



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 10 May 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 10 May 2017

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

The PRESIDENT read the prayers.

Bills

CROWN LAND 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, on behalf of the Hon. Niall Blair.

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.

Motions

BARNADOS MOTHER OF THE YEAR

The Hon. NATASHA MACLAREN-JONES (11:03): I move:

- (1) That this House notes that:
 - (a) Barnardos Mother of the Year is the largest and most recognised national award celebrating mothers, and provides an opportunity to acknowledge the critical role mothers play in keeping children safe, nurturing them to help realise their potential while shaping the future of Australia; and
 - (b) the 2017 Barnardos Mother of the Year finalist for New South Wales was announced on Friday 28 April 2017 in Parliament House by the Hon. Natasha Maclaren-Jones, MLC.
- (2) That this House congratulates Joanne Ford, the 2017 New South Wales Barnardos Mother of the Year finalist.
- (3) That this House notes that Barnardos Australia is one of the leading child protection charities in Australia, is committed to stopping child abuse and has been at the forefront of child protection for more than 130 years.

Motion agreed to.

RENEWABLE ENERGY

Mr JEREMY BUCKINGHAM (11:04): I seek leave to amend Private Members' Business item No. 1325 outside the Order of Precedence as follows:

- (1) In paragraph (1) omit "translation" and insert instead "transition".
- (2) In paragraph 2 omit "away from coal" and insert instead "to a clean and reliable energy future".

Leave granted.

Accordingly, I move:

- (1) That this House notes that at her address to the National Press Club on 3 May 2017, the Premier said: "What I am primarily concerned about when you ask me the question of the future of coal is to make sure that we manage the transition to renewables or other sources of energy in a responsible way."
- (2) That this House commits to support the Premier in implementing the transition to a clean, affordable and reliable energy future.

Motion agreed to.

GOULBURN LANTERN CLUB FORTIETH ANNIVERSARY

The Hon. NATASHA MACLAREN-JONES (11:05): I move:

- (1) That this House acknowledges the fortieth anniversary of the Goulburn Lantern Club.
- (2) That this House notes:
 - (a) the Goulburn Lantern Club was formed in April 1977 by Mr Bernie Thompson;
 - (b) the Goulburn Lantern Club raises much needed funds for the Royal Institute for Deaf and Blind Children;
 - (c) the dedicated work of the Goulburn Lantern Club President, Mrs Rona Hope, and the committee;
 - (d) a fortieth anniversary lunch was held on 7 April 2017 for members and guests at the Cascades Restaurant Centretown Lagoon Motel, in Goulburn; and
 - (e) the fortieth anniversary lunch was attended by Mr Chris Rehn, Chief Executive of the Royal Institute for Deaf and Blind Children.
- (3) That this House congratulates:
 - (a) the Goulburn Lantern Club on a successful 40 years;
 - (b) Mrs Betty Rose, inaugural member and life member, for receiving a 40-year service star;
 - (c) Mrs Melva Durrant, life member, for receiving a 40-year service star;
 - (d) Mrs Evie Boswell, for receiving a 10-year service star;
 - (e) Mrs Betty Thorburn, for receiving a 10-year service star;
 - (f) Mrs Joyce Heffernan, for receiving a 5-year service star; and
 - (g) Mrs June Matthews, for receiving a 5-year service star.

Motion agreed to.

COPTIC CHRISTIANS ECUMENICAL SERVICE

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

- (1) That this House notes that:
 - (a) on Saturday 22 April 2017, an Ecumenical Prayer Service attended by approximately 400 parishioners and guests was held at St George Coptic Orthodox Church Kensington, for the 44 Coptic Christians killed and 126 injured in terrorist attacks on worshippers in St George Church Tanta and St Mark Cathedral Alexandria Egypt on 9 April 2017;
 - (b) the service was conducted by His Grace Bishop Daniel, Bishop of the Coptic Orthodox Diocese of Sydney and Affiliated Regions assisted by:
 - (i) Reverend Father Marcos Tawfil;
 - (ii) Reverend Father Rafael Iskander;
 - (iii) Reverend Father Kyrillos Farag; and
 - (iv) Reverend Father Matthew Attia.
 - (c) those who attended as invited guests included:
 - (i) Reverend Father Pallel Kopczynska, parish priest of St Anthony of Padua Catholic Church Clovelly;
 - (ii) Mr Ron Hoenig, MP, member for Heffron;
 - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (iv) Councillor Noel D'Souza, Mayor of Randwick City Council;
 - (v) Councillor Murray Matson, Randwick City Council;
 - (vi) Councillor John Wakeford, Waverley City Council;
 - (vii) Councillor Paula Massellos, Waverley City Council;
 - (viii) Ms Marie Farrell representing Randwick Catholic Parish;
 - (ix) representatives of various Christian communities; and
 - (x) representatives of numerous Coptic community organisations.
- (2) That this House extends its condolences to members of Australia's Coptic Community and to the wider Egyptian Australian Community and also to the people of Egypt, for the loss of life and injury occasioned by the terrorist attacks of 9 April 2017 on worshippers in St George Church Tanta and St Mark Cathedral in Alexandria Egypt.

Motion agreed to.

VIETNAM SYDNEY RADIO SIXTEENTH ANNIVERSARY

The Hon. DAVID CLARKE (11:06): I move:

- (1) That this House notes that:
 - (a) on Friday 10 February 2017, a celebratory dinner attended by several hundred members and friends of the Vietnamese-Australian community was held at the Crystal Palace, Canley Heights, to mark the sixteenth anniversary of Vietnam Sydney Radio;
 - (b) Vietnam Sydney Radio is a highly popular Vietnamese language community program combining foreign, local and community news together with entertainment and has a well-deserved reputation for highlighting human rights abuses in Vietnam; and
 - (c) those who attended as invited guests at the celebratory dinner included:
 - (i) the Hon. Jason Clare, MP, Federal member for Blaxland, shadow Minister for Resources and Northern Australia, and shadow Minister for Trade and Investment;
 - (ii) the Hon. Chris Hayes, MP, Federal member for Fowler, Chief Opposition Whip, and Mrs Hayes;
 - (iii) Mr Craig Kelly, MP, Federal member for Hughes;
 - (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and Mrs Marisa Clarke;
 - (v) Mr Jack Lake, Past President of the Vietnam War Veterans Association (Blue Mountains Branch); and
 - (vi) representatives of numerous Vietnamese religious, veterans and community organisations.
- (2) That this House congratulates Vietnam Sydney Radio on its 16 years of service to the Vietnamese-Australian community and in particular Mr Joachim Nguyen its producer and Mrs Bao Khanh its Head Announcer and Marketing Manager.

Motion agreed to.

MEDIA JOB LOSSES

The Hon. JOHN GRAHAM (11:06): I move:

- (1) That this House notes:
 - (a) the recent announcement of cuts to staffing at both Fairfax and News Corp.; and
 - (b) staff at Fairfax have engaged in a one-week strike.
- (2) That this House believes that a properly funded media supports the operation of government and democracy in New South Wales.

Motion agreed to.

LEBANESE FORCES AUSTRALIA

The Hon. DAVID CLARKE (11:06): I move:

- (1) That this House notes that:
 - (a) on Saturday 29 April 2017, the Lebanese Forces Australia—Sydney Branch under the Patronage of Dr Samir Geagea, held its annual dinner function at the Imperial Paradiso, Fairfield, attended by over 1,000 members and friends of the Lebanese-Australian community;
 - (b) those who attended as invited guests included:
 - (i) The Hon. Dr Fadi Karam, member of the Lebanese Parliament, representing Dr Samir Geagea;
 - (ii) Senator the Hon. Concetta Fierravanti-Wells, Federal Minister for International Development and the Pacific, representing the Hon. Malcolm Turnbull, MP, Prime Minister of Australia;
 - (iii) The Hon. Tony Burke, MP, Federal member for Watson, representing the Hon. Bill Shorten, Federal Leader of the Opposition;
 - (iv) The Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Gladys Berejiklian, MP, Premier of New South Wales, and the Hon. Ray Williams, MP, member for Castle Hill, Minister for Multiculturalism and Disability Services, together with Mrs Marisa Clarke;
 - (v) Mr Luke Foley, MP, member for Auburn, and Leader of the New South Wales State Opposition;
 - (vi) The Hon. John Ajaka, MLC, President of the Legislative Council;
 - (vii) The Hon. Craig Laundy, MP, Federal member for Reid, and Assistant Minister for Industry, Innovation and Science;
 - (viii) Senator Pauline Hanson;

