT: The Hon. Walt Secord is not assisting. I did not hear the comment because of the number of interjections coming from all sides of the Chamber during most of question time. As I have said on numerous occasions, it is almost impossible for me to hear any comments when members are interjecting. If the person to whom it is alleged the comment was made has not taken a point of order, I do not believe I can take any action on it at this stage. I do not uphold the point of order of the Hon. Peter Phelps.

The Hon. Don Harwin: Point of order: If I remember the words correctly, the Hon. Walt Secord has just said that I was a person who did not mind being called a fibber. Quite to the contrary, I do take offence. The fact that I did not respond to the Hon. Walt Secord's barrage of gamesmanship during question time does not mean that I was not offended by the comments that he made about my truthfulness or otherwise in this Chamber.

The PRESIDENT: That comment I did hear from the Hon. Walt Secord just before I made my ruling. I ask the Hon. Walt Secord to withdraw that comment.

The Hon. Niall Blair: Have you got a retraction prepared already?

The Hon. WALT SECORD: I have many prepared. To please the House, I retract calling the member a fibber.

*Bills***LOCAL GOVERNMENT AMENDMENT (RATES—MERGED COUNCIL AREAS) BILL 2017****First Reading**

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Scott Farlow, on behalf of the Hon. Don Harwin.

Second Reading

The Hon. SCOTT FARLOW (15:35): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

The New South Wales Government is pleased to introduce the Local Government Amendment (Rates—Merged Council Areas) Bill 2017. In December 2015, the New South Wales Government committed that residents of any new council would pay no more for their rates than they would have under their old council for four years. This

important commitment reassured residents that following any mergers they would be protected from sudden rates changes. The bill will ensure that that commitment is delivered.

As members will be aware, the New South Wales Government created 20 new councils in 2016. The decision to create these new councils followed four years of extensive research and consultation that showed the local government sector was in dire need of reform. Councils were collectively losing as much as \$1 million per day in the years leading up to these reforms, and 60 per cent were found to be unfit by the Independent Pricing and Regulatory Tribunal [IPART]. The 20 new councils were formed with greater capacity to deliver services and infrastructure to their communities, and they already are delivering significant benefits as a result. The Government is proud to report that new councils already have identified \$27 million in savings. This is more than \$100,000 per day since they commenced.

Throughout the process of creating new councils, services have continued uninterrupted to New South Wales ratepayers. This is what residents want from their councils: the services they rely on every day, delivered with protections in place to ratepayers. The Government has also been determined to support new councils as they came together and got up and running, and \$375 million in State Government funding has been provided to the merged councils to implement the merger, fund local projects and kickstart new services and infrastructure. This level of investment in local government is unprecedented and has seen local councils invest in more than 480 new community projects and services.

The funding is also supporting much-needed major local infrastructure initiatives currently being planned. What does this mean? It means new councils are fixing roads, footpaths, playgrounds and sporting ovals. Where former councils neglected, mismanaged and failed to deliver the things communities need, our new and stronger councils are listening and delivering. The bill will allow the new councils to continue providing those significant benefits to residents while delivering the Government's rate path protection commitment for the full four years. In 2015, the former Premier asked IPART to undertake a review of the local government rating system and provide recommendations on how to implement the rate path protection commitment for four years. IPART provided the Government with its report on implementing the rate path protection commitment, which was released in August last year.

IPART's recommendations are the product of thorough consultation with the local government sector and, of course, other stakeholders. IPART has recommended implementing the rate path protection commitment by amending the Local Government Act to provide the Minister for Local Government with an instrument-making power. This is exactly what the bill does. The proclamations that created the 20 new councils protected rate paths for the first financial year. The bill amends the Local Government Act to implement the rate path protection commitment for the remaining three years and delivers on the Government commitment.

The bill provides the Minister with a power to require a new council, once created by proclamation, to maintain for three years following the first year of the new council the rate path that applied to its former council area. This will ensure that the more than two million residents of newly merged councils continue to enjoy rate protections for the full four years. Importantly, the power applies only to councils that were created on or after 12 May 2016, the date when the first 19 new councils were created. This means that new councils that are created this year, which the Government has committed to implement in the Sydney metropolitan area, will also enjoy the benefits of the rate path protection commitment. The bill has no impact on councils that are not merged or were not the subject of merger proposals. Ratepayers in unmerged councils will not be subject to the rate path protection commitment. This includes those regional councils subject to merger proposals that were waiting outcomes of legal action and the Government has decided not to merge.

It is important to note that without this bill the Local Government Act requires councils to harmonise their rates across former council areas. If merged councils are forced to harmonise their rates across former council areas. At this time this would likely lead to rate increases for some ratepayers. For example, there is a difference of \$382 per year in the average rates of the former City of Botany Bay Council and the former Rockdale City Council, which now makes up the new Bayside Council. If the new council is forced to harmonise its rates across the two former council areas at this time the residents of former Botany Bay in particular may experience increases in their rates. The Government has created new councils so that all residents receive better services and better value for money. Merging them was step one. Supporting them to deliver the new services communities need was step two. Delivering this rate path protection is step three.

Regional councils that have been merged in particular could be subject to rate volatility without this bill. For example, there is a \$555 per year difference between the rates of the former Armidale Dumaresq Council—and unfortunately Mr Scot MacDonald is not in the Chamber—and the Guyra Shire Council, which now make up the Armidale Regional Council. The ratepayers in those areas deserve access to the same services. There is a \$488 per year difference between rates of the former Deniliquin Council and the Conargo Shire Council within

the new Edward River Council. If such councils are forced to harmonise rates for the next financial year, ratepayers will be exposed to unacceptable changes in rates that can be prevented by this bill.

As I mentioned earlier, IPART has also conducted a review of the broader local government rating system. IPART's recommendations include options for modernising the local government rating system for all councils as well as recommendations for setting rates in newly merged councils once the four year rate path protection concludes. IPART's recommendations aim to minimise rate shock and keep downward pressure on rates for all councils across the State, including those merged councils that are subject to the rate path protection. The Minister for Local Government is considering IPART's recommendations and will provide further information on this later in the year. The New South Wales Government is determined to reform the system so it is more equitable and efficient. Over two million residents of newly merged councils expect that their rate paths will be protected as a result of the Government's commitment. Residents in metropolitan councils subject to a merger proposal share the expectation that they will enjoy these same protections to their rates if the merger of their councils goes ahead. This bill will ensure that this is the case. I commend the bill to the House.

Debate adjourned.

FINES AMENDMENT BILL 2017

Second Reading

The Hon. SCOTT FARLOW (15:44): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

The main purpose of this bill is to amend the Fines Act 1996 and the Victims Rights and Support Act 2013 to transfer responsibility for enforcing victims restitution debts to the Commissioner of Fines Administration. This follows a successful trial by the Office of State Revenue of enforcing restitution orders as court fines. A restitution order made under the Victims Rights and Support Act 2013 enables all or some of the compensation paid to a victim of violent crime to be recovered from the offender. Each year between 1,500 and 2,000 restitution orders are made, requiring payment of around \$20 million, but only \$4 million is recovered. Currently Victims Services can enforce these orders only as a judgement debt requiring application to a court. Such action is generally uneconomic because most offenders have limited capacity to pay. During a 12-month trial the Office of State Revenue enforced 1,000 restitution orders worth \$10.55 million by applying the same enforcement measures available for fines. By the end of the trial period 70 per cent of the debt either was paid or was under active management through an instalment payment arrangement or work and development order.

The Government therefore has decided to permanently transfer the recovery of restitution debts to the Office of State Revenue. This will provide an improved debt recovery performance as part of the Government's strategy of utilising the advantages of the Office of State Revenue as the State's specialist debt recovery agency. Those advantages include: access to better data, including more comprehensive access to current addresses; more timely enforcement, which results in earlier engagement with customers and higher recovery rates; the ability to consolidate multiple fines debts to individual debtors, including matching of restitution order debtors with existing customers of the Office of State Revenue; wider enforcement powers, including licence and vehicle sanctions imposed by Roads and Maritime Services, and civil debt enforcement such as garnishee orders, property seizure orders and charges on land; and alternative debt resolution options, including instalment arrangements and work and development orders.

Administration of restitution orders will remain the responsibility of Victims Services within the Department of Justice. The bill amends the Victims Rights and Support Act 2013 to separate those functions from the functions relating to enforcement and debt recovery. I should add that the amendments in no way affect the functions of Victims Services in providing support to victims of crime and that victims personal information cannot be disclosed as a result of the transfer of enforcement functions to the Office of State Revenue. Victims Services and the Commissioner of Victims Rights will continue to make and confirm restitution orders and will manage the objection and review process under which defendants can dispute their liability to pay the restitution amount.

The bill streamlines the process by which a restitution order is confirmed, including a requirement for the Commissioner of Victims Rights to serve a debt notice on the person advising of the consequences of failing to pay. The current provision, which allows a liability to make a restitution payment to be offset against the same person's entitlement to receive financial support or a recognition payment, is updated to allow that entitlement to be paid to the Office of State Revenue in satisfaction of the person's debt. The bill also authorises the expenses incurred by the Commissioner of Fines Administration in recovering restitution debts to be paid from the Victims Support Fund and requires all restitution debts recovered by the commissioner to be paid into that fund. This maintains the current position whereby expenses incurred by the Commissioner of Victims Rights in administering

restitution orders are paid from the Victims Support Fund, but also will ensure that the fund benefits from all the additional debt collected.

The amendments to the Fines Act 1996 allow restitution orders to be enforced under the Fines Act in the same manner as court fines. This includes an improved process for the defendant to enter into a payment arrangement by allowing early voluntary enforcement of the order for the purpose of entering into a time to pay arrangement under the Fines Act. In cases of voluntary enforcement, the Fines Regulation already provides that enforcement costs otherwise payable to the Office of State Revenue on the making of the fine enforcement order are postponed and must be waived if the person complies with the terms of the arrangement.

Apart from permitting restitution orders to be enforced as court fines, the amendments to the Fines Act include a number of special provisions applying to restitution orders. Firstly, a provision currently in the Victims Rights and Support Act which authorised attachment of prison earnings by Victims Services is transferred to the Fines Act to allow that enforcement action to be taken by the Office of State Revenue. Secondly, a new provision will allow separate fines enforcement action to be taken against two or more persons who are jointly and severally liable under a restitution order. Thirdly, imprisonment for breach of a community service order will not be available under enforcement orders for restitution debts. Finally, the Commissioner of Fines Administration will be required to suspend enforcement action, and vary or withdraw the enforcement order as required if a review or appeal is commenced which could affect the defendant's liability to pay restitution.

The additional revenue recovered by this initiative will reduce the cost to government of compensating victims of crime by ensuring that additional debt is recovered and paid into the Victims Support Fund. The bill contains further amendments to the Fines Act 1996 unrelated to restitution orders. These amendments will allow the Office of State Revenue to better target different fines enforcement actions in individual cases. At present, the first fines enforcement action taken by the Office of State Revenue is to direct Roads and Maritime Services [RMS] to impose licence, vehicle registration and business restrictions on the fine defaulter. The fine defaulter is charged an additional enforcement fee of \$40 for each enforcement action taken by RMS.

If available, these RMS sanctions must be attempted before the Office of State Revenue can attempt any other enforcement action, such as a garnishee order. This requirement limits the flexibility to take the most appropriate action, having regard to the particular circumstances of the offender. In some cases the imposition of RMS sanctions, such as driver licence suspension, is unlikely to result in the recovery of fines and may, in fact, be counterproductive in terms of an individual's employment and access to services. This is particularly applicable to vulnerable members of the community or people living in rural or remote locations. The Office of State Revenue's processes and systems have been designed to allow identification of the most effective enforcement action for particular clients or categories of clients.

The bill therefore amends the Fines Act to provide the Office of State Revenue with the discretion not to direct RMS to impose licence, vehicle registration and business restrictions before civil sanctions are imposed where the Office of State Revenue is satisfied that, having regard to the individual's circumstances, a better fine enforcement outcome would be achieved. This will allow the Office of State Revenue to recover fines earlier than is currently permitted with less negative impact on vulnerable members of the community. The amendments contained in the Fines Amendment Bill 2017 will provide greater convenience to the public in dealing with a single government agency to pay off multiple fines-related debts. More offenders will be held to account for the harm caused to victims and to the public purse and better targeted fines enforcement action will reduce the negative impact of that action on some members of the community. I commend the bill to the House.

The Hon. PETER PRIMROSE (15:53): I lead for the Opposition in debate on the Fines Amendment Bill 2017 and state from the outset that we do not oppose the bill.

The Hon. Dr Peter Phelps: Hear, hear!

The Hon. PETER PRIMROSE: I thank the Hon. Dr Peter Phelps for his ongoing support. The main purpose of the bill is to amend the Fines Act 1996 to allow the Commissioner of Fines Administration to do two important things: first, to take civil enforcement action against a fine defaulter, who is an individual, without first suspending or cancelling the fine defaulter's driver's licence or vehicle registration and, secondly, to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commissioner of Victims Rights against an offender or another person.

The bill also makes changes to the Victims Rights and Support Act 2013 related to the enforcement and recovery of restitution amounts by the Commissioner of Fines Administration. In effect, this change will relieve Victims Services and Support and the Commissioner of Victims Rights of the responsibility for chasing restitution owed. Restitution is, of course, the money owed by a perpetrator of a violent crime to pay for, in part or whole,

the compensation that is to be paid to the victim. The victim is paid as quickly as possible out of the Victims Compensation Fund. The victim does not have to wait until the offender is pursued for payment.

However, the Victims Compensation Fund has a deep financial interest in recouping from the offender as much of the money owed as possible. This legislation will allow this responsibility to be transferred to the specialist at the Office of State Revenue via the Commissioner of Fines Administration. Appropriately, Victims Services and Support will be free to do what it does best—that is, look after the victims. At the same time, the Commissioner of Fines Administration and the Office of State Revenue will do what they do best—that is, seek to chase down the restitution moneys. The Commissioner of Fines will be able to pursue the payment of compensation fines and/or restitution debt in forms that may not require the cancellation of a driver licence and/or car registration. In many areas loss of licence effectively means loss of job, so this is a welcome amendment. In the second reading speech the Parliamentary Secretary stated that currently each year between 1,500 and 2,000 restitution orders are issued to a value of approximately \$20 million. The Parliamentary Secretary said also that each year only \$4 million of the \$20 million is recovered.

The Parliamentary Secretary also said that over the past 12 months a trial of this new method—as outlined in the bill—of outstanding fine recovery has been enacted, and it has realised the recovery of 70 per cent instead of directly targeting an offender's car, licence or registration. This bill will give wider enforcement powers, such as garnishee orders, property seizure, charges on land, instalment arrangements and work and development orders. It also will include the power to access prison earnings in the event that the offender goes to jail. Wielding the power to recover outstanding amounts must be used with great caution when the offender has limited means with which to pay.

There should be no doubt that many defaulters who fail to pay fines or restitution are themselves in financial crisis when the offence occurs or the judgement is handed down. They will most likely be in the same financial crisis at the time the Commissioner of Fines Administration pursues them for the payment. For some people \$10 per week or a garnishee amount of \$20 will be neither here nor there; for other families this could be the difference between eating and not eating. In these extreme circumstances the pursuit of the original fine or restitution might in fact lead to or cause further crimes, such as driving an unlicensed or unregistered vehicle, petty theft or further violence, as a result of stress and anxiety. I would appreciate it if the Parliamentary Secretary in his reply to this debate could identify the limits that apply to the enforced recovery of moneys owed by a family or individual in deep financial stress. As I indicated, the Opposition welcomes this bill and does not oppose it.

Mr DAVID SHOEBRIDGE (15:57): I speak to the Fines Amendment Bill 2017 on behalf of The Greens. I indicate at the outset that The Greens do not oppose this bill but do have concerns with the way in which as a general rule the fines system and its enforcement system work, particularly against vulnerable people. I highlight the systemic unfairness in the system in relation to Aboriginal people in this State.

The Hon. Dr Peter Phelps: Vulnerable criminals—is that what you are saying?

Mr DAVID SHOEBRIDGE: I note the offensive interjection from the former Government Whip. The object of the bill is to amend the Fines Act 1996 to allow the Commissioner of Fines Administration:

- (a) to take civil enforcement action against a fine defaulter who is an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration, and
- (b) to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commissioner of Victims Rights against an offender or another person (a *restitution amount*).

It removes that first immediate step of cancelling a driver licence or registration. I will speak to the benefits of that in due course. Instead of the traditional civil enforcement path of attending the Local Court, the restitution amount or debt will be enforced with greater finesse and less expense using the enforcement system that applies for fines in New South Wales. The Greens support changes to the process for dealing with fines that delivers flexibility within the system, especially where this allows appropriate people to keep their driver licence. Often people require a driver licence for work or health-related activities and its removal only increases the likelihood that they will not be able to pay fines. The option to avoid cancelling a licence requires the commissioner to be satisfied that removing the person's licence is unlikely to induce payment of the fine and/or would have an excessively detrimental impact on the fine defaulter.

Any unpaid restitution amount under the victims compensation system will now no longer require court action for recovery but will be treated as though it is a fine with enforcement under the Fines Act, as amended by this bill. That is a positive step. Enforcement costs will come from payments for any remaining amount deposited into the Victims Support Fund. By reducing the enforcement cost, the amount payable to victims is increased. Transferring enforcement from the Local Court to the fines commissioner will substantially reduce enforcement costs. The Greens are concerned about the focus on recovering restitution amounts from perpetrators who have little or no capacity to pay. The Greens are also concerned about Government funding cuts to victims

compensation. In that context, critics of the Government could see this bill as a cost-cutting measure that risks causing entrenched disadvantage and creates a vicious circle that hinders rehabilitation.

Offenders often have distressed personal circumstances, live in poverty and become indebted by way of a restitution order. That restitution order becomes readily enforceable through this process. In circumstances where the choice is either to have the debts enforceable through the local courts or through the fines commissioner, The Greens recognise the sense in shifting it to the fines commissioner. There is substantial concern that the process will entrench disadvantage. The Greens will continue to monitor that situation. Victims support should be independent of an offender's capacity to pay restitution.

I will deal specifically with the way the current fines system visits disadvantage upon Aboriginal citizens of New South Wales. In the 2009 NSW Ombudsman's report the Ombudsman found that Aboriginal people accounted for 7.4 per cent of all penalty infringement notices issued in New South Wales. Of the penalty infringement notices issued, 83 per cent were issued for offensive conduct or offensive language. That is extraordinary. Aboriginal people accounted for 7.4 per cent of all penalty notices issued, yet constitute 2.5 per cent of the New South Wales population. They are massively over-represented. In a 2014 *Criminal Justice* article Elyse Methven stated:

A serious shortcoming of the penalty notices scheme is that police can issue notices without considering the recipient's social or financial circumstances.

That is a harsh and unjust impact, particularly on Aboriginal people. The 2009 Ombudsman's report found that 89 per cent of Aboriginal recipients fail to pay their penalty notices on time. Aboriginal communities, in particular, are caught up in a cycle where they do not pay the fines and non-payment of the fine leads automatically to a cancellation of the driver licence. Many Aboriginal people live in rural and regional New South Wales where the only transport option is a private motor vehicle. They continue to drive without a licence as there is no other way to go to town for food, to pick up the kids or to attend medical appointments. The final outcome is escalating criminality: An unpaid fine becomes a cancelled driver licence, which escalates to a criminal offence. Aboriginal people are going to jail for this reason. There must be alternatives to the automatic cancellation of driver licences. The 2013 Auditor-General's report looked at improving legal and safe driving among Aboriginal people. The executive summary states:

In 2011, Aboriginal people represented only 0.4 per cent of all driver licence holders, while being 1.9 per cent of the eligible driver licence population.

Aboriginal people are at least 25 per cent less likely to have a driver licence compared to non-Aboriginal people, and the rate of Aboriginal people with cancelled driver licences is escalating. The report further states:

Where there are few alternative transport options, the need for Aboriginal people to travel may result in them driving unlicensed. Being caught for repeated unlicensed driving offences can also lead to imprisonment. In 2011, 201 Aboriginal people were imprisoned for "driver licence" offences.

The Government has implemented ad hoc initiatives through the State Debt Recovery Office. The Auditor-General further stated:

However, these initiatives have been slow to reduce the number of licence suspensions among Aboriginal people. Aboriginal people's driver licences are suspended for fine default at over three times the rate of non-Aboriginal people's driver licences.

Aboriginal people are 25 per cent less likely to have a driver licence in the first place. Almost 90 per cent of Aboriginal people do not respond to penalty notices in time and the first response from authorities is to cancel their driver licence. If they are caught driving unlicensed, they are three times as likely to face serious criminal consequences. This is entrenching disadvantage. The Auditor-General continued:

However, Aboriginal people continue to be imprisoned for "driver licence" offences. In 2011, 12 per cent of Aboriginal people found guilty of a "driver licence" offence were imprisoned, compared to 5 per cent for non-Aboriginal people ...

In 2011, 61 per cent of Aboriginal "driver licence" offenders were repeat "driver licence" offenders.

This is often related to nothing more than geographical and personal circumstances. The Greens support reform that does not automatically cancel a driver licence as the first step. The bill does not identify vulnerable people or commit to correcting the historic wrong in relation to Aboriginal people. It does not require the commissioner to allow Aboriginal people to retain their licences. The Government must address the unfair rate at which Aboriginal people's driver licences are cancelled and invest in licensing Aboriginal people in the first place. It must support Aboriginal communities.

I am informed that the recent implementation of mobile drug testing has resulted in the last person with a driver licence in a remote Aboriginal community losing that licence. The driver avoided alcohol but may have used cannabis occasionally and so had their driver licence cancelled, leaving the community completely isolated. This needs to be on our agenda more than just being a reference in a second reading speech. It should be the core

business of this Parliament to fix this kind of unjust outcome for Aboriginal people. I hope that this bill is a first step in that direction. The Minister said that work will be done in his office and in the department to try to identify Aboriginal people—they are not yet even identified in the data—who are coming through the system so that they can be treated as a group of vulnerable people and so that we can do everything possible to help them to keep their licence and their mobility and keep them engaged in society.

Reverend the Hon. FRED NILE (16:09): I speak on behalf of the Christian Democratic Party in support of the Fines Amendment Bill 2017. I commend the Government for this legislation. It is very much in line with our party's policies. We are pleased that the Government has introduced this legislation. The bill will amend the Fines Act 1996 to allow the Commissioner of Fines Administration to do the following:

- (a) to take civil enforcement action against a fine defaulter who is an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration, and
- (b) to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commissioner of Victims Rights against an offender or another person (a restitution amount).

The bill also makes amendments to the Victims Rights and Support Act 2013 related to the enforcement and recovery of restitution amounts by the Commissioner of Fines Administration. This legislation will provide a far more efficient system for achieving success when people have been fined but will not pay the fine. The only power that the Government previously had was to cancel or suspend their driver licence. That often resulted in the person continuing to drive without a licence, possibly becoming an even more dangerous driver. Some individuals are not able to pay fines for economic reasons, so they get into more financial trouble.

This legislation will provide the Commissioner of Fines Administration with a number of options: first, to make an order to seize the property of the fine defaulter; secondly, to make an order to garnishee the fine defaulter's debts, wages or salary; or, thirdly, registering a fine enforcement order as a charge on the fine defaulter's land. Action taken in those three areas—property, wages or land—will certainly get the attention of a person who has been laughing at the law, accumulating fines or not paying fines at all. I am certain that this legislation will cause many drivers who have been careless and indifferent to the law to now take notice of the law and of the behaviour that is required of them.

We also support the provisions for the enforcement of restitution amounts. A restitution amount is an amount payable under a confirmed order for restitution, which is generally made by the Commissioner of Victims Rights against a person convicted of an offence related to an act of violence in respect of which an approval for the giving of victims' support under the Act has been made. This legislation will assist in the payment of restitution amounts through the powers given to the commissioner. It will require the Commissioner of Victims Rights to refer an unpaid restitution amount to the Commissioner of Fines Administration for the making of a court fine enforcement order. It will also allow the Commissioner of Fines Administration to take an enforcement action under the Fines Act 1996 to recover the restitution amount. We have always strongly supported restitution amounts. We believe that that provides justice to a person who has been the victim of violence. Therefore, it is a positive move. We are pleased to support the legislation before the House.

The Hon. TREVOR KHAN (16:13): I speak in support of the Fines Amendment Bill 2017. I note that the object of the bill is to amend the Fines Act 1996 to allow the Commissioner of Fines Administration to do the following:

- (a) to take civil enforcement action against a fine defaulter who is an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration, and
- (b) to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commissioner of Victims Rights against an offender or another person ...

The bill also makes amendments to the Victims Rights and Support Act 2013 relating to the enforcement and recovery of restitution amounts by the Commissioner of Fines Administration. In speaking to this bill, I make two observations. The first goes to clause 5 of the bill, which deals with the greater flexibility provided by not having to first cancel the driver licence or registration of an individual before taking other action. It is plain that the Government has made a considered and reasonable response to ensuring that, in appropriate circumstances, people keep their licence. This applies to people who have been the victims of crime.

Mr David Shoebridge referred to a number of matters. He gave credit to the Government for seeking to address a particular problem, which is the legislation as it affects the Aboriginal community. He is right to identify that. I will make a historical observation about the scheme of recovery of fines and I will put it in the context in which it arose. Many in this House will remember—increasingly, as I get older, I have to be concerned about saying "will remember"—the story of Jamie Partlic and the circumstances in which he found himself in Long Bay jail in 1987. He was beaten almost to death. He was in custody for the non-payment of fines.

Mr David Shoebridge: He was left in a coma.

The Hon. TREVOR KHAN: As Mr David Shoebridge points out, he was in a coma for some time. The terrible injuries that he sustained led to a rethink of how we deal with fine defaulters in New South Wales. The age-old system of simply locking somebody up who had not paid a fine clearly was unsuccessful in getting people to pay fines and led to circumstances such as those faced by Jamie Partlic. Let us be clear: What was done in New South Wales was revolutionary and still has not been achieved in other States.

The debate is still going on in Western Australia where Ms Dhu died in custody in 2014. She was taken into custody over some \$3,500 worth of fines, or thereabouts. She was held in what all would agree were inappropriate circumstances—a police cell. She developed septicaemia. Everyone would now accept that she was treated appallingly and died as a result of the lack of attention from not only the police but also medical services. That is an example of what is happening today in another State in the Commonwealth of Australia. That circumstance does not arise in New South Wales.

Before we are too critical of ourselves and of the slowness of change, we should recognise that what has happened in the recovery of fines in New South Wales is monumentally better than what happens on the other side of this continent. This amending legislation is monumentally better than what we had before because it provides flexibility in what we do with a driver licence. Mr David Shoebridge is right: The level of disqualification of the driver licences of Aboriginal people in New South Wales needs to be addressed. It is being addressed in part by this bill. The Government of New South Wales, this Coalition Government, is doing something that will assist in redressing the inequality and the problems that exist for the Aboriginal community when people lose their driver licence.

Mr David Shoebridge and I often disagree, but he said quite rightly that it is a significant concern that members of the Aboriginal community, particularly those living in regional and rural areas, are far less likely to ever have a driver licence often because they have accumulated fines as kids for such things as not wearing a bike helmet. That was certainly a problem in some of the areas where I practised. By the time a kid was eligible for a driver licence he or she had racked up a mountain of fines and there was no point in applying for one. That creates a cycle of missed opportunities because without a licence they cannot get a job and if they cannot get a job they are more likely to fall into the trap of drug and alcohol abuse—if they have not done so already—which further disadvantages them in getting a job.

A scheme that starts to address those problems by allowing those relatively few in the Aboriginal community who have licences to keep them is a step in the right direction. We must have a system that allows fines to be recovered. The alternative is that if a magistrate thinks there is no point in issuing another fine that will not be paid, he or she will have to proceed up the chain, which leads to a jail sentence. I saw that happen so often in local courts presided over by reasonable and decent magistrates. It is the worst possible outcome because we know what happens then. Once a person is binned, their prospect of getting bail is reduced and he or she will be binned time and time again. So the cycle of disadvantage is not just repeated but things spiral hopelessly out of control.

A robust system of fine recovery must be one of the tools we can use to try to break the cycle of incarceration, and particularly the disproportionate level of incarceration among the Aboriginal community. On this point Mr David Shoebridge and I reflect a different emphasis rather than a disagreement as to the underlying facts. I observe that the issue of the restitution of debts, particularly with regard to victims compensation orders, deserves further attention. The scheme for providing compensation and support payments to victims of crime was reformed by the Government in 2013 through the introduction of the Victims Support Scheme. The changes introduced in the Fines Amendment Bill 2017 complement that scheme by reforming the means by which payments are recovered from offenders. If the victim of an act of violence is awarded financial support or a recognition payment under the Victims Support Scheme, payment is made from the Victims Support Fund, and the convicted offender may be ordered to pay back all or some of the payment.