- (ix) Dr Geoff Lee, MP, member for Parramatta, Parliamentary Secretary to the Premier, Western Sydney and Multiculturalism;
 - (x) Ms Sophie Cotsis, MP, member for Canterbury, shadow Minister for Women, Ageing, Multiculturalism and Disability Services;
 - (xi) Mr Jihad Dib, MP, member for Lakemba, shadow Minister for Education;
 - (xii) Ms Tania Mihailuk, MP, member for Bankstown, shadow Minister for Family and Community Services, Social Housing, Mental Health and Medical Research;
 - (xiii) Mr Guy Zangari, MP, member for Fairfield, shadow Minister for Justice and Police, Corrections and Emergency Services
 - (xiv) Mr Glenn Brookes, MP, member for East Hills;
 - (xv) Ms Julia Finn, MP, member for Granville;
 - (xvi) Mr Damien Tudehope, MP, member for Epping;
 - (xvii) His Excellency the Most Reverend Dr Antoine Charbel Tarabay, Maronite Catholic Bishop of Australia;
 - (xviii) Reverend Father Melhem Haykal, representing His Excellency the Most Reverend Bishop Robert Rabbat, Melkite Catholic Bishop of Australia and New Zealand;
 - (xix) a representative of His Eminence the Most Reverend Metropolitan Archbishop Paul Saliba, Primate of the Antiochian Orthodox Church of Australia, New Zealand and the Philippines;
 - (xx) Monsignor Marcelino Youssef, Vicar General of the Maronite Catholic Eparchy of Australia;
 - (xxi) Father Superior Louis El Ferekh, St Charbel's Monastery and Maronite Order of Monks;
 - (xxii) Father Superior Boulos Melhem of the Saint Nemetallah Maronite Centre;
 - (xxiii) Reverend Father Tony Sarkis, Dean of Our Lady of Lebanon Church and Reverend Fathers;
 - (xxiv) Sister Elham Geagea and other Sisters of the Maronite Sisters of the Holy Family Village;
 - (xxv) The Consul General of Lebanon, Mr George Bittar Ghanem, and his wife, Dr Betty Abou-Hamad;
 - (xxvi) Mr Stephen Stanton, international legal advisor to Dr Samir Geagea and former president of the Lebanese Forces Australia and Mrs Stanton;
 - (xxvii) Representatives of other Lebanese political parties; and
 - (xxviii) Members of the media and representatives of Lebanese-Australian religious, business and community organisations.
- (c) those who comprised office bearers of the Lebanese Forces Australia who assisted in organising the function were:
- (i) Tony Obeid, President;
 - (ii) Joe Arida, Diplomatic and Political Affairs and National Co-ordinator; and
 - (iii) Danny Gea Gea, Public Relations.
- (d) those who comprised office bearers of the Lebanese Forces Australia Sydney Branch and assisted in organising the function were:
- (i) Jihad Dagher, President;
 - (ii) Pierre Succar, Vice-President;
 - (iii) Charbel Badram, Secretary;
 - (iv) Abla Moubarak, Media Co-ordinator;
 - (v) Pierre Moubarak, Assistant Treasurer;
 - (vi) Abdo Saad, Treasurer;
 - (vii) Charbel Fakhry, Committee;
 - (viii) Therese Fakhry, Committee;
 - (ix) Lichaa Chidiac, Committee;
 - (x) Robert Abboud, Committee;
 - (xi) Micheline Ayoub, Committee;
 - (xii) Joanne Chidiac, Committee;
 - (xiii) Maurice Azar, Committee;
 - (xiv) Milad Faddoul, Committee;

- (xv) Isak Maklouf, Committee; and
 - (xvi) Richard Saade, Committee.
- (2) That this House:
- (a) extends best wishes to the Lebanese Forces Australia Sydney on the occasion of its successful annual dinner function held on Saturday 29 April 2017;
 - (b) commends the Lebanese Forces for its commitment to interfaith harmony, human rights and democratic values in Australia; and
 - (c) congratulates the Lebanese-Australian community for its ongoing and positive contribution to the life of the State of New South Wales.

Motion agreed to.

AUSTRALIAN TAIWANESE FRIENDSHIP ASSOCIATION

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

- (1) That this House notes that:
- (a) since its inception more than 20 years ago, the Australian Taiwanese Friendship Association has served the Taiwanese-Australian community in New South Wales as a focal point for social and community activities and by providing education and support for those members of the community who have needed assistance;
 - (b) on Saturday 18 March 2017, at the Dougherty Community Centre, Chatswood, over 300 members and friends of the association attended the inauguration ceremony for a new President and Executive Committee for the coming year followed by a luncheon featuring Taiwanese cuisine and a program of traditional Taiwanese artistic performances;
 - (c) those who were inducted as the new Executive Committee of the association comprised:
 - (i) Paul Lin, President;
 - (ii) Kathy Hsieh, Vice-President;
 - (iii) Jason Lin, Vice-President;
 - (iv) Bruce Cheng, Executive Committee;
 - (v) Marie Chiang, Executive Committee;
 - (vi) Ivy Hsu, Executive Committee;
 - (vii) Junie Hsu, Executive Committee;
 - (viii) Mei Tsen Kuo, Executive Committee;
 - (ix) Christine Tuon, Executive Committee;
 - (x) Ellen Wu, Executive Committee;
 - (xi) Carl Yang, Executive Committee;
 - (xii) Joline Yeh, Executive Committee;
 - (xiii) Michael Chang, Leader of Supervising Committee;
 - (xiv) Peter Huang, member of Supervising Committee; and
 - (xv) Many Liu, member of Supervising Committee.
 - (d) those who attended as invited guests included:
 - (i) the Hon. Scott Farlow, MLC, Parliamentary Secretary to the Premier and Leader of the House in the Legislative Council;
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice and Mrs Marisa Clarke;
 - (iii) Mr Morgan Jiang, Acting Director General of the Taipei Economic and Cultural Office Sydney;
 - (iv) Mr Kenny Huang, Director of the Overseas Community Affairs Council of Taiwan; and
 - (v) representatives of various Taiwanese Australian professional, academic and community organisations.
- (2) That this House:
- (a) congratulates the Australian Taiwanese Friendship Association on the occasion of its inauguration of a new President and Executive Committee; and
 - (b) commends the Australian Taiwanese Friendship Association for its more than 20 years of service to the Taiwanese-Australian community.

Motion agreed to.

JAPANESE ANTARCTIC RESEARCH TEAM

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

- (1) That this House notes that:
 - (a) on Tuesday 21 March 2017, the Consul-General of Japan in Sydney, Mr Keizo Takewaka and Mrs Takewaka, together with the Commanding Officer of the Japanese Maritime Self Defense Force's Icebreaker *Shirase*, Captain Hisanobu Oga, and the Leader of the 58th Japanese Antarctic Research Expedition Team, Dr Yoichi Motoyoshi, hosted a reception on board the *Shirase* berthed at the Royal Australian Navy Fleet Base Potts Point;
 - (b) the reception marked the call at the Port of Sydney by the *Shirase* which carried the 58th Japanese Antarctic Research Expedition Team and was returning from its recent expedition to Antarctica; and
 - (c) those who attended as guests included:
 - (i) representatives of the Royal Australian Navy;
 - (ii) members of the New South Wales Parliament;
 - (iii) civic, academic and scientific dignitaries; and
 - (iv) members and friends of Sydney's Japanese Australian community.
- (2) That this House welcomes members of the 58th Japanese Antarctic Research Expedition Team and its leader Dr Yoichi Motoyoshi, together with Captain Hisanobu Oga and the crew of *Shirase*, on the occasion of their visit to Sydney.
- (3) That this House extends its heartfelt regards and best wishes to the Japanese-Australian community and expresses its support for the ongoing close and friendly relations that exist between Japan and Australia.

Motion agreed to.

AUSTRALIAN MIDDLE EAST MEDIA GALA DINNER

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

- (1) That this House notes that:
 - (a) on Friday 21 April 2017, Australian Middle East Media, Australia's largest non-government media enterprise serving Australians of Middle Eastern heritage, held its annual Gala Dinner 2017 at Doltone House, Pyrmont, attended by approximately 1,000 guests; and
 - (b) those who attended as invited guests included:
 - (i) Mr Julian Leeser, MP, Federal member for Berowra, representing the Hon. Malcolm Turnbull, Prime Minister of Australia;
 - (ii) the Hon. Tony Burke, MP, Federal member for Watson, representing the Hon. Bill Shorten, Federal Leader of the Opposition;
 - (iii) Mr Jihad Dib, MP, member for Lakemba, shadow Minister for Education, representing Mr Luke Foley, MP, Leader of the Opposition;
 - (iv) Mr Mark Coure, MP, member for Oatley, Parliamentary Secretary for Transport and Infrastructure, representing the Hon. Gladys Berejiklian, MP, Premier;
 - (v) the Hon. John Ajaka, MLC, President of the Legislative Council;
 - (vi) Reverend the Hon. Fred Nile, MLC, Assistant President of the Legislative Council, and Mrs Silvana Nero-Nile;
 - (vii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and Mrs Marisa Clarke;
 - (viii) Dr Geoff Lee, MP, member for Parramatta, Parliamentary Secretary to the Premier, Western Sydney and Multiculturalism;
 - (ix) Mr John Sidoti, MP, member for Drummoyne, Parliamentary Secretary to the Cabinet;
 - (x) the Hon. Shaoquett Moselmane, MLC, Opposition Whip in the Legislative Council;
 - (xi) the Hon. Jason Clare, MP, Federal member for Blaxland, shadow Minister for Resources and Northern Australia, and shadow Minister for Trade and Investment;
 - (xii) Ms Julie Owens, MP, shadow Assistant Minister for Small Business, and shadow Assistant Minister for Citizenship and Multicultural Australia;
 - (xiii) Mr Chris Minns, MP, member for Kogarah, and shadow Minister for Water;
 - (xiv) Mr Glenn Brookes, MP, member for East Hills;
 - (xv) Ms Julia Finn, MP, member for Granville;
 - (xvi) Mr Stephen Kamper, MP, member for Rockdale;
 - (xvii) Mr George Bacha representing Dr Hugh McDermott, MP, member for Prospect;

- (xviii) representatives from local government;
 - (xix) His Eminence Metropolitan Archbishop Paul Saliba, Primate of the Antiochian Orthodox Church of Australia, New Zealand and the Philippines;
 - (xx) Archbishop Mor Malatius Malki Malki of the Syriac Orthodox Church of Australia and New Zealand;
 - (xxi) Sheikh Kamel Wehbe, representing the Muslim Shia community;
 - (xxii) Sheikh Malek Zeidan, representing the Muslim Sunni community;
 - (xxiii) Monsignor Basil Sousanian, representing the Armenian Catholic Church;
 - (xxiv) Reverend Father Louis Elferkh, Principal of St Charbel School and St Charbel's Maronite Convent;
 - (xxv) diplomatic representatives from the following countries: Saudi-Arabia, Lebanon, United Arab Emirates, Morocco, Iraq and Jordan;
 - (xxvi) Assistant Commissioner of the Police Force Frank Mennilli, APM, and Mrs Mennilli;
 - (xxvii) Bankstown Police Commander Superintendent David Eardley;
 - (xxviii) Mr Tony Bear representing the Police Association of New South Wales; and
 - (xxix) representatives of numerous media, business, academic and community organisations.
- (2) That this House congratulates and commends the Chairman of Australian Middle East Media, Mr Wally Wehbe; General Manager, Mr Remy Wehbe; and staff of Australian Middle East Media including the editors of its publications, the daily *El-Telegraph*, the weekly *Al-Anwar*, the monthly *Anoujoum* and online publications, for their continuing success in providing media services to Australians of Middle Eastern heritage and to the Australian community generally.

Motion agreed to.

AUSTRALIAN HELLENIC EDUCATIONAL ASSOCIATION SIXTIETH ANNIVERSARY DINNER

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

- (1) That this House notes that:
- (a) on Saturday 4 February 2017 the Order of the Australian Hellenic Educational Progressive Association of New South Wales Chapter Diogenes Number 8, under its President Mr Constantine Tagaroulis, held its sixtieth anniversary dinner at the Haldon Function Centre Lakemba;
 - (b) those who attended as invited guests included:
 - (i) Mr Mark Coure, MP, member for Oatley, Parliamentary Secretary for Transport and Infrastructure, representing the Hon. Gladys Berejiklian, MP, Premier of New South Wales;
 - (ii) Ms Sophie Cotsis, MP, member for Canterbury, shadow Minister for Women, Ageing, Multiculturalism and Disability Services, representing Mr Luke Foley, MP, Leader of the Opposition;
 - (iii) Senator Sam Dastyari, representing the Hon. Bill Shorten, MP, Federal Leader of the Opposition;
 - (iv) Mr John Kallimanis, Grand President Order of the Australian Hellenic Educational Progressive Association New South Wales and New Zealand, and Mrs Effie Kallimanis;
 - (v) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (vi) Dr Panayiotis Diamadis, Vice-President of the Australian Institute for Holocaust and Genocide Studies and Grand Secretary of Australian Hellenic Educational Progressive Association of New South Wales Inc.; and
 - (vii) representatives of various Hellenic community organisations.
 - (c) the Order of the Australian Hellenic Educational Progressive Association, part of the largest non-Church Hellenic Association in the world, was established in Australia in 1934 and is a broad based organisation devoted to cultural, charitable, educational and social activities to promote and strengthen the values of Hellenism; and
 - (d) the Order's Chapter Diogenes Number 8 was founded 60 years ago and ever since has promoted in New South Wales the development of tertiary Greek studies and an appreciation of the heritage of Hellenic civilisation amongst Australians.
- (2) That this House:
- (a) congratulates the Order of the Australian Hellenic Educational Progressive Association Chapter Diogenes Number 8 on the occasion of its sixtieth anniversary; and
 - (b) commends the Order of the Australian Hellenic Educational Progressive Association Chapter Diogenes Number 8 for 60 years of continuous service to the Hellenic Australian community and to the wider Australian community.

Motion agreed to.**REACH OUT WORLDWIDE FUNDING**

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

- (1) That this House notes that:
 - (a) on 15 April 2017, people from across New South Wales gathered at Warriewood United Cinema to raise money for the Reach Out WorldWide charity and to support the drive in honour of *Fast and the Furious* actor, the late Paul Walker;
 - (b) more than \$100,000 was raised with \$85,000 being donated by the Mustaca family;
 - (c) Reach Out WorldWide is a network of professionals with first responder skill sets who augment local expertise when natural disasters strike in order to accelerate relief efforts who have assisted with aid relief following the Nepal earthquake, Arkansas tornado, Haiti earthquake, typhoon Haiyan, Colorado flood, Indonesia tsunami, Chile earthquake, Philippines typhoon, Oklahoma City tornado and the Alabama tornado;
 - (d) special guests included:
 - (i) Mr Cody and Mrs Felicia Walker of the Reach Out WorldWide charity;
 - (ii) Mr Roy Mustaca, OAM, and Mr Sam Mustaca, organisers of the event;
 - (iii) Mr Max Markson, publicist;
 - (iv) Mr Vincent De Luca, OAM, community representative; and
 - (v) Mr Sam Alhaje and Mr Tyler De Nawi of Channel 9's *Here Come the Habibs*.
 - (e) Mr Walker announced that efforts have commenced for the next *Fast and the Furious* movie to be filmed in Sydney, which would inject millions of dollars into the New South Wales economy.
- (2) That this House acknowledges and commends the Reach Out WorldWide charity and all those who donated money and assistance to it to assist with relief efforts.

Motion agreed to.*Documents***MULTICULTURAL NSW****Reports**

The Hon. SCOTT FARLOW: I table, in accordance with Multicultural NSW Act 2000, the report of Multicultural NSW, entitled "The State of Community Relations in NSW", dated February 2017. I move:

That the report be printed.

Motion agreed to.*Petitions***PETITIONS RECEIVED****Abortion Law Reform**

Petition requesting that the Legislative Council defend the fundamental right of children to be born by voting against the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 and the Summary Offences Amendment (Safe Access to Reproductive Health Clinics) Bill 2017, received from **the Hon. Greg Donnelly** and **Reverend the Hon. Fred Nile**.

*Visitors***VISITORS**

The PRESIDENT: I welcome to the Chamber 40 students of the Kiama Student Leaders Forum, who are the guests of the member for Kiama. I hope you have a great day, and I am sure the member for Kiama will look after you.

*Notices***PRESENTATION**

[During the giving of notices of motion]

The PRESIDENT: Order! If there is one more interjection, I will call members to order. I call the Hon. Catherine Cusack to order for the first time.

*Disallowance***WORKERS COMPENSATION REGULATION 2016**

The PRESIDENT: According to standing order the question is: That Business of the House Notice of Motion No. 1 proceed as business of the House.

Question resolved in the affirmative.

Mr DAVID SHOEBRIDGE: I move:

That the matter be considered forthwith.

Motion agreed to.

Mr DAVID SHOEBRIDGE (11:20): I move:

That, under section 41 of the Interpretation Act 1987, this House disallows clause 9 of the Workers Compensation Regulation 2016, published on the NSW Legislation website on 26 August 2016.