It is unacceptable that only about 20 per cent of the amounts payable under restitution orders under the old Victims Compensation Scheme were being recovered. Indeed, it was that low level of recovery that forced the review of the scheme in the first place. The burden of paying compensation to victims of crime was falling primarily on taxpayers, not on the offenders. This bill therefore establishes, on a permanent basis, the arrangements from a successful trial under which a restitution amount was deemed to be a fine imposed by a court for the purposes of the Fines Act 1996. Under that trial, the Office of State Revenue assumed responsibility for enforcing victims' restitution debts, resulting in a significant improvement in the amount of outstanding debt recovered from offenders. By the end of the trial, 70 per cent of the debt either was paid or under active management through an instalment payment arrangement or work and development order.

Although restitution orders are made by the Commissioner of Victims' Rights, and not by a court, they can be made only if the person has been convicted of a relevant offence involving an act of violence. The Fines Act already includes as fines other amounts that are payable as the result of court proceedings but are not imposed

by a court, such as victims support levies and court costs levies. As the Victims Support Scheme is part of the criminal justice system, it is appropriate that victims' restitution debts are treated in the same manner as fines. The trial under which restitution order debts were recovered as fines identified that about 70 per cent of debtors were existing customers of the Office of State Revenue, and 25 per cent of the debt was able to be incorporated into existing payment arrangements.

It is interesting how terms such as "customer" and "client" are now being used in a variety of circumstances that at least when I was growing up a long time ago would certainly never have been contemplated. One might think it is torturing the language. Treating restitution debts as fines therefore allows increased efficiency in recovering the debts as well as greater convenience to the debtors in dealing with a single government agency to pay off their debts. I suppose some people might consider it as a convenience factor. As the State's specialist debt recovery agency, the Office of State Revenue is experienced in recovering complex debts such as those under restitution orders where the debtors often have multiple debts or joint debts with co-offenders. These reforms will allow Victims Services to concentrate on its core business of providing support services to victims of crime and will ensure that offenders contribute to the assistance of their victims. I support the bill and its intention. One hopes that we will continue to address the issues not just of recovering debts but also moving to assist in overcoming the extraordinary inequality that confronts the Aboriginal community in our State.

The Hon. PAUL GREEN (16:26): In speaking to the Fines Amendment Bill 2017 I applaud the contributions of earlier speakers in this debate and the latitude afforded to vulnerable people who have done the wrong thing. I note that each year between 1,500 and 2,000 restitution orders are made, requiring payment of approximately \$20 million, of which only \$4 million is recovered. Currently, Victims Services can enforce these orders only as a judgement debt, requiring application to a court. Such action is generally uneconomic because most offenders have limited capacity to pay. During a 12-month trial the Office of State Revenue enforced 1,000 restitution orders, worth \$10.55 million, by applying the same enforcement measures available for fines. By the end of the trial period, 70 per cent of the debt either was paid or under active management through an instalment payment arrangement or work and development order.

The Government therefore decided to transfer permanently the recovery of restitution debts to the Office of State Revenue. This will ensure an improved debt recovery performance as part of the Government's strategy of utilising the advantages of the Office of State Revenue as the State's specialist debt recovery agency. Amendments to the Fines Act 1996 include requiring the Commissioner of Victims Rights to refer unpaid restitution amounts to the Commissioner of Fines Administration; requiring the Commissioner of Fines Administration to enforce restitution orders as court fines; and allowing the Commissioner of Fines Administration to take civil enforcement action, such as a property seizure order, without first imposing driver licence or vehicle registration sanctions, if those sanctions are unlikely to be successful or would have an excessively detrimental impact on the fine defaulter.

I agree with other speakers that a driver licence is particularly important to those who live in regional and rural areas. For example, young men between the ages of 16 and 25 have the highest fatal crash risk of any age group. These young men are driving on country roads, which can be very dangerous for the most experienced drivers. However, most P-plate drivers would not be able to get to their workplace or to TAFE if they could not drive. In fact, during the inquiry into the role of the technical and further education system and its operation the committee looked at the isolation of kids in regional and rural areas, and their access to educational facilities. It was wisely suggested that TAFE courses should be conducted during school hours to allow these kids to catch the local school bus to and from TAFE. The more one drives the greater is the risk.

I doubt members in this Chamber have ever had the urge to put the pedal to the metal in their cars, but it is not unusual for young men to want to do so. Driving on country roads is even more dangerous because those trees in the paddocks are a lot closer. Indeed, they present a few more challenges to P-plate drivers and far too many young men end up compromising their health as a consequence. We need to be mindful of these things, but we must also give young people the capacity to get from home to their job or education facility so they can become independent. I return to the bill. The proposed amendments to the Victims Rights and Support Act 2013 aim to remove the current provisions of the enforcement of restitution orders; to permit the Commissioner for Victims' Rights to serve a debt notice advising of the consequences of non-payment; and to require unpaid restitution orders to be referred to the Commissioner of Fines Administration, including for the purpose of making time-to-pay arrangements. The Christian Democratic Party commends the bill to the House.

The Hon. Dr PETER PHELPS (16:32): Why does the law exist? The law exists to protect the rights of individuals. Indeed, the law predates not only this Parliament, but the Parliament of England. The common law of England was predicated on the protection of individual rights: the right to life, hence the prohibition on murder or assault; the protection of the right to liberty, hence the prohibition on kidnapping and unlawful detention; and the right to own property, hence the prohibition on stealing or fraud, or any other deceptive activity that would

attempt to try to take from someone what is not rightfully theirs. The law exists to protect the rights of people. As one political philosopher has indicated:

Man's rights can be violated only by the use of physical force. It is only by means of physical force that one man can deprive another of his life, or enslave him, or rob him, or prevent him from pursuing his own goals, or compel him to act against his own rational judgement. The precondition of a civilised society is the barring of physical force from social relationships—thus establishing the principle that if men wish to deal with one another, they may do so only by means of *reason*: by discussion, persuasion and voluntary, uncoerced agreement.

A robber who steals \$100 and is required to pay only \$100 has faced no punitive consequence for the results of his or her actions. Thus the law exists not merely to recover the wrong that has been done, but also to seek to provide a penalty that can be imposed upon that person; and also, in particular circumstances where wrong has been done to another, to compensate the person for the actions of the offender. It is the basis of all good law that it is not merely punitive or restorative, but that there is also compensation for those who have been the victim of the criminal activity against them.

If we did not have government, it would be left to individuals to seek their own compensation. But it would not be a particularly pleasant society because having individuals who seek compensation for actions committed against them leaves open a range of potential vulnerabilities, not the least of which is the capacity of the victim to engage themselves or others or a gang of people to seek recompense from the alleged perpetrator. In fact, it would be violent anarchy. For that reason the State has the monopoly of coercive power. We grant the State, as part of our social contract, the ability to seek recompense for us, to seek compensation for us, and to enact punitive damages against people for us. If the State does not do that, we have one of two options—we have either an anarchic situation where individuals seek their own justice or, alternatively, we have a society where justice does not exist. To this end, we have the Victims Support Scheme, which replaced the Victims Compensation Scheme and that, in turn, replaced the Criminal Injuries Compensation Scheme.

The existence of this is hardly new or original; it is a legitimate and important role of government. That is why I was so surprised to hear Mr David Shoebridge condemn the idea that there should be no consideration of social or economic circumstances in the issuing of penalty notices. That presupposes a society where there is one law for one group of people and one law for another group of people. The social or economic circumstances should be irrelevant. The law is meant to cover the whole gamut of society. If it does not, then one would have to ask why it does not. Mr David Shoebridge also said that 89 per cent of Aboriginal people do not respond to penalty notices and I have no reason to contradict or disbelieve his figures. Why do they not respond to penalty notices? He offered no explanation. Mr David Shoebridge also said that we should not cancel people's licences. What is the alternative to not imposing a punitive response to the failure of individuals not to respond to penalty notices? He did not answer that either. If there is to be a situation where penalty notices can be issued and flagrantly ignored, what is the point of having a justice system in the first place?

Indeed, at that point the situation is immediately set up where there is one law for one group of people and one law for another group of people. I would suggest that that is inimical to Australian society. Returning to the content of the bill, it is worth noting that in 2013 the Government introduced a new Victims Support Scheme to replace the Victims Compensation Scheme, which in turn replaced the old Criminal Injuries Compensation Scheme. The old scheme had been subject to unsustainable cost blowouts and protracted delays in providing compensation to victims of crime. While the system of support payments was reformed, the new scheme retained provisions from the old scheme that enabled payments to be recovered, by means of restitution orders, from offenders who were responsible for the relevant acts. This is an important point.

It is not desirable for taxes raised from members of society to be used to compensate people who are the victims of crime committed by others if the people who have committed the crimes are in a position to pay, wholly or substantially, the recompense required of them. The restitution orders can be enforced only as a judgement debt, requiring application to a court, which is generally uneconomic because most offenders have limited capacity to pay. Only some 20 per cent of the money payable under restitution orders was being recovered, and a substantial proportion of the debt was written off after a number of years. In other words, about 80 per cent of the compensation paid to victims of crime was coming from taxpayers, presumably the sort of taxpayers who were not involved in criminal activities in the first place.

The Government therefore initiated a trial, also commencing in 2013, of enforcement of restitution orders as fines under the Fines Act 1996. Following the success of that trial the Government decided that the Office of State Revenue should have permanent responsibility for enforcing restitution order debts using fine enforcement processes. While the full extent of the success of the trial might not be maintained as the backlog of aged debt is brought under management, it is clear that using the Office of State Revenue to recover this debt will provide a net benefit to the community by relieving taxpayers of some of the burden of funding victims' support payments. Indeed, it is hard to see how it could not recover less than 80 per cent of the net burden for victims compensation

given that it is the lead agency in the recovery of debts owed to the State currently. It will also allow Victims Services to concentrate on its core business of providing support services to victims of crime.

Under the 12-month trial, the Office of State Revenue enforced 1,000 restitution orders worth \$10.55 million by applying the same enforcement measures available for fines. By the end of the trial period, 70 per cent of the debt was either paid or under active management through an instalment payment arrangement or a work and development order. The amount of debt being paid to the Office of State Revenue has risen from 20 per cent to 70 per cent. The additional restitution debt collected under the trial exceeded the additional costs incurred by a factor of 7.5 to 1. Based on trial results, it is estimated that an additional \$5 million will be recovered from offenders in the first full year of operation of the new scheme, and an additional \$12 million to \$15 million per year within three years. That means less burden on consolidated revenue so that money that is raised by tax can be directed appropriately towards those sorts of services that are useful generally to the community in the normal course of government. It also means that the offenders will be required to be cognisant of the debt that they owe not merely to society but also to their victims, even though the amount is being collected on their behalf by the Government.

Because the Office of State Revenue is the State's specialist debt recovery agency it has a number of advantages in collecting debts, including complex debts such as those under restitution orders, where the debtors often have multiple debts or joint debts with co-offenders. Collecting restitution debts as fines makes sense, given that more than 70 per cent of restitution debtors under the trial already owed fines or debts to the Office of State Revenue—which, in itself, is quite a remarkable figure—so it is not people who have one or two minor offences but people who have multiple offences, recidivist offenders, who have flagrantly and deliberately decided to breach the obligation that has been imposed on them to provide restitution to their victims.

The Fines Amendment Bill also provides an opportunity to streamline the process by which a restitution order is confirmed by the Commissioner of Victims Rights. That is another worthwhile initiative. Justice delayed is justice denied, and part of that justice process is the restitution of a loss that has been occasioned by a victim due to the actions of a perpetrator. This is a very good bill. It is based on the evidence that we already have in relation to the success of the trial that was undertaken commencing in 2013. Hopefully, the bill will have a better than expected outcome and we will get to a situation where more than 70 per cent of debts are paid. In fact, we would like to get to a situation where 100 per cent of debts are paid. But let us be thankful for what we have in the first instance—a move away from a situation where 20 per cent of debts were recovered to a situation where 70 per cent, and hopefully more, are recovered from criminals into the future. I express my wholehearted support for the Fines Amendment Bill 2017. I commend the bill to the House.

Mr SCOT MacDONALD (16:47): I support the Fines Amendment Bill 2017. The overview of the bill states that the bill will allow the Commissioner of Fines Administration to take civil enforcement action against a fine defaulter who is an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration, and to take enforcement action to recover an amount payable under a confirmed order for restitution made by the Commissioner of Victims Rights against an offender or another person—to be known as a restitution amount. Item [5] allows the Commissioner of Fines Administration to take civil enforcement action against a fine defaulter who is an individual without first suspending or cancelling the fine defaulter's driver licence or vehicle registration.

Civil enforcement action consists of making an order to seize property of the fine defaulter, making an order to garnishee the fine defaulter's debts, wages or salary, or registering a fine enforcement order as a charge on the fine defaulter's land. Currently, the Commissioner of Fines Administration may take only civil enforcement action against a fine defaulter who is an individual after the commissioner has suspended or cancelled the fine defaulter's driver licence or vehicle registration. I believe this bill is a good move. Following the trial last year we are introducing a level of flexibility. My knowledge of debt recovery comes from my wife, who works in Corrective Services. She routinely tells me about the very unfortunate escalation that a relatively small offence can lead to over time.

We heard a good debate from the Hon. Dr Peter Phelps and Mr David Shoebridge. I believe the Hon. Dr Peter Phelps was resisting the idea of two classes of offenders and Mr David Shoebridge was talking about the need for recognising the circumstances of many in our community. I tend to err on the side of Mr David Shoebridge from my knowledge, which is second hand from the criminal justice system and the people who have to deal with these offenders. The offence in the first case can be relatively minor, relatively trivial, a small fine or demerit points, then that escalates into an unpaid fine and too often it further escalates into driving unlicensed or a loss of licence, then driving unlicensed, then driving unregistered. That escalates again to a criminal offence and after a few experiences like that, even jail time. Someone who perhaps started with a speeding fine or something of that nature, within a year or two, due to difficult circumstances—family or personal circumstances—finds themselves embroiled at the pointy end of the criminal justice system.

The Hon. Dr Peter Phelps said that the law is the law and we are all the same before the law. It is very hard to argue against that, but equally in the community I live in most of the people in the criminal justice system are Aboriginal—a far disproportionate number. I think proportion in our part of the world is about eight or 10 per cent, yet Aboriginals make up 90 plus per cent. Very often, too often, the experience starts not with an assault or with some major crime but with a traffic offence. In the past we have not had the flexibility; we have had to move straightaway to loss of licence or some other similar sanction. That moves offenders into very difficult circumstances. The Hon. Paul Green talked about how this could be a young person starting out on life post-school, getting an education and training. We have no public transport where I live, none whatsoever, not a light rail, not a train, not a plane. A bus might go through in the middle of the night or something like that. If you want to catch public transport, you cannot do it where I live.