There are many, many problems with workers compensation in New South Wales. Since the so-called reforms of 2012, injured workers in this State have faced drastic cuts to their benefits, many of them being forced off benefits, despite having serious ongoing disabling injuries that were clearly a result of their work. I want to be clear for the record that The Greens believe that any worker who is injured at work who is suffering an incapacity by reason of that injury should be entitled to ongoing compensation, both medical benefits and weekly support, whilst ever that incapacity or injury continues. That is not, unfortunately, the way the workers compensation scheme now works in New South Wales and it is causing untold pain and untold economic hardship for thousands of injured workers.

This motion will not fix that, but it will reinstate one small part of the benefits that were mean-spiritedly chopped out by this Government when the regulations were put in 2016. Members of this House would be aware how difficult it can be for an injured worker who has lost their job by reason of their injury to get back into the workforce. Often the only way an injured worker can get back into the workforce is by taking whatever job is available that they think they can do. Sometimes it is a job that lasts only a week, sometimes it is a job that lasts only a month and sometimes it is a job that is only available for a day or two. But getting back into the workforce can be the key thing for injured workers.

Injured workers need to find a job that they can do notwithstanding their injury and they need to be assisted by the scheme to get to that job, to do that work and to find their way back into the workforce. Hopefully, if they can be successful in getting back into the workforce, they will eventually not need income support out of the workers compensation scheme. Why did this Government put in clause 9 of the 2016 regulations? I will read in full the section that requires employers to pay for work assistance when injured workers are going back to work. It states:

- (1) For the purposes of section 64B of the 1987 Act, a pre-injury employer is not liable to pay compensation for the cost of work assistance provided to assist a worker to return to work with a new employer if:
 - (a) the offer of employment with the new employer is an offer of employment for a period of less than 3 months, or
 - (b) the offer of employment has not been made in writing.

That, in the eyes of The Greens, is a deeply offensive provision because work assistance under the Workers Compensation Act means the provision of education or training, transport, child care, clothing, equipment or any similar service or assistance. This Government is saying, in other words, by reason of this mean-spirited amendment that was pushed through in 2016, that if an injured worker gets a job that is of less than three months duration or for which they do not confirm the offer in writing—and there are many, many people who make an agreement to take work when it is offered to them in the course of a phone call—the workers compensation scheme will not help with any child care, transport or equipment that the worker may need in order to do that job. Why do that? Why close down the opportunities for injured workers to get to short-term employment? As I said earlier, this is often the avenue that injured workers have to get back into the workplace.

Can the scheme afford it? We are only talking about payments that are capped up to approximately the sum of \$1,000 for these injured workers. We are not talking about a hire car or a luxury limousine; we are talking about a taxi to get to work. We are talking about some short-term child care so that the children can be minded while these injured workers get back to work. We are talking about the small but essential things that help injured workers get back into the workplace, and this Government says no, it will not provide assistance to injured workers unless the job is longer than three months. That is so heartless and short-sighted that The Greens cannot understand why the Government is doing it.

Does anybody seriously think that the scheme cannot afford it? In the law and justice committee report that was handed down last year it was clear that the scheme had something like \$17.5 billion in the fund as at June of last year. It was running at 123 per cent of the necessary funds. It was well in surplus. We can argue as to whether the figure should be 123 per cent surplus or 110 per cent surplus. Previously the Government has adopted the figure of 110 per cent surplus, but it is in robust financial health, so it is fundamentally able to meet these very small but essential costs that injured workers have. It is for those reasons that The Greens move this disallowance. We hope that the mean-spirited nature of the 2012 reforms is washing its way out of this Chamber and that we can make this one small adjustment to help injured workers in New South Wales.

The Hon. SCOTT FARLOW (11:26): Let us be clear about what this disallowance motion seeks to do. Through this disallowance motion, Mr Shoebridge is seeking to allow an injured worker to claim for up to \$1,000 of assistance to return to work for a job that may be only for a week or even a single day and have no requirement to provide any evidence to support this claim. Perversely, Mr Shoebridge is also seeking to remove any limit on insurers promptly assessing claims and making appropriate payments to injured workers.

Mr Shoebridge has brought before us a motion to disallow clause 9 of the Workers Compensation Regulation 2016. Clause 9 of the 2016 regulation has been in force since 29 April 2016, at the commencement of both the return to work assistance and provisions for additional support and training for injured workers with high needs. These amendments are directly linked to the legislative amendments to honour our March 2015 commitment that a re-elected Baird Government would immediately review the financial position of the workers compensation scheme following the election. Out of that one-off review, two-thirds of every dollar above the minimum surplus to keep the scheme sustainable would be invested in supporting injured workers and getting them back to work, with the balance being returned to business through lower premiums.

The Parliament passed those amendments and the Government has enhanced benefits for injured workers, provided a performance discount for employers with good safety and return-to-work records, and introduced three new organisations to operate and regulate the State's insurance schemes and regulate workplace safety. In 2012, the scheme was in crisis with a \$4.1 billion deficit and businesses were facing premium rises of up to 28 per cent, with 12,000 jobs at risk. Thanks to reforms introduced by this Government, the scheme now has assets exceeding its target funding ratio, the New South Wales return-to-work rate is higher, premiums have been reduced by 17 per cent on average, and injured workers with the highest needs are receiving more benefits than ever before.

In developing the 2015 reform package, the Government considered the submissions to and recommendations of numerous recent parliamentary inquiries, held discussions with injured workers, conducted surveys of businesses and injured workers and spoke to stakeholders in the workers compensation system to understand their issues, experiences and suggestions for change. If someone is injured we must provide them with the assistance they need to get back to work, or for those with more serious long-term injuries provide the support they need to live their lives with dignity. The benefit enhancements introduced by the Government since 2015 have focused on three simple objectives: supporting injured workers to recover and return to work; providing proper assistance to workers with the highest needs, and making sure that all changes to benefits do not compromise the financial sustainability of the scheme. These changes benefit thousands of existing and future injured workers.

Earlier this year, the Government introduced two new initiatives to help injured workers return to work, which is an important objective of the New South Wales workers compensation scheme that benefits both employers and workers. In particular, the legislative amendments passed by the Parliament in 2015 included assistance of up to \$1,000 for an injured worker returning to a new employer, thereby providing for the liability of employers who pay this compensation to be limited by the regulations. That is the assistance that is the subject of the motion moved by Mr Shoebridge. This benefit aims to encourage and support injured workers in returning to work, particularly if they are not able to return to their previous employment.

The Government is committed to a workers compensation system that is fair, financially sound and focused on earlier recovery and return to work for those injured workers who have the capacity to do so. Through clause 9 of the regulation, this Government has imposed reasonable checks and balances on access to this assistance. These are the checks and balances that Mr Shoebridge is seeking to remove. Clause 9 requires only two simple checks: first, that an offer of employment is in writing, and, secondly, that it is for a period of three months or more. A written offer of employment is a standard practice for employers and is encouraged by both the NSW Industrial Relations and the Fair Work Ombudsman, who even provides templates that can be followed. This written offer of employment provides some evidence for both the injured worker and the insurer to rely upon in requesting and providing the return-to-work support provided for by section 64B of the 1987 Act.

This Government and the workers compensation system in New South Wales are committed to a sustainable return to work scheme for injured workers. By ensuring that the benefit is provided for injured workers returning to a role that is expected to last at least three months, the Government is recognising that the best way

to support injured workers who can return to work is through sustainable long-term employment. As for the balance, in seeking to disallow clause 9 of the Workers Compensation Regulation 2016, Mr Shoebridge is also seeking to remove the requirement for insurers to determine liability within 14 days. This will impact on injured workers who genuinely require the assistance to be made available in a timely way in order to commence their new employment. I make it clear that when it was introduced in April 2016, this regulation, like all regulations and legislative amendments, was subject to review by the Legislation Review Committee, of which Mr Shoebridge is a member. The committee noted the following in Legislation Review Digest No. 18/56, published on 10 May 2016:

The Regulation prescribes certain circumstances in which an employer responsible for a work injury is not liable to pay compensation to the relevant employee. However, the Committee recognises that the exclusions strike a fair balance between workers and employers by ensuring that workers gather appropriate evidence for their claim and carry education and training from registered providers which is relevant to their future. Employers will also not be liable for work assistance which only leads to very short term re-employment. The Committee makes no further comments.

I highlight a couple of key points: "...the Committee recognises that the exclusions strike a fair balance... The Committee makes no further comments." The Hon. Greg Donnelly made mention of that. Through this disallowance motion, Mr Shoebridge is seeking to create a system that would allow any worker to claim up to \$1,000 of assistance for a single day's or a week's work and not be required to provide any evidence to support their claim. Because this Government is committed to a sustainable workers compensation system that provides support to injured workers who need it, it rejects the disallowance motion moved by Mr Shoebridge. Clause 9 of the Workers Compensation Regulation 2016 provides appropriate checks and balances to ensure that the \$1,000 return-to-work assistance is delivered where and when it needs to be.

The Hon. ADAM SEARLE (11:33): I lead for the Opposition in debate on this disallowance motion, which the Opposition will support. The 2012 workers compensation reforms were truly breathtaking. They represented the most drastic reduction in benefits to injured workers in this State effected in a single reform package. I acknowledge that from time to time all compensation packages need to be rebalanced. However, what made this reform package truly notable was that there was no attempt to achieve fairness. In the past, everyone had to shoulder part of the burden of reform. In previous reform packages workers were required to play their part by accepting changes to benefits; providers played their part by increasing premiums or being subject to increased workplace penalties or other obligations; and even scheme agents were called upon to play a role. In this package, the entire burden of scheme repair was placed on the backs of broken and injured workers.

The Hon. Trevor Khan: Point of order: My point of order relates to relevance. This is a motion to disallow a regulation. We are now going back in history to legislation before this House in 2012. That is well and the truly outside the leave of the motion.

The Hon. Adam Searle: To the point of order: We are dealing with the removal of benefits from injured workers in clause 9, which is the subject of this disallowance motion. I am talking directly to the issue of workers' benefits and placing that in the overall context of what the Parliamentary Secretary kept referring to as "fair and balanced". I am responding, in one sense, to what he said and I am referring directly to the substance of the motion before the House.

The PRESIDENT: It is well recognised that members are allowed wide latitude not only in second reading speeches but also when speaking to motions. However, they must be generally relevant to the motion before the House. I presume that the Leader of the Opposition will now proceed to discuss clause 9 and that he has completed his wideranging comments.

The Hon. ADAM SEARLE: Clause 9 deals with the removal of benefits provided to injured workers in relation to work assistance. The regulation constrains that area. What was notable about the legislation under which this regulation was made—which is another issue—was that there was no strengthening of obligations on employers to take injured workers back into the workplace. To the very limited extent that I dealt with workers compensation matters at the beginning of my time at the bar, I found every offer of settlement from the insurance companies to injured workers carried with it a requirement that the injured worker resign their employment. It was a standard course of action.

This meant that the injured worker was disconnected from the world of work. That meant that when they went job hunting they had to do so as an injured worker; they were not returning to their place of work but seeking to find a new place of work. That is a very difficult undertaking. As Mr Shoebridge indicated, where they do find work, they must accept any work. That often means short-term engagements, extensive travel, and not necessarily working in the field in which they have experience. Of course, the work-capacity testing regime underlines that, because it tests the capacity not for the work previously undertaken or in the area in which the worker is experienced and qualified, but work that may not even exist. So a worker could have their benefits reduced or cut

off, because they are deemed to be capable of certain types of work, even though that work may not exist. That means that people need the work assistance that is curtailed by this regulation.

Mr David Shoebridge: The job can be anywhere in New South Wales.

The Hon. ADAM SEARLE: I acknowledge that interjection. On the one hand, it is quite mean spirited for the legislation to deprive the injured workers of their financial and medical benefits or to telescope the time in which they can access it and essentially force them off benefits because they are capable of some theoretical or fictional work anywhere in the State but, on the other hand, not provide them with the meaningful tools to get to that place of work. I understand the Parliamentary Secretary's comment that this could be a short-term engagement. The disallowance of this regulation would not break the bank. It would barely be a statistical blip in the scheme's finances, but it would restore some small semblance of balance and fairness by providing injured workers seeking to re-enter the workforce with a small amount of benefit. I note what the Parliamentary Secretary said about the 14-day time frame. Nevertheless, the removal of that provision from the regulation does not weaken or in any way reduce the obligation on the insurer to determine the matter properly, but that weighs out, in my view, the removal of the benefits that clause 9(1) affects, and that should be balanced and restored. A lot could be said about the scheme—

Reverend the Hon. Fred Nile: We are not debating the scheme.

The Hon. ADAM SEARLE: Except to this extent—that there should be a further rebalancing, and this is a very small ask. The House should join those of us who have indicated support for the disallowance. The ultimate objective of workers compensation is not only the payment; it is providing a meaningful framework to get people back into work, if they can medically return to work. Employers have a lot of prejudice about engaging injured workers. Workers often sustain permanent injury, which constrains the work they can do. Let us take this small step and provide a little bit of extra assistance to help workers return to work.

[Business interrupted.]

Visitors

VISITORS

The PRESIDENT: I welcome the delegation from China Foshan, leader Madam Xian Fulan and Amen Lee, who are being hosted today by Helen Sham-Ho, former member of the Legislative Council.

Disallowance

WORKERS COMPENSATION REGULATION 2016

[Business resumed.]

The Hon. PAUL GREEN (11:42): I speak on the disallowance motion and note the contribution from the Parliamentary Secretary. The Hon. Adam Searle, as usual, put forward measured reasoning why members should support the disallowance motion. The Christian Democratic Party [CDP] sat in this House while members went through the workers compensation legislation. When we considered this legislation, it was a terrible situation. The workers compensation scheme was heading towards a \$4 billion deficit. Having been a nurse previously, it was hard for me to agree to amending that legislation. We knew we had to make some hard decisions, but they were the right decisions because if the scheme were bankrupt no-one would get help through workers compensation. We have been able to rescue the scheme and we have an agreement with the Government that there will be periodic opportunities to adjust the scheme as we go along, which we have done to date on at least one or two occasions through legislation. The Greens have put on record how the Government will have the opportunity to do that again.

The CDP is not of the view that it should support the disallowance motion. We firmly believe that the Government has the mandate to govern and we give it the right of way to do that. However, it does not mean that they should forget about the most vulnerable people. I take on board the comments put forward by the Hon. Adam Searle and Mr David Shoebridge that some small tweaks can be made to this legislation to ensure that some of those people who have been brought to our attention are not further disadvantaged by their work injuries. We encourage the Government to listen to the feedback from the debate this morning and we look forward to seeing the workers compensation scheme continue to prosper so that it can address all those who have been disadvantaged through work injuries.

The Hon. GREG PEARCE (11:45): I make a short contribution on this disallowance motion. I reiterate the comments of the Hon. Paul Green and put into context the difficulty that this original reform presented to us all. I compliment the Christian Democratic Party, the Shooters, Fishers and Farmers Party and the many other stakeholders who made a valuable and positive contribution in dealing with the difficult reform that we faced in

2012. It was always the case that the Government was committed to reviewing the operation of the reforms, to listening to the parliamentary committees that have inquired into the scheme, and to listening to all of the other stakeholders to ensure that we took action when it was required and when we had the opportunity so that the scheme continued to be fair and sustainable. We have done that, particularly as a result of the 2015 amendments that were made to the scheme.

We still have a very valuable scheme, which is contributing to the excellent economic performance of the State not only by reducing premiums and being simple and fair but also by focusing on getting workers back to work, which is the principal requirement of a scheme such as this. We take every opportunity we can to tweak any problems that occur. Removing this clause of the regulation does not make any sense. The regulation imposes a three-month limit for work. That has not been dreamed up. In fact, the period of three months was selected to align with the publication of the Heads of the Workers Compensation Authorities entitled "Nationally consistent approval framework for workplace rehabilitation providers", which sets its initial test of the durable return to work at 13 weeks. That is the basis for three months. A written offer has to be provided. Surely that is basic governance and a basic test. Of course, there is the requirement that the insurer make the decision within 14 days. I cannot see how the proponents of this motion or supporters of it would want to remove an obligation for an insurer to make a decision in two weeks. It does not make any sense to me. I support the rejection of this motion. I hope the House will resolve it that way.

The Hon. TREVOR KHAN (11:48): I make a brief contribution to the disallowance motion. By way of introductory comments, I was on the original committee that made recommendations that did not lead to the legislation but underpinned much of the rationale that supported the original reforms.

Reverend the Hon. Fred Nile: Did you practise at the bar too?

The Hon. TREVOR KHAN: Only in the Traffic Court. At every step along the way, those opposite have opposed reforms that were designed to encourage workers to return to work. The old scheme did not achieve the basic objective of encouraging workers to return to work. All the evidence pointed clearly and unequivocally to the fact that getting workers back to work was best for the worker. It resolves issues relating to psychological health as well as physical wellbeing. Workers who are off long term through injury have far higher levels of comorbidities—if I can describe it that way—arising from poor mental health and the sedentary nature of their existence at that stage. What the Government was aiming to do—those on the other side of the Chamber consistently criticise this—was fundamentally to the benefit of workers.