We find young men and young women starting out on that journey and if they take a bit of a wrong turn and receive that sanction, unfortunately it leads to those circumstances. I am not here to excuse it, but I can say realistically this is what happens. Someone close to me deals with this on a daily basis and people find themselves in this vortex of a small fine escalating to potentially a criminal experience. The magistrates in our part of the world are very good—they will give people chance after chance—but ultimately they have to do what the law says and some of these people face jail time. That has concerned me because, once you are in that environment and once you have that criminal history, getting jobs can be hard. For some professions it is impossible to have a criminal record. It makes travel difficult for certain parts of the world.

In the main it makes life incredibly difficult for those vulnerable people that I have seen aged 18 and 19 and in their early 20s. They usually shake themselves out of it in their mid to late 20s, but there are a few years there when young men and women do the wrong thing and then have difficulty understanding the process and finding the money. I hear a lot of stories: Parents are leaned on to pay some of these fines and that is difficult for the family, and so on it goes. I very much appreciate that we trialled a different approach that recognises we have a community with some challenges and we have produced the Fines Amendment Bill 2017, which is a very good bill. I would not like to go down the path that the previous speaker talked about, which is essentially two classes of people before the law. I would like to think that we as the Legislature have the wherewithal to have that flexibility within our system, and if that is now going down the civil restitution path, that is good. I wish them luck with that because many of the people I have in mind do not have goods to seize or a lot of wages to garnishee, but it is giving flexibility to that sanction and that is important.

I believe this is a modern bill. It recognises the circumstances of a wide range of our community and I believe it introduces a flexibility that might keep some young people—they are mostly young—escalating from the traffic system to the criminal system and going to jail. Nothing is gained by a person of 20, 21 or 22 going to jail and mixing with hardened criminals, or even low security criminals. One of our first Attorneys General said it was the university of crime and probably never a truer word has been spoken. We do not need those types of young people in jail. We need them with the best opportunities, the best circumstances, the best prospects of being full members of our education and training community, and our employment sector. I thank the Hon. Scott Farlow for carriage of a good bill. I fully support the Fines Amendment Bill.

The Hon. SCOTT FARLOW (16:56): On behalf of the Hon. Don Harwin: In reply: I thank honourable members for their contributions to the debate on this bill. I note the contributions of the Hon. Peter Primrose, Mr David Shoebridge, Reverend the Hon. Fred Nile, the Hon. Trevor Khan, the Hon. Paul Green, the Hon. Dr Peter Phelps, and Mr Scot MacDonald who gave a very good contribution. The amendments proposed by this bill reflect the Government's commitment to improving debt recovery while continuing to protect vulnerable people. The transfer of responsibility for recovery of unpaid restitution orders to the Office of State Revenue follows a successful trial that began in 2013 and its success in increasing recovery rates to 70 per cent, on which many honourable members reflected. It is important that a person convicted of an offence relating to violence who is ordered to make restitution is held to account. The revenue raised by restitution orders helps to pay for the cost of support to the victims of crime.

The transfer of functions relates only to debt recovery where the recipient of a restitution order fails to pay and does not affect the functions of the Commissioner of Victims Services relating to Victims Support or the making of restitution orders. The bill provides for the Commissioner of Victims Rights to refer unpaid restitution amounts to the Commissioner of Fines Administration, who is then responsible for enforcing the restitution orders as if it were a court imposed fine. The bill also provides the Commissioner of Fines Administration with greater flexibility in recovering unpaid penalty notices and court imposed fines. In his contribution the Hon. Peter Primrose raised his consideration about restitution orders and sought clarification on the limits that would be applied to enforced recovery, particularly to those with deep financial distress.

I am informed that review mechanisms are available to persons who are subject to restitution orders. The amendments retain the existing review mechanisms that are available for restitution orders before they are

enforced. A person who is subject to a restitution order has the right to lodge an objection. If dissatisfied with the decision, on objection the person has the right to a review by the Civil and Administrative Tribunal. Before the restitution order is referred to the Office of State Revenue [OSR] for enforcement the person will have been served with notice of the order, notice of confirmation of the order and a debt notice, each of which informs of the person's rights and the consequences of non-payment.

If the person does not dispute the liability but wishes to pay by instalments, the order will be referred to the Office of State Revenue to make a payment instalment arrangement. No enforcement costs are payable if the person complies with the terms of that arrangement. The legislation provides for withdrawal or variation of the fine enforcement order if the person's conviction is successfully appealed, if the amount of support paid to the victim is varied or if the tribunal varies or reverses the order. Members raised the processes and how they affect the vulnerable, so it is prudent to talk about targeted enforcement and why the Office of State Revenue has been given the power to choose which enforcement action to take.

The current requirement to use driver licence and vehicle registration sanctions as the first lines of enforcement action can impose unnecessary additional costs on fine defaulters as well as delay recovery of the fine. Automatically suspending a person's driver's licence can have a severe impact on people in rural and remote locations or those who need to drive for their job, as stated by many members. Although the Office of State Revenue will direct Roads and Maritime Services to lift sanctions in these circumstances, this can occur only upon request by the person affected and only after he or she has been subject to an additional \$40 enforcement fee. The Office of State Revenue has the capacity to identify individual customers or categories of people who will be adversely affected in this manner and can take enforcement action most appropriate to that person. Any enforcement action is taken only after the fine defaulter has been served with a notice advising of the consequences of not paying the fine.

It is interesting to note that these restitution order debts are being treated as fines for the following reasons: although restitution orders are made by the Commissioner of Victims Rights and not by a court, they can be made only if the person has been convicted of a relevant offence involving an act of violence; the Fines Act already includes as fines other amounts that are payable as the result of court proceedings but are not imposed by a court, such as victims support levies and court costs levies; the trial under which restitution order debts were recovered as fines identified that about 60 per cent of debtors were existing OSR clients—which is interesting to note—and 25 per cent of the debt was able to be incorporated into existing payment arrangements; and treating restitution debts as fines therefore allows increased efficiency in recovering the debts as well as greater convenience to the debtors in dealing with a single government agency to pay off their debts.

Members also may be interested in the current process with victims restitution orders as it was touched upon in the debate. A victim of an act of violence may be awarded financial support and/or recognition payment under the Victims Rights and Support Act 2013. The award or payment is paid from the Victims Support Fund. If a person has been convicted of the offence that led to the victim's injury restitution, action may be taken by Victims Services to recover that money from the offender. The convicted offender may be ordered to pay back all or some of the victims support payments paid by the fund to the victim. This is to make sure that offenders contribute to the assistance of the victims.

It should be noted that provisional orders are the first step in the restitution process. The order is made by the Commissioner of Victims Rights to notify the defendant that an award for compensation or victims support payments has been made to a victim and the commissioner is seeking to recover the amount of the award or victims support payments from the defendant. An award of compensation and victim support payments are paid from State funds and may be paid to the victim before restitution action is commenced. Awards for compensation are comprised of components for injury sustained and actual expenses arising therefrom. Victims support payments comprise payments made to victims for financial support and/or recognition payment.

The provisional order sets out the amount and date of the award and/or victims support payment, the name of the victim, the injuries sustained by the victim and relevant conviction details. A provisional order can be paid by monthly instalments. A recipient of a provisional order can make an offer to settle the matter. Offers can be made at any time after the commissioner has made either a provisional order or a restitution order. Alternatively, a written objection to the provisional order may be lodged with the commissioner. If the recipient lodges on objection while in prison, the matter usually will be stayed until their release from prison.

If a recipient ignores a provisional order, the commissioner may confirm the amount provisionally ordered and make a restitution order forthwith for the full amount payable. The restitution order is taken to be a judgement debt and is enforceable as if it were an order made in civil proceedings. Enforcement action following a court judgement could include the seizure of goods including a motor vehicle or motorbike and/or garnishee salary or wages, or money in a financial account, or registering a charge against any property owned, either individually or jointly with other persons. If a recipient lives outside New South Wales, the commissioner can

seek to have the restitution order made enforceable in another State of Australia. This could involve the payment of interest and additional costs on top of the amount of the restitution order. Enforcement action may also result in the seizure of goods or garnishing of salary, wages or a financial institution account.

For the purposes of the Victims Rights and Support Act 2013 a "conviction" includes an order made under section 10 of the Crimes (Sentencing Procedure) Act 1999, which was previously section 556A of the Crimes Act 1900. Similarly, juvenile equivalents under section 33, other than section 33(1) (a) of the Children (Criminal Proceedings) Act 1987, are a conviction. I turn now to the consequences of serving a prison term and/or paying a fine and/or compensation levy. The restitution process is a civil process as opposed to the criminal proceedings in which an offender is convicted of the offences upon which restitution proceedings are based. The penalty ordered by the court in the criminal proceedings is separate from the restitution proceedings. However, the commissioner may take into consideration any findings by the judge or magistrate in the criminal proceedings or the penalty ordered by the court when determining the amount of any arrangement or order in the restitution proceedings.

The Victims Rights and Support Act 2013 provides that a person who is convicted of an offence is liable to pay a victims support levy, previously known as a victims compensation levy. This levy does not apply to offences relating to the use of offensive language, travelling on public transport without paying the fare or without a ticket or engaging in offensive conduct. The levy is imposed by the court on conviction and relates to the conviction process. The levy is not administered by Victims Services and does not relate to the claim made by the victim or restitution proceedings conducted by the tribunal.

It is important to note that co-offenders may be required to pay restitution. Whilst the Act provides that one or more defendants are jointly and severally liable for the full amount awarded or victims support payments made to the victim, a defendant may make submissions as to why he or she should pay only an equal or proportional share of that amount. However, if a defendant is seen to be more responsible for the injury to the victim than other defendants, that defendant may be asked or ordered to pay more than the other defendants. If a recipient petitions for bankruptcy after receiving a provisional order or as a result of being served with a restitution order or arrangement and the petition is successful, the recipient's liability may be protected under the provisions of the Bankruptcy Act 1966.

However, if the recipient is already bankrupt at the time that the provisional order is made, liability for restitution may not be protected by the Act. A recipient can apply to the Commissioner of Victims Rights for a payment arrangement which will minimise any disruption to the person's lifestyle. If the recipient complies with the arrangement, the restitution order will not be enforced or registered with financial credit rating agencies. Restitution orders cannot be satisfied by a community service order or time in jail. I note with respect to time taken to issue a provisional order that the Act provides for a provisional order to be made within two years from when the claim for an award of compensation has been awarded or the maximum amount of victims support payment that the victim is eligible to receive under the Act has been paid—sorry, I will start again.

The Hon. Paul Green: From the top.

The Hon. SCOTT FARLOW: Once more with feeling—or from the date of conviction of a defendant for the offence upon which the restitution proceedings are based. A victim may have applied for an award of compensation or for victims support payments up to two years from the date of the relevant act of violence or within two years after turning 18 for children applying for victims support payments. Victims of domestic violence, sexual assault and child abuse offences may apply for victims support payments within 10 years, or 10 years after turning 18 for children. There is no time limit for victims of sexual assault if they were a child at the time of the incidents.

Under the new victims support scheme, victims may continue to apply for support payments in respect of an act of violence until either five years after the application was first made or until the maximum support payment that the victim is eligible to receive under the Act has been paid. In some cases, therefore, a provisional order may not be made for close to seven years after an act of violence has occurred. However, if the convictions relied upon are of a historical nature, the time between the convictions and the issue of a provisional order may be greater. Members have expressed concern for the victims of crime. It is important to note that there is a process to inform the offender when an application has been lodged by the victim. The compensation and restitution processes are separate.

After receiving an application for victims support payment, the assessor determining the matter relies on reports and/or information provided by the victim, the police, the court where the criminal proceedings were dealt with and medical and/or mental health practitioners. A determination is made on the balance of probabilities—that is, the likelihood that the injury occurred as a result of an act of violence. After the award of victims support payment has been accepted and paid to the victim, the commissioner may make a provisional order for restitution

against the persons convicted of an offence causing the injury for which the victim was awarded victims support payments, or for which restitution payments were made. That will answer any queries members had regarding the operation of the system.

Allowing the commissioner to take civil enforcement action before imposing driver licence or vehicle registration sanctions will eliminate the need to incur unnecessary costs in cases in which licence sanctions are unlikely to succeed, or where sanctions will inappropriately penalise people who are vulnerable. That will address concerns expressed by Mr David Shoebridge, the Hon. Trevor Khan, Mr Scot MacDonald and the Hon. Dr Peter Phelps. A person may be vulnerable either because of their economic circumstances and the importance of having a licence for employment purposes or because they live in a regional or remote area of the State. I thank all honourable members for contributing to the debate. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I remind members of the ruling of President Primrose, who stated:

Traditionally, wide-ranging debate is encouraged in this place thus enabling members to speak as broadly as possible. However, members speaking in reply should endeavour to speak only to matters that have been raised in the debate by other members. President Johnson ruled that when speaking in reply a member is entitled to reply to assertions that have been made by other members during debate. He ruled also that when speaking in reply, members should relate their remarks as far as possible to the debate that has already taken place. Members should not introduce new material when speaking in reply but may reply to assertions made by members in their contributions, whether implied or specific.

I will say nothing further at this stage. The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. SCOTT FARLOW (17:14:3): On behalf of the Hon. Don Harwin: 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 17 November 2016.

The Hon. SHAYNE MALLARD (17:15): I congratulate the Premier, Gladys Berejiklian, on her outstanding work as Treasurer and acknowledge the former Premier, Mike Baird, for his work to produce the budget. I note that today is International Women's Day. Gladys Berejiklian was the first female Treasurer of New South Wales and is the first female Coalition Premier—and may there be many more. The Government has maintained record investment in city and State-shaping infrastructure projects and simultaneously wiped out the State's net debt, delivering a cash positive result in 2015-16.

The Premier was the first Treasurer in the history of this State to accomplish that. Following years of Labor mismanagement, the work of successive Liberal Treasurers has caused government sector net debt to fall from \$5.5 billion as at 30 June 2015 to negative \$57 million on 30 June 2016. New South Wales is in a cash-positive position for the first time on record. It is a credit to former Treasurers, Gladys Berejiklian, Mike Baird and Andrew Constance, and the Coalition Government. Fiscal discipline and an asset recycling strategy have allowed the Government to invest record amounts in infrastructure while securing and maintaining the triple-A credit rating. The unprecedented infrastructure program is supporting the booming jobs market. A solid housing construction industry is boosting consumer confidence and business investment. Standard & Poor's has reaffirmed New South Wales' triple-A credit rating.

The Hon. Bronnie Taylor: Hear, hear!

The Hon. Shaoquett Moselmane: Someone's awake.

The Hon. SHAYNE MALLARD: We are all awake to this great news. It must be reiterated again and again in the Chamber. The Government has maintained the triple-A credit rating while ensuring quality of opportunity for all citizens, no matter where they live or what their circumstances, and this State is the envy of the rest of Australia. New South Wales is now the infrastructure capital of Australia. This Government has worked hard to establish a strong State infrastructure plan that will cope with the demand for transport and road services from a growing population.

Over the next 15 years transport infrastructure will need to support a 40 per cent increase in train trips and a 30 per cent increase in car trips. Unlike the 15 years of lost and wasted opportunity under the last Labor

Government, this Government is taking the bull by the horns and confronting this complex challenge. That is why the Government's budget forecasts a record infrastructure investment of \$73.3 billion over the next four years, with State-funded investment in infrastructure averaging \$12.1 billion a year over the next four years. More than half of the Government's infrastructure program is dedicated to transport and road spending. Over the next four years, to 2019-20, transport will comprise 56.6 per cent of total infrastructure spending in this State. This has increased considerably since the Government was elected, when spending on transport made up 33 per cent of the infrastructure program. That is a dramatic increase in the percentage of spending on transport infrastructure.

As members are aware, we have committed to several transport projects, all opposed by Labor and The Greens, who cannot seem to muster the political strength to develop a legitimate alternative plan to address the traffic congestion and overcrowding on public transport. The projects funded in this budget will grow and improve existing services and projects as well as construct new state-of-the-art services. The fully automated Sydney Metro rail network will operate 30 trains an hour through the central business district in each direction, which is a train every two minutes each way. This means the railway network across greater Sydney will have room for an extra 100,000 train customers during peak hour travel times. No-one but us has taken on this challenge.

The budget fully funds the Sydney Metro City and Southwest rail line, which has a budget range of \$11.5 billion to \$12.5 billion. For 2016-17 the Government has allocated \$1.3 billion for Sydney Metro Northwest, which is set to open in the first half of 2019, and has committed a further \$1.4 billion for the second stage of the metro—all while maintaining a triple-A credit rating and a budget without debt. The Government is also providing \$406.6 million during 2016-17 to provide enhancements to the existing infrastructure and fleet, and to provide increased and improved rail services that will include more express services to Western Sydney. We will also invest \$518.4 million in the next generation rail fleet, \$154.2 million in fixing the older locomotive stock and more than \$1 billion over the next four years in the Northern Sydney Freight Corridor.

Importantly, money invested in transport is about making the customer experience on Sydney Trains the best in the world. By delivering modern, secure and accessible transport improvements to the tune of \$280 million during 2016-17 the Government will ensure that transport in New South Wales is always customer focused. As members are aware, I am a strong supporter of light rail, so it is great to see the budget strengthening the role that light rail will play in the future transport mix of Sydney. That is despite the shameful backflip by the Australian Labor Party after the last election, and particularly the Hon. Penny Sharpe, who ran for the seat of Newtown and supported light rail during that campaign. Light rail is an idea whose time has come again, but this is the twenty-first century version. It is the pre-eminent example of a reliable and sustainable mode of public transport and it will work to ease the pressure on Sydney's roads from congestion caused by cars and buses.

It is for this reason that \$1.9 billion has been set aside in the budget for the CBD and South East light rail line as well as \$142 million for Newcastle light rail and \$64 million towards planning for Parramatta light rail. It is important that the Government maintain a sound mix of public transport options. It needs to go beyond rail and light rail. The Government is improving the bus network, with \$233.8 million to be spent over 2016-17 on bus priority infrastructure that will support Sydney's bus future by working on strategic corridors to increase timetable reliability and reduce delays. Anyone who has used the L90 from the city to Palm Beach—

The Hon. Scott Farlow: I have.

The Hon. SHAYNE MALLARD: So have I—knows that the northern beaches bus services are dramatically in need of attention. The introduction of the B-Line will deliver better bus services for customers travelling between the northern beaches and the central business district. The B-Line will provide more frequent and reliable bus services, reduce congestion and lead to shorter travelling times. It will also be a simpler bus network, which will improve safety and local air quality as well as minimise traffic noise. In addition to this, the Government will deliver 218 new buses to cater for services around New South Wales at a cost of \$108.4 million over 2016-17. I turn to roads.

The Hon. Paul Green: Yes, the Princes Highway. Tell us the good news!

The Hon. SHAYNE MALLARD: The Government has spent a lot of money on the Princes Highway. The Government also has been working on significant, unprecedented, and historic road projects to ease congestion as well as a plan for population and employment growth throughout the State. The Government is investing \$16.8 billion in the amazing WestConnex project, which involves widening and extending the M4 and M5 and joining them together to form a continuous free-flowing motorway, with connections to northern and southern Sydney. That is a game-changer for road transport in the city. It is a game changer for small business and for moving freight around our city. It will reduce costs for small businesses and create more employment opportunities. The project is being delivered in three stages. Stage 1 is from Parramatta to the City West Link. Anyone who has driven on the M4—as I do a lot now, going to the Blue Mountains—can see the massive investment that is delivering huge road projects. It is amazing infrastructure.

As I travel on the M4 I see a lot of people in fluoro vests and contractors working. That project is creating a lot of jobs and causing money to flow in the economy. Stage 2 is the new M5 East, including the enhanced Sydney Gateway. Anyone who travels on the M5 knows it is a bottleneck because it was badly planned by Labor. Again, one sees hundreds of workers in fluoro vests and contractor trucks. That is churning investment through the economy, creating more jobs and wealth. Stage 3 is from the City West Link to St Peters. WestConnex will deliver more than \$20 billion of economic benefits to the State, which Labor opposed. It is a shame Labor members are not in the Chamber to hear this speech. I know they are tuning in from their offices. WestConnex will serve more than 480,000 travellers per day. That is how many people will use WestConnex. It is estimated that it will help drivers bypass up to 52 sets of traffic lights.

The Hon. Shaoquett Moselmane: Tell us how many assets you sold.

The Hon. SHAYNE MALLARD: Asset recycling and leasing is part of the formula. We have no debt—just remember that. There are huge benefits for commuters, residents and businesses in south-west Sydney and, of course, jobs and growth. The Government will also invest \$3 billion in NorthConnex. Anyone who travels on the M2, which I happen to do occasionally, will see the massive construction work connecting NorthConnex. Again, there are many workers in fluoro jackets and many subcontractors.

The Hon. Scott Farlow: And cranes.

The Hon. SHAYNE MALLARD: There are cranes. One can see the infrastructure investment, the money that is churning through the local economy and creating more jobs. The Government is investing \$146.7 million in 2016-17 on the Western Sydney Priority Growth Area Program, which will involve major road upgrades and expansions to accommodate the growth of population and employment in Western Sydney. That is \$146 million, separate from all the other projects, being spent on roads in Western Sydney, which will lead to jobs growth. This will include the north-west and south-west growth centres and the Western Sydney employment lands. Those lands are next to the new Western Sydney Airport site, where roads are being massively upgraded. There is the promise of 30,000 to 60,000 jobs in a decade in that area, which is phenomenal. The objective of this program is to link the greater Sydney workforce and business community with broader employment opportunities and markets, including through national and international gateways such as Badgerys Creek.

The budget is not just about jobs and infrastructure but also about other things such as the environment, which I will now address. Recent years have seen the market environment in New South Wales changing, with a number of coal-based generators across the State proposed for closure and a shift away from coal-based energy driven by markets, not by ideology. Renewable energy sources continue to increase, with approximately one-third of installed capacity in New South Wales in the form of renewable technologies such as solar photovoltaic, wind and hydro generation. Yesterday the Minister talked about the new solar plant at Moree, and the Hon. Ben Franklin was at its opening. I would have loved to have been there because nothing impresses me more than renewable energy projects that are sustainable and supported by the community. It is amazing that the local community wants more of them. Also, total electricity demand per capita in New South Wales has declined each year since 2009, even as gross State product has continued to grow.

I now turn to the Arts portfolio, which is also represented in this Chamber. The Government has invested not only in job-creating infrastructure and transport but also in the arts and culture sector in New South Wales, which is the strongest in Australia. Our cultural institutions attract and retain the people and skills that the State needs to compete in the increasingly global arts and culture economy. New South Wales is home to almost 40 per cent of Australia's creative arts industries and constitutes more than one-third of Australia's creative industry employment. Approximately 800 galleries, cultural institutions, museums, libraries and conservatoriums support a vibrant and creative New South Wales.

Out of the 28 major performing arts groups in Australia, 10 are located within our State. Our institutions include the Sydney Opera House, the Art Gallery NSW, the Australian Museum and the State Library of New South Wales, which provide a focus for Sydney's cultural life while also supporting the regions through lending and touring collections, educational programs, offsite presentations, and online access to resources and digitised collections. Sydney also plays a vital part in the State's arts and cultural sector as it is home to Australia's largest creative community across fields including film, theatre, music, dance and festival events.

This sector supports the growth of our economy, accounting for 6 per cent of the State's employment, and plays a significant role in attracting tourists to New South Wales, with 11.4 million international and domestic cultural and heritage visitors spending \$11.2 billion in this State in 2015. This budget aims to continue to strengthen and support the arts and culture sector in New South Wales, and has committed to several projects that will continue to stimulate this growth. An amount of \$128.6 million will be invested over four years in the construction of new and upgraded production, studio, rehearsal and performance venues in the Walsh Bay Arts Precinct. Some \$12 million will be invested for the Sydney Opera House to design its upgrades to entry points

and foyers, new creative learning and function centres, and improvements to the Concert Hall as part of stage 1 of the decade of renewal of the Opera House.

As the former Treasurer said, very few jurisdictions anywhere today would be able to match the economic conditions and the budget position of New South Wales, especially now that we have wiped out the State's net government debt. The 2016-17 budget delivers surpluses across the forward estimates, zero net debt, a triple-A credit rating, record spending on services and infrastructure, strong jobs and economic growth, low unemployment, and strong business and consumer confidence. We are leading the nation and are in an enviable position. But as the Treasurer and the Premier said, they are Labor proofing our economy for the future. A good government does not rest on its laurels; it continues to work hard on what it hopes to achieve for the future. I commend the budget to the House.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:33): Although I am speaking, I am in no way closing this debate. I do not propose to speak about any of my ministerial portfolios but I will address the budget allocation for the Legislature. In a way, I will seek to put a full stop on the great honour I have had of serving as President of this House for five years and eight months, and the work that we were able to do in the Parliament.

The Hon. Robert Brown: The committee system salutes a generous President.

The Hon. DON HARWIN: I acknowledge that interjection. It is very nice of the Hon. Robert Brown to say that. During my time as President, honourable members in this Chamber were incredibly generous to me and supportive of the work that I sought to do. I thank them all. I think there was hardly a cross moment during the whole time I was President. Obviously from time to time there were differences of opinion but, importantly, there were good working relationships.

Mr Scot MacDonald: David Clarke is still unhappy about the capital works program.

The Hon. DON HARWIN: I will address the capital works program. I am sure that plenty of people disagreed with individual decisions from time to time. I placed a great imperative on trying to be an independent and impartial President in the chair. On other occasions people have been kind enough to point to my record and I have always thanked them for their comments, which were very much appreciated. Perhaps I should start by referring to the capital works budget of the Legislature in 2016-17 and then reflect upon the preceding capital works budgets. As I look back on that time, I realise that several matters took a lot of time during my presidency. Without doubt, the one that took the most time involved the Parliament building. Parliament House is in a precinct that includes the oldest continuously used public building in Australia—that is, the northern wing of the Rum Hospital.

The southern wing is the Mint, which has not been used continuously but is of the same vintage. My time as President overlapped with the 200th anniversary of construction. Construction began in 1811 and finished in 1816. During 2016 we held an exhibition in the Jubilee Room featuring details of that construction. In fact, some of the displays were so well done in-house by the Department of Parliamentary Services—I acknowledge that it led the project—that I have noticed they are still on display. The long-held conventional wisdom is that it is never popular to spend money on Parliament House. We need to be careful with taxpayers' money and make sure that it is not wasted. We should spend only what we need to spend. However, it is a very historic precinct and a number of the buildings within it were certainly showing their age in 2011, when Madam Speaker and I came to our offices.

The tower block, which is behind the Rum Hospital, the Jubilee Room, the two Chambers and the Speaker's wing date from the period 1978 to 1983. Andrew Andersons oversaw the design. I believe it has helped to make Parliament House arguably the most functional Parliament in Australia. People look to Canberra, but do not think in any way that we are missing out compared to Canberra. I do not think that is a good precinct. Our place of work is much more functional than Parliament House in Canberra. Some people say Parliament House in Brisbane is quite good; it is the only one that even comes close to ours.

The Hon. Robert Brown: Certainly West Australia and Victoria do not.

The Hon. DON HARWIN: I acknowledge the interjection and agree with the Hon. Robert Brown. South Australia recently has done some very interesting work. If honourable members have occasion to visit Adelaide I suggest that it is worth taking a look at the South Australian Parliament. The tower block, despite being extraordinarily functional, had virtually nothing spent on it after its construction concluded in 1983, and members will agree that it is high time something is done. Indeed, it is the most obvious problem for members but, upon probing more deeply, Madam Speaker and I were surprised at the cost of replacing fittings and parts of the building that had exceeded their useable life and been let go. What surprised us most was the degree of lack of compliance with the building code. We found food safety code compliance issues in the old kitchen and a large number of

areas in the building that were not safe workplaces for members, the staff of the two House departments and Department of Parliamentary Services staff. It was horrifying. It also became clear that we needed to address serious issues under the Disability Discrimination Act.

It is to the immense credit of then Premier O'Farrell that we were able to start to address all those issues. Premier O'Farrell and Mike Baird, as Treasurer, were not prepared to let these problems go on any longer. Madam Speaker and I negotiated with them for an allocation of money to ensure that we were able to start to address the food safety problems and the building code compliance issues, in particular. The major allocations started in the 2013-14 budget but there were other expenditures as well, which I will talk about later. The forward program was so substantial that Madam Speaker and I had a very long conversation about it. Given that Madam Speaker is a member of the lower House, and the member for South Coast—in fact, she is my local member—it was agreed that one of the two Presiding Officers should be responsible for doing the lead work on the capital works upgrade. It was agreed that, as President of the upper House, I would undertake the role.