Mr Shoebridge has moved this disallowance motion, but it is interesting to note some circumstances behind that. I observe that the return-to-work assistance provisions allow injured workers who return to work with a new employer to receive financial assistance to help cover the costs of small things that sometimes act as a barrier to a person's return to work. It is a scheme that is designed, essentially, to have a low administrative burden on both sides. This regulation provides for a very basic minimum in terms of written proof of work. That, in itself, is an extraordinarily light touch—it is a feather touch—in terms of the requirements of proof.

Prior to the Government's putting in place this new financial assistance it was too often the case that an injured worker wanted to return to work—they might even have had a new job lined up—but faced practical barriers that prevented them from taking up a new job. I am talking about barriers such as the cost of transport to the new work location, the purchase of new work clothes, new tools and equipment, or childcare costs. Injured workers have told the Government what they need. They have supported the style of regulation, and this Government has listened to workers and their representatives, and taken action to deliver what they need.

As my colleagues have already noted, return-to-work assistance was introduced as part of legislative reforms that delivered on the Baird Government's 2015 election commitment that if re-elected it would immediately review the financial assistance of the Workers Compensation Scheme. Out of that one-off review, for every dollar above the minimum surplus to keep the scheme sustainable, two-thirds would be reinvested to support injured workers and get them back to work. The Parliament passed the amendments supporting the 2015 reforms, and the Government has enhanced benefits for injured workers, provided a performance discount for employers with good safety and return-to-work records, and introduced three new organisations to operate and regulate the State's insurance schemes and regulate workplace safety.

The interesting point to note about today's motion of disallowance—the Parliamentary Secretary has already referred to this—is that the provisions that Mr Shoebridge wants to disallow have been in place since 29 April 2016. That is over a year. When the amending regulation was introduced in April 2016, like all regulations and legislative amendments it was the subject of a review of the Legislative Review Committee. That is a committee on which Mr David Shoebridge sits. Having reviewed the amending regulation, specifically the provisions that are set out in clause 9, it is notable that the committee—a committee of which Mr Shoebridge is a member—found that the provisions strike a fair balance between workers and employers by ensuring that workers

gather appropriate evidence for their claims, and that employers will also not be liable for work assistance which only leads to very short-term employment.

The Legislative Review Committee considered the regulation again in September 2016—six months after the first review—when the workers compensation regulation was remade. Again, the committee found the provision to be fair. So, despite being a member of the committee that had already formally reviewed clause 9 of the Workers Compensation Regulation and found the regulation to strike a fair balance between workers and employers, we are being asked today, by a member of that committee, to disallow that clause. I suppose that is the nature of things.

It is also worth noting that the Workers Compensation Regulation 2016 did not mysteriously appear out of the ether. It, like all regulations, was the subject of extensive public consultation. Clause 9, in particular, was subject to two separate consultation processes—one covering the introduction of the return-to-work assistance provisions, and the other covering the 2010 regulation remake process. Both of these consultations provided an opportunity to comment on the design of the assistance and, specifically, on the clause 9 provisions. One of the reasons we had this public consultation was so that stakeholders' views could be heard and incorporated, thereby delivering better regulation and avoiding the need to debate disallowance motions.

I have had the opportunity of reviewing that consultation process and can tell the House that on 13 May 2016, the State Insurance Regulatory Authority [SIRA] published a consultation draft of the 2016 regulation, along with a regulatory impact statement and better regulation statement. That regulatory impact statement clearly articulates that the new return-to-work assistance provisions were the subject of a separate consultation process but would form part of the 2016 regulations. The return-to-work assistance consultation ran from 12 November 2015 through to 10 December 2015. The public submissions were posted on the State Insurance Regulatory Authority's website for both the 2016 regulation consultation and the return-to-work assistance consultation.

I am, however, informed by the State Insurance Regulatory Authority that Mr Shoebridge's office had contacted SIRA as part of the public consultation on the draft 2016 regulation. I am further informed that two days after the consultation closed, Mr Shoebridge's office emailed SIRA asking for a two-week extension of time to make a submission. That is fair enough. I understand that the requested extension was agreed. That is also fair, as it allowed Mr Shoebridge to let his views be known. Despite this, Mr Shoebridge failed to make any further contact with SIRA, or to make a submission.

Through clause 9 of the regulation, this Government has imposed reasonable checks and balances on access to the return-to-work assistance scheme—checks and balances that Mr Shoebridge is seeking to remove and which he could have commented on through the consultation process, sought time to make comment on and then did not. As this Government is committed to a sustainable workers compensation system that provides support to injured workers who need it we should reject Mr Shoebridge's motion. Clause 9 of the Workers Compensation Regulation 2016 provides appropriate checks and balances to ensure that the \$1,000 return-to-work assistance is delivered where and when it needs to be.

The Hon. ROBERT BROWN (11:58): I will speak briefly on Mr David Shoebridge's motion. I want to make sure that everybody clearly understands that the Shooters, Fishers and Farmers Party will not support the disallowance motion. Having said that, and having heard what Government members—the Hon. Greg Pearce and the Hon. Trevor Khan—have said, I recall that when the crossbenchers got this legislation through in 2012, the members of the Christian Democratic Party and the then Shooters and Fishers Party were assured by the Government that this would be a regime that would be continually reviewed to make sure that people were not falling through any cracks.

I notice that Mr David Shoebridge put his notice of motion on the *Notice Paper* in September 2016 after the regulation came into force in April 2016. We have received no direct representations on the clause that Mr David Shoebridge seeks to disallow. If we had I probably would have had more of an opportunity to have some influence. Mr David Shoebridge put on the *Notice Paper* his intention to move a motion to disallow a regulation that is part of legislation that the Government promised to review, and I am appalled that the Government has not addressed his concerns. Perhaps if the Christian Democratic Party and the Shooters, Fishers and Farmers Party had been more attentive to the *Notice Paper* we might have taken up the cudgels.

Reverend the Hon. Fred Nile: We are very much aware of the business paper.

The Hon. ROBERT BROWN: I will retract that statement. I will not verbal Reverend the Hon. Fred Nile; I will take it on my broad shoulders. In my view the disallowance would cause a lot more problems than perhaps it would solve. In saying that, we will not support the disallowance, but I put the Government on notice that the Shooters, Fishers and Farmers Party—I hope with the help of Reverend the Hon. Fred Nile and the Christian Democratic Party—will talk to the Government about this issue. We would like to know a little more

about whether there are substantial numbers of claimants who have been disadvantaged by the regulation, which has been in operation since April 2016.

Reverend the Hon. Fred Nile: Even one.

The Hon. ROBERT BROWN: Even one, but unfortunately we will not support the disallowance motion.

[Business interrupted.]

Visitors

VISITORS

The PRESIDENT: I welcome to the Chamber student leaders from high schools in New South Wales attending the Secondary Schools Leadership Program conducted by the Parliamentary Education Unit.

Disallowance

WORKERS COMPENSATION REGULATION 2016

[Business resumed.]

Mr DAVID SHOEBRIDGE (12:01): In reply: I thank all members who contributed to the debate—the Hon. Scott Farlow, the Hon. Adam Searle, the Hon. Paul Green, the Hon. Greg Pearce, the Hon. Trevor Khan and the Hon. Robert Brown. As persuasive as their contributions were The Greens remain committed to its motion to disallow this provision of the regulation, as it is simply mean-spirited. It stops those injured workers who have a job that is of three months duration or less. As I said before, they are often the only jobs that a seriously injured worker or an injured worker can get, as they have often had a long time out of the workforce because of their work-related injury.

Often the only job they can get is of a day, a week or a month's duration so they can try out their capacity to get back to work and the employer can see if they can do the job. These are the jobs that get injured workers back into the workforce. When the Hon. Greg Pearce stands up on behalf the Government and says, "The 2012 reforms were focused on getting injured workers back to work", and the Government insists upon not giving injured workers access to child care, transport or other assistance so that they can actually get to work, one must say that the argument is, to say the least, disingenuous.

The amendments were shoved through in 2012 that savaged benefits for injured workers were not about getting injured workers back to work; they were about taking benefits from them and giving premium cuts to employers. That is what has happened. It is insulting to say that the amendments give a fair balance when, come December this year, between 6,000 and 7,000 workers with long-term, acknowledged, seriously disabling injuries will be cut off because they hit their five-year time limit and will be sent off to Centrelink or into poverty. It is insulting to those 6,000 or 7,000 workers who have already received a letter from the State Insurance Regulatory Authority that says, "We know you have a really bad injury. We know you can't work but we're going to cut you off just after Christmas". To say the scheme is fair for those 6,000 or 7,000 workers is insulting to those workers.

The PRESIDENT: Order! I remind the Hon. David Shoebridge that he is speaking in reply. I presume that in the very near future he will link his comments to clause 9 of the regulation.

Mr DAVID SHOEBRIDGE: I am replying to the matters raised in debate by the Hon. Greg Pearce and others. I turn now to address the proposition of the Hon. Trevor Khan that the matter should have been addressed by the Legislation Review Committee. It is remarkable for the Government to rely upon the Legislation Review Committee to be authoritative on the matter. It is a committee that I have the misfortune to be a member of and which spends about one to two minutes every sitting week reviewing human rights issues in relation to legislation—one of the most contemptuous ways the Government has for dealing with human rights issues. More importantly, the Legislation Review Committee is Government-dominated. It has a Government Chair and a Government majority and the Hon. Greg Pearce knows this—

The Hon. Dr Peter Phelps: Did you move a dissenting statement? Did you seek a dissent? You were on the committee. Did you move amendments?

Mr DAVID SHOEBRIDGE: Because the Hon. Greg Pearce sat on the Legislation Review Committee when the Workers Compensation Amendment (Return to Work Assistance) Regulation—

The Hon. Greg Donnelly: Point of order: The member is entitled to be heard in silence while he makes his contribution to finalise debate.

The PRESIDENT: Honourable members will cease interjecting and will listen to Mr David Shoebridge in silence. Again, I remind Mr David Shoebridge that although wide latitude is allowed, he should return to clause 9 of the regulation.

Mr DAVID SHOEBRIDGE: When clause 9 was being debated in the Legislation Review Committee, in relation to the clause that the Hon. Trevor Khan read as somehow giving the wonderful benediction to the Legislation Review Committee, Mr Mehan from the other place and the Hon. Shaoquett Moselmane moved an amendment to delete the really unfair provision put forward by the Government and insert instead that the committee refer the regulation to the Minister for further consideration. On the Government's majority vote, that amendment was lost and the unfair provision was retained.

The Hon. Niall Blair: Point of order: The member is flouting your previous ruling and is straying to matters not discussed in this Chamber. The meeting may have been discussed, but the items referred to are minutes from the meeting. The member should return to the leave of the disallowance motion.

The Hon. Adam Searle: To the point of order: The proposition advanced against the disallowance was that the Legislation Review Committee had approved it and had no concerns. There were interjections about whether dissenting reports had been moved by Mr David Shoebridge and the like. Mr David Shoebridge is entitled, I would suggest, to answer those, and he is doing so.

The Hon. Niall Blair: To the point of order: Interjections are disorderly at all times. To cite disorderly conduct of the House to underpin one's point of order is clearly a stretch too far.

The PRESIDENT: Mr David Shoebridge was being relevant in reply to a matter specifically raised by the Hon. Trevor Khan. He is linking it to clause 9 of the regulation. I will allow him to continue.

Mr DAVID SHOEBRIDGE: Having completed that part of my contribution, I will move on. I note the contributions to this debate of the Hon. Robert Brown and the Hon. Paul Green. They said that, this issue having been raised, they will review it with the Government. I accept that and I hope that the review bears some fruit. But we gave notice of this motion in September 2016. We do not always have the most cooperative relationship with the Government—I think that would be an understatement—but we are always open to discussing such matters with the Government. Of course, the Government is not interested in having negotiations that actually provide any form of meaningful return of benefits to injured workers.

I turn to addressing the point raised by the Hon. Scott Farlow that somehow deleting subclause (2) of this regulation would create a terrible problem. Subclause (2) states that when a claim is made for work assistance, it has to be determined within 14 days. That is only subsidiary to the very clear statutory requirement under section 64B to pay the claim in the first place. The regulations do not make it obligatory to pay the claim. The obligation is set out in section 64B in the baldest terms. Any employer or insurer who fails to pay under section 64B would be in breach of the Act, without any need for the regulation. What is the effect of this regulation? This regulation says that when an injured worker gets a short-term job, this Government will not allow the employer to assist them to get back into the workplace. This regulation is mean-spirited in a scheme that is already brutal in its treatment of injured workers. We commend this disallowance motion to the House.

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

The House divided.

Ayes16

Noes20

Majority.....4

AYES

Buckingham, Mr J
Field, Mr J
Pearson, Mr M
Secord, Mr W

Donnelly, Mr G (teller)
Graham, Mr J
Primrose, Mr P
Sharpe, Ms P

Faruqi, Dr M
Mookhey, Mr D
Searle, Mr A
Shoebridge, Mr D
(teller)
Walker, Ms D

Veitch, Mr M
Wong, Mr E

Voltz, Ms L

NOES

Amato, Mr L

Blair, Mr N

Brown, Mr R

NOES

Clarke, Mr D
Farlow, Mr S
Harwin, Mr D
Maclaren-Jones, Ms N
(teller)
Mitchell, Ms S
Phelps, Dr P

Colless, Mr R
Franklin, Mr B (teller)
Khan, Mr T
Mallard, Mr S

Nile, Reverend F
Taylor, Ms B

Cusack, Ms C
Green, Mr P
MacDonald, Mr S
Martin, Mr T

Pearce, Mr G

PAIRS

Houssos, Ms C
Moselmane, Mr S

Mason-Cox, Mr M
Gay, Mr D

Motion negatived.

*Bills***STATUTE LAW (MISCELLANEOUS PROVISIONS) 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 as an order of the day for a later hour.

Motion agreed to.

CROWN LAND LEGISLATION AMENDMENT BILL 2017**Second Reading**

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (12:21): I move:

That this bill be now read a second time.

I ask the House to consider the Crown Land Legislation Amendment Bill 2017, the second and final bill that will implement the most significant improvements to the management of Crown land in a generation. The Crown Land Legislation Amendment Bill 2017, together with the Crown Land Management Act 2016, will fundamentally improve the management of Crown land and set New South Wales up for the future. These two pieces of legislation will help to ensure that the Crown estate continues to provide significant social, economic, environmental and cultural heritage benefits to the people of this State. Crown land is land that belongs to the State of New South Wales. It is owned and managed by the State for the people of New South Wales.

Crown land is one of New South Wales' most valuable assets. Our Crown land estate covers 42 per cent of New South Wales and has an overall value of \$11 billion. The Crown estate supports a rich and diverse portfolio of interests and activities, ranging from leases in western New South Wales that support grazing and agricultural businesses through to parks and reserves, beaches, waterways and the seabed in coastal areas, which provide vast social and environmental benefits for the people of this State. It is important that the Crown estate is managed effectively so that it continues to allow communities to prosper and to provide benefits for current and future generations. This Government has been working to improve the management of the Crown estate for the people of this State. It has consulted with the community every step of the way to understand what it wants from the land and to ensure the legislation reflects those views.

In 2012 the Government commissioned the Crown Lands Management Review, which was the first comprehensive review of Crown land in more than 25 years. As a result of this review, it became obvious that the

Crown estate was no longer meeting community needs effectively. The review made a number of significant recommendations. A key recommendation was to consolidate multiple pieces of legislation into one, new, modern and simplified Act governing Crown land. As a companion to the review, in 2014 the Government published a Crown land legislation white paper. More than 600 submissions were received on the white paper and the review from a wide range of community organisations, councils, Aboriginal land councils and individuals.

In 2016 a parliamentary inquiry into Crown land was conducted. The inquiry provided a valuable opportunity for the committee and the Government to listen to the community about what it wanted and needed from Crown land. The inquiry made 20 wideranging recommendations. The New South Wales Government has accepted all those recommendations and is in the process of implementing them. That work culminated in the Crown Land Management Act 2016, which was passed by this House last year. As flagged in debate on that legislation, this bill will complete the journey of delivering a robust and effective legislative regime for Crown land. The Crown Land Legislation Amendment Bill 2017 does not change the intent of the Crown Land Management Act 2016; it makes consequential changes to the Crown Land Management Act 2016 and other Acts to ensure that all legislation is consistent and correctly references the new Crown land legislation.

The bill also addresses the framework for Crown roads and streamlines and improves Crown road closure provisions. It will help to create a single, modern legislative framework for Crown land and Crown roads and reserves that will be easier to understand and it will increase community involvement in major decisions. It will not fundamentally change the Crown Land Management Act 2016, or any other Act for that matter. It also will not transfer any Crown land or Crown roads to councils or to any other third party. Importantly, it will not change the Aboriginal Land Rights Act 1983 or the application of the Commonwealth Native Title Act 1993 to State laws. The bill is about tidying up the legislation and finalising the consolidation process that began with the Crown Land Management Act 2016.