The first thing I did, after negotiating the allocation of funding with the then Premier and Treasurer, was to approach all the parties represented in Parliament and the trade unions to make sure that we had agreement to do this work and that as far as possible we could take the politics out of it. The Opposition and the minor parties represented in this place acted in a totally professional and appropriate way to support those who work in this building and to make sure that they had safe workplaces. That was to their credit and it needs to be put on record. I recall that I had many conversations with the Hon. Robert Brown and the late Dr John Kaye about the need to do this work. I pay tribute to then Premier O'Farrell and then Treasurer Baird, but it is also important to note that that support continued once Mike Baird became Premier and Andrew Constance took over as Treasurer, and of course subsequently when Gladys Berejiklian became the Treasurer after the 2011 election.

I must also mention Bay Warburton, then Premier Baird's chief of staff, and Chris Muir, then Treasurer Constance's chief of staff, who at a time when we were having a particular difficulty intervened and came up with an immensely sane and sound approach. I will not go into details because of time constraints, but I particularly wanted to mention the role they played as well. I will now mention some of the projects and their compliance with various codes that we addressed. It began in the 2013-14 budget with an allocation of just over \$2 million to deal with the kitchen. We had unsafe stoves and cooling units that did not function properly, which made it difficult to keep food as cold as it needed to be. The work was urgent, and the money was incredibly well spent. Indeed, we managed to leverage it so that the kitchen had the capacity to be used by visiting caterers. In addition to our parliamentary catering, we now have a panel of approved external caterers and we can service a larger number of functions at any one time, particularly on sitting nights when there is peak demand. It was a very worthwhile project.

Also that year just over \$2.5 million was allocated to the library and the records repository. I do not know whether members saw the library stack, but the risk to library staff in trying to move shelves or to get to things stacked on the top of shelves was totally unacceptable. That allocation has been incredibly important in providing a safe workplace for library staff, and our records repository now complies with industry benchmarks for storing historical documents and meets the requirements of the State Records Authority. Indeed, the records of the Legislative Council from 1824 onwards are now in fully compliant storage and are protected. That same year important building compliance issues such as the fire and smoke system and the electrical distribution system were funded to the sum of just above \$4 million. In 2014-15 a major allocation was made for the electrical switchboards and for the replacement of the Rum Hospital roof.

In the 2015-16 budget we were able to start the process of upgrading and installing disabled toilets. There were far too few disabled toilets in this building. That project is still ongoing; I regret it has gone a little longer than we were told it would originally and that it is inconveniencing members. Unfortunately, that happens when a project as big as this one is undertaken. In the current budget—these are some very significant expenditures—there is funding to complete the tower block roof membrane and emergency ventilation. Work on the emergency generator will also start. That is relevant not only to us but also to the State Library and to the Sydney Hospital, which rely on us through shared arrangements. We are also going to undertake a huge ceiling and building services project, which started this year. That is very significant expenditure but currently all our services are in the ceiling, which is not best practice and is not done these days. It will take quite a long time to bring it up to current building standards, but it is a very important project. Mr President, no doubt that will be very much on your agenda because the project will go on for many years.

But it has not just been about building compliance. We made the case to government and managed to do other important things along the way. They are worth noting as well. Back in 2012-13 we managed to get funded a building that some do not like—some people say it is nothing but a tin shed. That is the building adjacent to the rooftop garden. We undertook that project because we needed more office accommodation at Parliament House, and as a consequence we have avoided almost \$1 million of recurrent expenditure every year on rented premises.

The building addition was designed by the original architect of the building, Andrew Andersons, and I think it has turned out quite well. It is certainly fulfilling a useful role at Parliament House and has almost paid for itself already in avoided rental costs.

Another incredibly important achievement is that we managed to get a parliamentary records digitisation and preservation project funded. That is crucial because, as I mentioned before, we hold the records of the first Parliament in the Southern Hemisphere. We have not just built a compliance space; we have managed to digitise the records and make them available for research. They are available and accessible on the internet. We have also done incredibly important work on level 7. It is about not allowing the Parliament to become obsolete and an unusable space. We have had to do some repurposing, some refreshing and some renovation, but we now have, in my view, public spaces on level 7 of which we can all be very proud. It has dramatically increased the number and availability of usable spaces for members who are meeting constituents or hosting community groups at the Parliament. I am very proud of that work also.

The standout project is, of course, what has been done in the Jubilee Room. The Jubilee Room was given to the Parliament by the Carruthers Government in 1905 to celebrate 50 years of responsible government. It has been updated with the assistance of heritage consultants Clive Lucas, Stapleton and Partners, and it is now an enormously impressive space—as it should be. The contractors on that project have done a wonderful job, and they should be acknowledged. We are now also starting to see the fruit of work that has been done elsewhere to make the northern end of level 7 much more usable for members. Last night Madam Speaker announced that the Preston-Stanley Room will be opened. Members will see that referred to in the 2015-16 and the 2016-17 Legislature estimates as "Level 7 Seminar Space". The rooms are not just for seminars; they are serviceable rooms that can be used for a variety of events as well as seminars—committee hearings, social events and even sit-down dinners.

The Preston-Stanley Room is a wonderful venue that is named in honour of the first female member of the House. Mr President, I hope that the Department of Parliamentary Services, as intended, will bring to you designs so that we may commemorate in that room all the women firsts—if I may put it that way—in the Parliament. So it is not only Millicent Preston-Stanley who is remembered but also our first female member of this House, our first female Minister, our first female party leader, our first female Leader of the Opposition, our first female Premier, our first female Presiding Officer and our first female clerk. All those women should be celebrated, and that is the room where it will happen. There will also be new and far more functional rooms on level 7. It is proposed that they will be named in honour of the first Premier to serve as Prime Minister, George Reid, and the first Premier who also served as Governor-General, William McKell. So all the rooms on level 7 will be named after people who were crucial to the parliamentary development of New South Wales: Macquarie, Wentworth, Parkes, Reid, McKell and Preston-Stanley. I believe that is very appropriate.

They are some of the very important capital works that have been completed. But it does not always take money to achieve quite a lot. Another thing I am most proud of achieving in my time as President was what Madam Speaker and I were able to do in relation to visitor engagement, which we made a very important priority. We took the view that, as a precinct in Macquarie Street in a very historical part of Sydney that attracts tens of thousands of visitors every year, we needed to have something for visitors coming into our building to see that illuminated our work as parliamentarians and illuminated our history of political development in New South Wales. We also wanted to make some of the treasures in this building available for people to see, and not just keep them either in storage or locked up in our offices. The yearly program of exhibitions started in 2012, when we put some of our art collection on display. The "underSTATED" exhibition was held in 2016, and there have been three exhibitions of our history, starting with "Twenty Five: Stories from Australia's First Parliament" in 2013, "Politics and Sacrifice" in 2015 and now "Women in Parliament" in 2017.

All of those have made Parliament an immensely interesting place to visit. They have been based on two things: first, incredibly hard work by the staff of the three parliamentary departments who have done most of the work, on top of their existing jobs, to make sure that they have been delivered, and, secondly, those sponsors who actually paid for them. I think it is worth remembering the NSW Business Chamber, the RSL clubs and the law firm Maddocks, which made those exhibitions possible. The time is drawing to a close. At 6.00 o'clock we will be hearing from our newest member and I do not intend to conclude my speech because there are some other things I want to say, so feel free to interrupt me.

The Hon. Penny Sharpe: Is there not a time limit on these?

The Hon. DON HARWIN: There is not, as it happens. In terms of the capital works program I pay particular credit to Rob Nielsen, the manager of building services at Parliament House. His work has been absolutely outstanding. In terms of visitor engagement there is a range of people who should be thanked, but I particularly place on record the work of Phil Goldsmith, who also works in building services.

*Members***INAUGURAL SPEECH**

The PRESIDENT: I welcome to the President's gallery The Greens former Senator Bob Brown. I ask the members of the public not to applaud. I welcome to the President's gallery Mr Michael Rickard, partner of Ms Dawn Walker, and their three children, who will all be in the House for the member's first speech. I remind all members that Ms Dawn Walker is about to make her first speech in this place. I ask members to extend to her the usual courtesies.

Ms DAWN WALKER (18:02): I would like to first acknowledge the Gadigal people of the Eora Nation on whose land we meet, and pay my respects to elders past and present. I also acknowledge that I have travelled to this place from Bundjalung land and acknowledge elders past and present from this great nation, many of whom have done me a great honour by sending messages of encouragement as I make my inaugural speech today in this place. My local Aboriginal community has supported me so patiently and with great care by sharing with me their stories and wisdom, and giving me a safe space to start to understand the rich, living Aboriginal culture that is going on around us every day, despite the best efforts to dispose of, suppress and destroy these ancient and resilient first peoples. The Williams family, the Slabbs, Rob Appo, Auntie Bonny, Auntie Kath and Auntie Jackie, you stuck with me and you taught me the importance of the long game, and I sincerely thank you.

I would love to see more Aboriginal representation in this Parliament. Linda Burney has been the only Aboriginal member of the New South Wales Parliament and with her departure for Federal politics we again have no Aboriginal representatives. New Zealand has had dedicated Maori seats since 1867. They have a treaty, yet in this country we are still dealing with the consequences of terra nullius. We should consider establishing dedicated seats in this Chamber for Aboriginal people elected by Aboriginal people. In 1998 the Standing Committee on Social Issues held an inquiry into enhancing Aboriginal political representation, including introducing dedicated seats. Unfortunately, not much has progressed since then. I would like us to resume the discussion about facilitating Aboriginal representation in our political system to ensure that Aboriginal people and their communities have a direct voice in our democracy. I intend to consult and work with Aboriginal people about this and will work in this place to put this conversation back on the agenda, perhaps working towards a referendum at the next State election.

As I stand here with you all in the oldest Parliament in the country, I thank you for giving me this great honour to represent the people of New South Wales, and this opportunity to introduce myself and reflect on why I am here, what drives me and what I hope to achieve. I take this opportunity to thank the parliamentary staff and the other members of Parliament who have welcomed me so warmly, all of you actually, and assisted me with great understanding and good humour as I acclimatise to life as a member of the Legislative Council [MLC]. To be honest, I cannot think of a greater privilege than to be sworn in as the fifty-fourth woman in this House and to give my inaugural speech on International Women's Day. I thank the Whip and the Leader of the Government for arranging for me to speak on this significant day.

With the Parliament currently exhibiting the inspirational stories of women in New South Wales politics, I take the opportunity to acknowledge the enormous achievements of these women, both in political and public life, as well as their courage and tenacity to gain women the vote and represent the community in Parliament. Those women also represent the many women who have supported, mentored and organised to ensure greater representation of women in our decision-making process. And in fact across New South Wales we are seeing more and more women speaking up on behalf of our communities and environment. I see women acting on their concerns about the effects of climate change, the growing inequality in society and the frustrations of our young people. It is women who are saying enough is enough. The Knitting Nanas are a wonderful example of straight-talking women who will not let big corporations come into our communities to industrialise our land and water. It is just not happening.

I also have marched with women in my community to retain our much-needed local domestic violence services. I marched with these women last year when funding for this vital service was cut. Tomorrow they will present Parliament with 10,000 signatures asking for the reinstatement of a standalone domestic violence service. I look forward to working in a Parliament that respects and seeks out the views of women in our communities and considers the effect on women and girls of decisions made in this place. One such inspirational woman is Jan Barham, whose casual vacancy I have the honour of filling. Jan's legacy and close connection with the local Arakwal people has been an inspiration to me, as is her untiring work for the North Coast community. As an emerging community spokesperson I followed Jan's career with interest as her forthright attitude and close ties to her community helped me understand the power of the local and the importance of providing a voice for the community.

I was born and raised in Melbourne by a Queensland mother and a Victorian father. So it seems fitting that I have landed halfway, in this great State of New South Wales, to raise my family and to now contribute to public life. My mum came from a large, single-parent family that did it tough in the depression years. I remember her telling me about being sent to the fruit shop to buy the "specks", the cheaper, marked fruit, and selling violets to returned servicemen during the war years. As a young woman mum moved to Melbourne to work in the telegraph exchange and met my dad, who was a newly qualified electrician. It was mum who gave me a strong love of family and the importance of facing the music for my words and actions.

It was dad who instilled in me a deep, deep love for country. He spent his early years travelling around Australia as a jackaroo, picking up shearing and fencing jobs on outback stations across the country, and cutting cane in Murwillumbah and north Queensland. His stories of dusty roads, bare paddocks, wild rivers and ancient forests profoundly shaped me. It was dad who taught me how to work with the environment, not fight against it, how to tell the time without a watch, how to follow a river out of a forest and how to light a fire without a match. Dad also encouraged me to act on my convictions. I remember being 11 years old and devastated when I learned that a much-loved piece of local urban bushland was going to be clear-felled for a freeway. Dad taught me that if something concerns you or touches you there is no point sobbing in your bedroom; you need to do something about it—and he showed me how to write to my local member and raise my concerns. I lost the bushland, but I learnt that important lesson of taking positive action on things you care about.

I started my working life as a young graduate recruit in the Federal Department of Employment, Education and Training. This was a time when it was the head of the typing pool who could make or break your career, not your boss; morning tea was signalled by the punctual arrival of the tea lady to your floor; and cigarette ashtrays were government issue. But, more importantly, it was an era when the public service took great pride in providing frank and fearless advice to ministers of all political persuasions. I was first based in the Commonwealth Employment Service [CES] in a heavy manufacturing area and saw firsthand the human tragedy of Christmas layoffs and 10 per cent unemployment—poverty, inequality and human desperation as jobs became scarce. This had a huge effect on me. It was during my time at the CES that I witnessed the increased privatisation of government services with the eventual wholesale transfer of job placement and training to the private sector.

I became concerned about the shift of focus from supporting jobseekers of all abilities to a profit-driven service, so I left to become a policy adviser in the State office of the department and later the Department of Innovation, Industry and Regional Development. During this time I was responsible for developing and funding TAFE programs to encourage women into non-traditional trades, to make TAFE more accessible to women and to increase the flexibility of our national training system with the introduction of competency-based training and more equitable entry level through traineeships. It was about equity and access. This gave me a passion for our TAFE system, its historical roots in providing practical vocational skills to meet skills shortages and a second chance for people at gaining an education, and retraining opportunities for our workforce.

I am pleased to see this Government is continuing this work by setting targets for women in non-traditional construction roles through its Infrastructure Skills Legacy Program. We are seeing the benefits of this equity approach locally, with construction works at Lismore Base Hospital creating greater opportunities for women to enter traditionally male dominated trades. I hope the Government will see fit to support the TAFE system as an important contributor to these goals. We need a vibrant TAFE system to train our young people in the skills required for our renewable energy future with jobs in development, implementation and maintenance of wind and solar industries across New South Wales.

My other passion is the environment, which is shared by my father who loved nothing better after a long walk together in the bush than to kneel with me and drink from a freshwater river with cupped hands. He would look up at me and say, "Isn't that the sweetest thing you've ever tasted?" This simple act together has been with me in the determination to protect our land and water—to ensure that all of us can kneel by a free flowing river with our children and taste that clean water without having to worry about a coal seam gas [CSG] well or a coalmine upstream; to speak up for the community's right to clean air, clean water, a safe climate and a fair society.

Last weekend I took some time out to travel to Protesters Falls in Nightcap National Park to reflect on this wild and biodiverse place before I made the journey here to give this, my first speech in Parliament. These ancient and dark forests on Bundjalung country were the site of the pivotal Terania Creek protests in the late 1970s where local people put their bodies on the line to protect these forests from logging, including the first New South Wales Greens member of Parliament, Ian Cohen. They understood the importance of protecting our forests and over the next few years our survival of our forests will again be under the spotlight as the regional forest agreements [RFAs] that have been the framework for public forest management in New South Wales for 20 years expire, beginning in 2019.

After decades of non-violent direct action to protect many of our irreplaceable forests from logging, the RFAs were supposed to end the conflict and ensure ecologically sustainable forest management. What has become

clear is that the agreements have failed to deliver on their promise. As the National Parks Association concluded last year, the RFAs have "enabled the whole-scale destruction of public forests with impunity" and left our forests in a worse state than when the agreements were reached. Native forest logging has been left with inadequate regulation because under the RFAs it is not subject to scrutiny by Commonwealth law and because the New South Wales Government removed the capacity for third party legal action to enforce breaches of logging approvals. As a result of these failures, the carbon stores in our mature native forests are decreasing, and many plant and animal species are in rapid decline.

I will be joining the experts by calling on the Government to end logging in our public native forests once and for all following the expiry of the RFAs from 2019. When threatened species legislation was enacted in New South Wales in 1995 there were approximately 700 plant and animal species listed. Two decades later, we are now just one species away from 1,000 species listed as threatened. This is a travesty, and I pledge to you that I will continue to be a strong voice, both inside and outside the Parliament, for our forests, ecosystems and other wild places.

I never planned to enter Parliament. I live in a small coastal village on the far North Coast. I moved there with my family to run our small business in the surfing industry and raise our children under the watchful gaze of Mount Wollumbin and by the Pacific Ocean. The plan was for a quiet life. But unbeknown to me this little village was built on an extraordinary story of community resilience and sense of place. I had moved into Mr Healy's little old fibro post office that had been at the centre of this village's survival from a development proposal of massive proportions. In the late 1980s the developers, Ocean Blue, had secured a Crown land lease and had plans to build an international hotel on top of a critically endangered littoral rainforest, a luxury marina on a protected wetland area and 400 townhouses to replace the existing historical village.

A tent embassy was set up, the community rallied and after two years of defiance the community won. The Crown land lease was cancelled and the land awarded to the Tweed Byron Local Aboriginal Land Council under the Aboriginal Land Rights Act 1983, being one of the first successful claims under this Act. It was very powerful for me to come into a community that not only had successfully headed off a major development but also had been able to protect the century-old tuckeroos, the lilly pillies, the native orchids, the gingers and the nationally endangered plants such as the *cryptocarya foetida* that flourished in the surrounding littoral rainforest. It was a rare victory and it gave the community the courage to stand strong. As the much-respected community organiser Olga Vidla said at the time:

The message we were receiving all through the campaign from our opponents was that the little people couldn't stop the big people. How wrong they were.

The spirit to protect this special place has continued and an exhibition of the Fingal Women Warriors was celebrated by the Tweed Museum on International Women's Day last year. Four fellow warriors are here today—Helen Twohill, Kay Bolton, Heidi Ledwell and Karen Morrison. As all environmentalists and community activists know, it is never done and dusted. I could see new challenges on the horizon, and I worried that although this battle had been won, we might still lose through death by a thousand cuts. I started working with the New South Wales Aboriginal Land Council, the Fingal Head Community Association and the Fingal Head Coastcare, writing submissions, chairing meetings, and preparing funding submissions—just as my dad had taught me to do with my first letter to my local member. But it seemed we were going around in circles while successive governments continued on their merry way with their anti-environment agendas.

It was at a meeting with Bob Brown that I finally joined the dots between community advocacy and politics. I thank Bob for being here tonight. I went to hear Bob speak at the packed Bangalow A and I Hall. I sat up the back with a notepad, ready to jot down Bob's words of wisdom, but Bob did an extraordinary thing. He dimmed the lights and started to show us snapshots of his life. It had the intimacy of a family slide night. As he showed us photos, he spoke of his mountain, his river, his father, his home. It was profoundly moving and we were all transported to our mountain, our river, our home, our family. It helped me understand the importance of standing up for what matters and the importance of participating in the political process, so I joined The Greens.

This opened up the world of Greens members of Parliament and my community started to see real results as they advocated on its behalf in the New South Wales Parliament. I worked with our MPs to oppose the destructive 10/50 laws which allowed a developer to clear-fell a critically endangered rainforest in my region. On behalf of the community we also helped expose polyfluorinated compound contamination on the Gold Coast airport site, which is currently the subject of a major court action. I camped beside Jeremy Buckingham at Bentley to stop coal seam gas invading our farmlands, I stood with Jan Barham to protest cuts to single parents' payments, and I supported our Indigenous community.

Knowing our MPs achieved so much, I could see the value to my community of having a strong Greens voice on Federal and State issues. As the lead candidate for Richmond in the previous two Federal elections, I saw

the Greens vote increase and we forced the Labor incumbent to break party ranks and adopt the call of The Greens to end fossil fuel subsidies. I have been active in our grassroots campaigning that has seen The Greens take the seat of Ballina, nearly win the seat of Lismore, and return Greens mayors in Byron and Tweed. The Greens give me a deep connection with grassroots campaigning. Its members are the lifeblood of our party and it is their passion and vision that gives me the drive to stand up for our community and our climate.

There has never been a more pressing need for the strong voices of The Greens in our Parliament. I want to see The Greens grow and be successful because in 10 years time I would like to live in a New South Wales that has embraced a clean energy economy, having implemented a just and robust plan to assist our communities through that transition; to have innovative small businesses thriving in providing technology and services to the renewable energy sector; and I want to see our young people trained in the skills required to build, run and service wind and solar farms across the State.

I would like to live in a New South Wales that values its precious biodiversity and starts reversing the decline of our threatened species. I would like to be in a Parliament that works together to address the climate emergency before us. But it is my community on the Tweed that will keep my feet on the ground. A few days after the announcement of my becoming a member of the Legislative Council I booked in to my hairdresser—a born and bred local. We usually chat about politics and he fills me in on the goings-on around town. That day I could see he wanted to ask me something in particular. He congratulated me on my new position and politely inquired what I would be doing. I explained that I was committed to initiating immediate action on our climate emergency, addressing social inequality and the rise of right-wing populism. He kept cutting and then said:

It's just that there's a bush turkey up in the rafters of the bakery next-door and we thought you'd know who to call.

It was such a potent reminder that life goes on for most people. It is a great privilege to be able to come to Sydney to participate in the decision-making process on their behalf, to ensure that legislation and democratic processes are fair and based on evidence and that the precautionary principle and intergenerational equity inform our governance. People across New South Wales are relying on us to uphold democracy on their behalf. I am greatly honoured to have this opportunity in this place at this time. I thank you all for your support, particularly my husband, Mike, and our children who are with me here today. I cannot thank you enough for always being there for me.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

PENALTY RATES

The Hon. PETER PRIMROSE (18:28): The sheer inequity of the decision to reduce Sunday and public holiday penalty rates for over 700,000 Australian workers in hospitality, fast-food, retail, pharmacy, and restaurants and clubs has aroused extensive opposition around the nation. Estimates of the loss in annual income for these workers range from \$3,500 to \$6,000 depending upon the industry. This is a substantial figure for workers who are largely at the lowest paid end of the labour market and who often rely on penalty rates, especially on Sundays, to pay the bills and to raise their children. Penalty rates are not a luxury. They are what pays the bills and puts food on the table. Money earned in penalty rates is not put into overseas tax havens; it is spent in local businesses in local towns, generating economic activity and jobs. This is a highly gendered issue, since the sectors affected are dominated by female employees. This decision will dramatically widen the economic gender gap.

This decision to cut wages has occurred in a relatively buoyant economy, when there is already a shift occurring from wages to profits. Last month the Australian Bureau of Statistics released figures showing that private sector wages growth was 1.8 per cent, the lowest since it began collecting data in 1997. At the same time, company profits soared by 26.2 per cent for 2016. In the retail sector, gross operating profits for unincorporated businesses—mainly those businesses this wage cut was supposedly designed to benefit—grew by 11.5 per cent for the December quarter alone.

Penalty rates continue to be a fundamental part of what Labor believes should be a strong safety net that enables four and a half million Australian workers in low-income and highly casualised industries to share in our nation's wealth. Who will have their penalty rates attacked next? Will it be nurses or emergency workers? Under questioning by the New South Wales Opposition this week, not one State Minister would undertake to protect State Government workers' weekend penalty rates—not one Minister would undertake to protect the pay of bus drivers, National Parks workers, community services workers or prison guards.

What makes this even more galling is that this cut is taking place at precisely the same time that the Liberals and Nationals are clamouring for tax cuts for high-income earners and large corporations. Many of these already pay no tax, making the obnoxious justification of trickle-down economics even more absurd and outrageous. It is simply not fair to cut the wages of some of Australia's lowest paid workers. The only reason this decision was made is that Malcolm Turnbull and his Government have been campaigning for penalty rates to be cut. The New South Wales Liberals and Nationals will not stand up to protect workers' pay. They all wear the blame for this decision. One example of why people deserve to be paid penalty rates is the experience of Ms Amit Gounder, a housekeeper in a large Sydney hotel, who gave evidence to the Fair Work Commission on behalf of United Voice. Ms Gounder said:

I work on weekends because my husband's work means he is only available to take care of our seven year old son on weekends. The penalty rates I am paid on weekends help to balance the loss of family time. I would prefer to be able to spend the weekends with my family but the costs of before and after school care for my son on weekdays would mean that a large chunk of my wages would go straight to child care expenses. I'd also have to work more days to earn the same amount if I didn't get weekend rates.

I sometimes miss out on family events including weddings and birthday parties because I have to work on weekends.

Just like universal health care, public education and minimum wages, penalty rates are a key part of our nation's commitment to maintaining equity and a fair go. New South Wales Labor stands with Federal Labor in not supporting this incredibly disappointing decision to cut penalty rates, and we will continue to fight to defend the lowest paid workers in this country.

LAND REWILDING

The Hon. MARK PEARSON (18:33): The Animal Justice Party supports the acquisition of land to protect, conserve and expand wilderness, including the rewilding of land once used for animal agriculture. Over the past 200 years we have lost 75 per cent of our rainforests, nearly 50 per cent of all forests and 99 per cent of south-eastern Australia's temperate grasslands. The remaining ecosystems are under constant threat of clearing and in desperate need of protection. It is a national shame and a disgrace. We need to start looking at ways to bring back life into areas that have been stripped of biodiversity. In Australia ecologists focus on rehabilitating landscapes by killing animals that are deemed to threaten biodiversity. We have poisoned, shot and bludgeoned to death millions of foxes, rabbits, pigs, goats, cats, horses, camels, dingoes and kangaroos over the past hundred years, all in the name of conservation. Our landscapes continue to degrade, and it is clear that we must do things differently.

In the United States and Europe the concept of rewilding with animals is seen as part of the solution. Rewilding is a critical step in restoring self-regulating ecosystems. Rewilding acknowledges that natural processes are complex and that the interplay between flora and fauna allows nature to evolve to take care of itself. Species are introduced or reintroduced based on the role they can play in an environment. After initial support, they are left to create the balance required. The reintroduction of apex predators such as wolves is one example of successful environmental repair. In Yellowstone National Park grey wolves had been hunted to extinction, and by the 1990s ecologists were concerned about the damage caused by large herds of elk. Once wolves were re-established in the park, their predation on the elk reduced the damage caused to vegetation. The elk broke into smaller groups, foraged less and moved more frequently, allowing grasslands to recover. Scavenger species began to thrive again, with ravens, eagles, coyotes, lynx and bears feeding on wolf-kill remains. Insects that fed off the rotting carcasses became the food of smaller birds and rodents.

It is time to trial the benefits of rewilding in the Australian landscape. Just as in Yellowstone, we have taken our apex predators out of the ecosystem. The mass killing of dingoes changed the environment, and at the same time we introduced species such as foxes and cats. Smaller native predator species such as quolls and goannas struggled with habitat loss. Quolls once numbered in the hundreds of thousands and are now a threatened species. It was not until quoll numbers plummeted that rabbits were able to gain an ecological toehold. A recent trial reintroducing dingoes into Sturt National Park has shown early evidence that dingoes suppress cat and fox populations, with smaller mammals and marsupials surviving in increasing numbers.

Returning apex predators to the environment is only one part of the equation. Their relationships within ecosystems are critical. Research and evidence-based trials must be undertaken, and we should be open-minded about what constitutes an apex predator. We cannot go back in time. Foxes, dogs and cats are now native animals; they have been born here for many generations and now fill an ecological niche. Given the massive habitat loss and change in landscapes, we must accept that our ecosystems are evolving and adapting. Rewilding is about allowing evolution and adaptation to occur while reducing destructive human activities. One bulldozer in one day can take out an ecosystem that has evolved for millennia, yet we demonise the fox and the cat. Thousands of hectares of degraded sheep paddocks are more of a threat to biodiversity than a thousand dingoes or foxes. It is well past time to protect and expand our wilderness, for the sake of all the species that share this fragile, ancient land.

SHALE OIL AND GAS INDUSTRY

Mr SCOT MacDONALD (18:39): In mid-December 2016 I undertook a study tour to the United States of America and Canada sponsored by the New South Wales branch of the Commonwealth Parliamentary Association [CPA]. The aim of the visit was to see at first hand the shale oil and gas industry and its impact on regional economies, as well as testing the truth of assertions the industry had turned well sites into "industrial wastelands". I visited Dallas, Houston, Scranton in Pennsylvania, Dimock and surrounds, Washington, Ontario and New York. In Texas I met with representatives of the oil and gas industry and heard their perspective of the evolution of the shale oil and gas industry, particularly over the past decade. Whereas shale has been accessed for a century, it has been the technology developments of targeted fracking and horizontal drilling that fundamentally shifted the economics of available resource extraction.

These techniques led to the United States oil and gas rush that took off in 2008. Since then more than one million wells have been drilled and the energy outlook for North America has changed forever. The fracking and oil and gas companies I spoke to recognised the early rush had created problems in the communities in which they operated. The lack of understanding and transparency of the fracking and drilling process had alarmed many and been exploited by anti-shale industry activists. The sector and regulators had responded with standards for fracking and transparency with drilling inputs. The Center for Responsible Shale Development had been established. This centre brings together regulators, industry, scientists and community representatives to manage the process for shale oil and gas extraction.

Most of my time was spent in the Marcellus shale field. Basing myself in Scranton, Pennsylvania, I toured the shale "hotspots". I spoke to farmers and residents with shale wells on their properties. I had lunch with the Chamber of Commerce in the epicentre of the shale field. I watched a fracking and drilling operation. I visited many shale gas wells, including one on the grounds of an elementary and senior school. I was shown factories and industry in rural Pennsylvania utilising shale to bring jobs to the regions. I made a point of spending time in and around Dimock and visiting the site of the flaming faucet. The house where Josh Fox filmed *Gaslands* has been demolished.

Dimock is not an industrial wasteland. It is a beautiful functioning regional community. It is not experiencing contaminated water systems. There is no human health impact from the shale gas industry that I could discern. Many landholders are benefiting from income from producing wells while going about their daily lives, including the normal business of farming. The school I visited uses the gas from the well on its grounds to heat the buildings and take in a royalty. The gas well on Elk Lake School has been in operation for eight years. I continued on to Washington DC and had briefings from the US Department of Energy, the US Chamber of Commerce and the US National Association of Manufacturers. The common thread was that shale oil and gas had delivered energy security to the United States of America, brought down energy costs and made the country internationally competitive while reducing greenhouse gas emissions. The United States is transitioning from a gas importer to a net exporter and will soon be a global competitor for Australia in a limited number of markets close to its terminals.

As part of the CPA commitment, I visited Canada. I met with members of Parliament in the House of Commons, Ontario, and heard their views on the shale oil and gas industry. Clearly gas is important in that country, with its heavy reliance on gas for heating over its long winter. But it is fair to say the issue had polarised opinion, with regional representatives generally supportive and urban members of Parliament echoing their constituents' reservations. I recognise a relatively short visit to the United States and Canada cannot be comprehensive or make me an expert in shale oil and gas, and there are differences in the profile of the gas industries between countries and between conventional and unconventional gas. However, I can report to this Parliament that end-of-world prophecies by anti-gas activists and Greens here in Australia and overseas should be treated very sceptically. There have been significant benefits. Dimock is not an industrial wasteland. It is incumbent on us to fall back on the science and not social media posturing. The US Environmental Protection Agency [EPA] and Chief Scientist and Engineer have come to very similar conclusions: The industry comes with risks, but they can be managed with sound practices and appropriate regulation.

As a regional member of Parliament this issue matters to me. It must not be hijacked by weak political leadership, as we have seen from both sides of politics in Victoria this week. Gas has an important role in our future energy mix. It is a bedrock of manufacturing in this country, with over 225,000 jobs heavily dependent on gas as a feedstock in the production process. The Australian Energy Regulator [AER] records more than 1.3 million small gas customers in New South Wales alone. As I saw in the United States of America, there is wide scope for regional development and jobs arising from our plentiful gas reserves. I thank the CPA, here and in Canada, for its assistance with my visit and I have lodged a tour report with the association and posted it on my website.

PENALTY RATES

The Hon. JOHN GRAHAM (18:44): Since the decision of the Fair Work Commission to cut Sunday penalty rates, workers in the retail, fast-food, hospitality, and pharmacy industries are staring down the barrel of a huge pay cut. For many workers, penalty rates make up to 30 per cent of their income. They work the weekends so they can make ends meet and have a decent quality of life. This comes at a time when Bureau of Statistics business indicators data for the December quarter shows a massive 20.1 per cent surge in profits over the quarter, while wages fell 0.5 per cent. Meanwhile, in New South Wales this week Ministers were asked whether they will rule out cutting penalty rates in this State. Minister Harwin was asked about workers in our arts institutions; Deputy Premier Barilaro, about workers in small businesses; Minister Elliot, about correctional services workers; Minister Upton, about national parks workers; Minister Goward, about family and community services workers; Minister Constance, about transport workers; and the Premier, about workers right across New South Wales.

Would they rule out cutting penalty rates in those areas of State responsibility? Not one Minister would rule it out. Some of the answers demonstrated an ignorance of the scale of this issue. Deputy Premier Barilaro said, "Members opposite have falsely claimed that hundreds of thousands of people will be affected by this determination". He should have seen the motion put before this House by my colleague the Hon. Daniel Mookhey, which spells out clearly that cutting penalty rates will reduce the take-home pay of an estimated 153,580 workers in Western Sydney, 23,511 workers on the Central Coast, 22,631 workers in the Far West and Central West, 24,733 workers in the Riverina and 38,011 workers on the North Coast. That is a total of 262,506 workers across the State.

The Deputy Premier is dead wrong on this issue. Hundreds of thousands of workers will be affected, each of whom may lose up to \$77 per week, or \$6,000 a year. This issue will impact New South Wales. One case that has already been made public is that of Evelyn who works at Spotlight in Campbelltown. She lives on \$600 a week and is facing an \$80 a week pay cut because of this decision. She says that her wage simply is not keeping up with the cost of living; this is her food, electricity, rent and utilities. A penalty rate cut will be devastating. Of course, that is the case for many residents of Sydney, where the cost of living is high. We rank fifth in the world in the Economist Intelligence Unit's 2015 cost of living survey. This decision will have a significant statewide economic effect.

Reducing the wages of workers who rely on penalty rates to get by each week will reduce consumption spending in the New South Wales economy, and that is a threat to every worker's wage. Employers will have choices on this issue. I will tell a story of two parts of Sydney. Workers at The Star casino who rely on penalty rates may suffer a cut to their pay as a result of this decision, depending on how their employer chooses to respond. Meanwhile, I want to recognise one employer down the road who has taken another path. Charlie Lehmann of the Ramblin' Rascal Tavern in the central business district will maintain penalty rates—whatever the law—at his small business.

Mr David Shoebridge: A very good whiskey den.

The Hon. JOHN GRAHAM: I have not had the pleasure of going there. He said, "Our approach to hospitality penalty rates will remain the same." Good on Mr Lehmann. I hope that other employers make similar choices. Governments will have choices on this issue too. I call on the Premier to speak out on behalf of affected New South Wales workers, as the Leader of the Opposition has, and to make a submission to the Fair Work Commission regarding transitional arrangements as a result of this decision.

GUN CONTROL

Mr DAVID SHOEBRIDGE (18:48): With gun ownership steadily on the rise in Australia, and with more and more pro-gun members in our State and Federal parliaments, we decided that it was time to take a trip to the land of the free and the home of the gun. At the end of last year I visited the United States of America to discuss gun control policies, compare our gun lobbies and see firsthand what it might all mean under a Trump Administration. The trip took us across the country. Everywhere we went, people identified Australia's National Firearms Agreement, or NFA, as the rolled gold model for gun control. As America deals with one shooting tragedy after another, they look to Australia as the country that seems to have figured it out. We have not had a single mass shooting since Port Arthur and the NFA. But in 2016 alone America had 58,156 incidents of gun violence, 15,051 gun deaths and 385 mass shootings. That is more than one mass shooting every day. These are depressing statistics, but on our trip we found that there is hope.

Advocates are not backing away from the cause and, even in the face of a Trump presidency, people across America are striving for evidence-based gun laws that reduce violence. On our first stop, in Texas, we met with Dan Hamermesh, who is not your typical campaigner for gun control but rather an economics professor who does not much like the prospect of teaching in a classroom where students are allowed to bring in their guns.

He has given notice of his intention to resign as a result of the recent law that allows guns onto the University of Texas campus. Joan Neuberger is sticking around to continue her inspiring work with Gun Free UT. Bizarrely, it is now illegal to carry a sex toy on the University of Texas campus, but it is okay to carry a loaded Glock. Then there is Texas Gun Sense, with Andrea Brauer focusing on commonsense policies to reduce gun violence while working to hold back plans for what the gun lobby calls "constitutional carry".

In Denver we saw public health professionals, trauma specialists, firearms safety trainers and gun shop owners working together to implement suicide prevention strategies. Colorado rates seventh nationally in suicide rates, and suicides in that state make up 78 per cent of all gun deaths. That is why Dr Emmy Betz, at the University of Colorado's emergency department, and the Department of Public Health's Office of Suicide Prevention are focused squarely on firearms. We also saw how brave gun violence prevention advocates are. After losing his son at Columbine, Tom Mauser has been working tirelessly to advocate for more sensible laws. I want to tell Tom here and now how much I appreciated his generosity in meeting with me, and his courage—his absolute courage—in speaking in that State about his son Daniel. Tom, together with Eileen McCarron from Colorado Ceasefire, saw all their hard work pay off when a suite of laws was passed in 2013 in the wake of the Aurora movie theatre shooting—one of the many massacres there.

But doing the right thing in reducing gun violence in the United States can come at a real political cost. We saw this with the principled decision by John Morse to support the laws in the Colorado Senate—and he was recalled as a result. We could all do with more politicians with the bravery of John Morse. In Baltimore, Boston, Washington and New York we saw where so much of the brainwork was being done. The path has largely been paved by Josh Horowitz from the Coalition to Stop Gun Violence. Groups such as the Joyce Foundation, Americans for Responsible Solutions and the Law Center to Prevent Gun Violence, as well as Everytown for Gun Safety, are leading the national debate on sensible reforms. We were privileged to attend their National Gun Violence Prevention Coalition annual general meeting.

Then there are Professor Stephen Teret and Shelly Greenberg, who are exploring how public health and policing intersect. They are doing that at John Hopkins University and researching smart gun technology as a way of potentially reducing firearms violence. Professor David Hemenway from Harvard University is of course the go-to brains trust on private guns, public health and sensible solutions for reducing gun violence. But as important as the brains are to the gun violence prevention movement, so is the heart. We need look no further than Po Murray and the Newtown community that is still coming to grips with the fact that, on 14 December 2012, 20 schoolchildren and six teachers were killed at Sandy Hook Elementary School.

Every year Po brings the Newtown community together with families and victims from across the country, from all walks of life, for the National Vigil for All Victims of Gun Violence. That vigil was incredibly moving and I was truly privileged to be there. I want to end on a note of hope. While the United States Congress is in deadlock, grassroots campaigners have delivered smarter and tougher gun laws in states from California to Pennsylvania. This includes innovative gun violence prevention orders that fill gaps that are present even in our gun control laws—we have a responsibility to fix this in Australia. With so much violence and so much pain in the United States, there was one consistent call we received wherever we went, "Australia, please stay strong on gun laws".

MOTORCYCLE SAFETY

The Hon. LOU AMATO (18:53): Many people like me ride motorcycles. For some, the motorcycle is the only form of transport available to them; for others, riding on a motorcycle is a good way to enjoy the great outdoors with friends and family on a weekend ride. Motorcycling can provide a great sense of freedom and escape from the daily pressures of life. The oneness of rider and machine enhances the senses and provides a feeling of connectedness with the surrounding environment that cannot be matched by motor car travel. However, motorcycling presents a greater risk of injury and death when compared to motor car travel. As a rider, I welcome any initiative that helps in decreasing the number of motorcycle injuries and fatalities. In particular, I welcome the great Ride to Live and Stay Safe programs of the New South Wales Government. They have helped to increase motorcycle safety awareness and have provided opportunities for rider training.

The Joint Standing Committee on Road Safety conducted an inquiry into motorcycle safety in New South Wales, and its report No. 1/56 of November 2015 is very interesting. Currently motorcyclists account for almost 20 per cent of road fatalities in New South Wales, yet motorcycles represent only 3.7 per cent of all vehicles registered in this State. Transport for NSW noted a substantial increase in motorcycle registrations, from 88,146 to 208,451, in the period 2000 to 2014. That is a 136 per cent increase, and it is significantly greater than for any other vehicle registrations. But the positive news is the fatality rate for motorcyclists reduced from seven deaths per 10,000 motorcyclists in 2000 to 2.9 deaths per 10,000 motorcyclists in 2014, and if that trend continues the number of fatalities per 10,000 motorcyclists in 2017 will be even lower. With the ever-increasing

congestion on our roads, a reduction in deaths per 10,000 motorcyclists is extremely positive. Indeed, it is proof that the Government's initiatives in motorcycle safety are working.

Evidence suggests that the popularity of motorcycling will continue to climb and so will the necessity for ongoing education programs for both riders and drivers. The federal Department of Infrastructure and Regional Development provides a DVD entitled *Ride On* for free, which is distributed by motorcycle dealerships with the purchase of each new motorcycle. This informative resource has the scope for continual update and improvement such as advanced rider skill training. Although a DVD is no substitute for a hands-on advanced rider training course, there is still great merit in providing such information to those who find such courses cost or time prohibitive. As a suggestion, similarly styled videos could be produced for new car owners and owners of recently registered vehicles, with particular emphasis on motorcycle awareness. If motorcyclists can learn new skills and car owners can become motorcycle aware then that will result in a reduction in serious injury and death.

As a rider, I can attest to the positive effects of government initiatives such as lane filtering in providing greater protection and security for motorcyclists. For a motorcyclist a rear-end impact from a motor vehicle in most cases is fatal; the correct practice of lane filtering is an effective method of reducing this risk. Also, when correctly practising lane filtering at traffic lights, the greater acceleration to legal speed from a stationary position allows the motorcyclist the opportunity to move away from motor cars in a multi-lane situation. This further reduces the risk of injury. Motorcycle awareness campaigns directed at motor car drivers have certainly contributed to the reduction in motorcyclist fatalities. However, advanced rider survival courses are still necessary to foster safer riding skills—for example, "escape route" techniques to be used when sharing the road with drivers who may lack sufficient motorcycle awareness.

It is obvious to motorcyclists that many motorists are unaware of the now legal lane filtering laws, and they often display particular annoyance towards motorcycles progressing to the beginning of a traffic queue. Indeed, this annoyance has led to situations where some motor car drivers attempt to cut off a motorcyclist from a green light start. Motorcycling is a great pastime and it provides a unique way in which to enjoy the beauty of our great State. But, unfortunately, it presents a greater risk of injury or death in the event of a crash than driving a motor car. We all understand that life is associated with risk, and risk can never be fully negated. However, we can continue to provide motorcyclists and motor car drivers with high-quality road infrastructure, sensible legislation and ongoing education to limit that risk. I applaud the Government's past and present efforts to provide safer motoring for all.

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

Motion agreed to.

The House adjourned at 18:58 until Thursday 9 March at 10:00.