I turn now to the detail of the bill. The bill is divided into four schedules. Schedule 1 repeals the Public Reserves Management Fund Act 1987 and consolidates this legislation into the Crown Land Management Act 2016. The Public Reserves Management Fund is an important mechanism that provides funding for Crown reserves. It supports the maintenance of showgrounds, community halls, local parks and reserves. It also funds improvements to recreational attractions such as holiday and caravan parks, State parks and walking trails, which are important contributors to local and regional economies. The Public Reserves Management Fund Program has provided more than \$140 million in funding to support about 2,000 projects across New South Wales over the past 10 years. The bill retains that vital fund and enables the fund to continue to provide financial assistance to councils, community volunteers and corporations to invest in the reserves they manage.

To reduce complexity, the bill repeals the Public Reserves Management Act and replicates the provisions in the Crown Land Management Act 2016. It also renames the Public Reserves Management Fund the "Crown Reserves Improvement Fund" to more accurately and simply describe the purpose of the fund. Schedule 1 also includes some minor amendments to the provisions in the Crown Land Management Act 2016. These amendments demonstrate the Government's commitment to ensuring that its Crown land management arrangements are strong and, just as importantly, transparent.

The Government has undertaken an extensive process of consultation—first, in relation to the development of the Crown Land Management Act 2016 and, more recently, in relation to the supporting regulations. It was through this process that these amendments have been identified, allowing us to incorporate them before the Act commences later this year. In summary, this bill introduces important amendments to ensure that the implementation of the Crown Land Management Act 2016 is successful and that the arrangements in the Act strengthen community confidence in the management of Crown land.

Crown land can be reserved for a public purpose including for recreation, as cemeteries, for infrastructure or for government services. There are approximately 34,000 Crown reserves across the State. These are managed by a number of different entities, including local councils, community organisations, volunteer and professional trust managers, and New South Wales government agencies. There are a number of significant Crown reserves across the State that are managed by a small number of professional reserve trusts. These include the trusts that manage cemeteries and crematoria, certain racetracks, Luna Park and the Sydney Cricket Ground. The professional trusts that manage these reserves are skills based, with paid board members, chief executive officers and staff, and extensive assets. Many of these trusts operate under their own pieces of legislation, such as the Cemeteries and Crematoria Act 2013, the Luna Park Site Act 1990 and the Sydney Cricket and Sports Ground Act 1978. These pieces of legislation are inextricably linked to the Crown land legislation. They use the same concepts, defined terms and framework as the Crown land legislation.

The Crown Land Management Act 2016 amended the Crown reserve trust and trust manager system to simplify the management structures, improve governance standards and reduce unnecessary administrative burden on Crown reserve trust managers. This bill now applies those changes to the range of Acts that refer to Crown

reserves and trusts. Schedule 2 of the bill makes consequential amendments to Acts that refer to Crown reserves and brings them in line with the reserve management framework under the Crown Land Management Act 2016. It is important to note that these amendments will not change or disturb the existing arrangements for reserve managers or reserves such as cemeteries on Crown land but streamline and update them in line with the Crown Land Management Act 2016. By doing so, this Government continues to recognise the critical role that these managers play as stewards for this land.

There are approximately 500,000 hectares of Crown roads across New South Wales. However, many Crown roads across the State are paper roads—they are merely lines on a map and are unformed or unused. They are often superfluous to today's needs. The current legislative framework for Crown road closures and maintenance is not as effective as it could be. Schedule 3 of this bill modernises the legislative framework governing the closure, maintenance, transfer and sale of Crown roads.

The Minister for Lands and Forestry is the roads authority for all Crown roads. This will remain the case under this bill. However, the existing arrangements around road closures create inefficiencies and unnecessary administration in road closure applications. Currently, responsibility for opening and closing most roads lies with the Minister, who administers the Crown land legislation, even where the local council is the road authority for the road. This means that all council road closures are initiated by local councils but require the approval of the Minister for Lands and Forestry. Having two authorities processing council road closures creates duplication, inefficiencies and time delays.

The bill addresses this by allowing local councils to close public roads for which they are the roads authority in their local area, without requiring the approval of the Minister for Lands and Forestry. This will allow councils to deal with local issues without encountering red tape and will reduce double handling by government agencies. The bill includes important safeguards to ensure a closure is appropriate and does not deny practicable access to a property or an existing road network. The protections also continue to ensure that anyone affected by a proposed road closure has the right to be consulted and provide a submission before a decision is made about the road closure. The bill also allows adjoining landholders and certain authorities the right to appeal to the Land and Environment Court against a council road closure decision. This provision provides an important avenue for adjoining landowners to challenge council road closures. It also ensures that council roads that provide a public service or meet a public need are not closed.

As I mentioned earlier, many Crown roads are not used by the general public and exist as lines on maps. In fact, many Crown roads are wholly enclosed within private properties or adjoin freehold property. Since 2004, landowners have been encouraged to purchase Crown roads within their properties. This allows landowners to consolidate their landholdings and improve security of tenure, and allows the land to be managed to its full potential. However, the process of closing and selling Crown roads is unnecessarily lengthy due to unnecessary administrative steps.

This process has been a longstanding issue with parts of the community. We heard it through the submissions to the Crown land legislation white paper and again through the recent parliamentary inquiry into Crown land. Under the current legislation, the Department of Industry—Lands must follow the lengthy and time-consuming road closure process set out in the Roads Act 1993 for all Crown roads. This process becomes a particular issue when the road closure relates to a paper road that is not used for access or recreation by the general public. Over time, the road closure process has resulted in a large backlog of road closure and sale applications. To assist to address these issues, this bill modernises the Crown road closure and sale process while retaining the important protections for Crown roads that are used by the community.

Under the current road disposal framework, Crown roads must first be closed and converted into Crown land before being able to be sold or disposed of. This process will be simplified under the bill. Crown roads will not be required to be closed before they are sold to third parties. The Government recognises that Crown roads can play an important role in providing access for fishers, bushwalkers, fossickers and other recreational users. They can also be the only means of access to a property or properties. For this reason, the bill includes safeguards to ensure that appropriate consultation is conducted on the sale of Crown roads.

Public consultation must occur if a Crown road is proposed to be sold. Under the bill, the public must be provided with at least 28 days to comment or make a submission about the proposed sale of a Crown road. In addition, adjoining landowners must be individually notified of the proposed sale. All road sale applications and submissions will continue to be assessed on a case-by-case basis. This assessment will continue to include whether the Crown road provides access to other Crown land or waterways.

The provisions in the bill will be in addition to the detailed process that is run by the Department of Industry—Lands and Forestry to ensure that community interests, such as for fishing access, are considered in the sale of roads. This process includes engaging with Fisheries NSW and other relevant government agencies to

identify any issues with the road closure, including issues around access requirements. In many cases, this process has identified additional access to water courses and other areas for the community.

The provisions in the bill and the existing processes strike the right balance between the need for community consultation on proposed disposals of Crown road and addressing unnecessary administrative delays associated with road closures. Many Crown roads provide lawful access to privately owned and leasehold lands where little or no subdivision has occurred since the early nineteenth century. Where a Crown road is not accessible to the general public, and where there are legitimate health and safety issues, the Minister will be able to require the users of the road to repair and maintain the road or pay the costs of the Department of Industry—Lands to do this. This power will be used cautiously and to ensure that the Crown road is safe for its users and the environment and so that access is maintained.

This power will be cautiously used and limited to instances where the Crown road only provides access to, and is of benefit to, a single property or a couple of private properties. At an operational level, users will also be given the chance to make submissions on their capability and capacity and the appropriateness of the powers being used. This will ensure that the powers are used judiciously and in suitable circumstances only. This will provide for a more equitable approach to road maintenance, ensuring that those who have exclusive use of the road contribute to the cost of maintaining the road. As is the case currently, Crown roads that are used by the general public will be able to be transferred to Roads and Maritime Services or other authorities. This will allow Crown roads to be maintained to an appropriate standard for public access and by the bodies best equipped to maintain and upgrade them.

I now turn to schedule 4 of the bill. This schedule makes cosmetic changes to a number of pieces of legislation. The amendments do not change the substance or the intention of any of these Acts or instruments. They merely bring the language and terminology of existing legislation in line with the new Crown Land Management Act 2016. This bill is the product of more than four years of extensive consultation with the community and key stakeholders. In 2012, we conducted the most comprehensive review of Crown land in New South Wales since colonisation. We sought the community's views on what the new Crown land legislation should involve and received more than 600 submissions about various aspects of the legislation. We were then provided with another opportunity to listen to the community through the parliamentary inquiry into Crown land conducted in 2016.

Along the way, both the Government and the Department of Industry—Lands have been speaking with numerous stakeholders and community representatives. Together, these views and this consultation wove the threads of the Crown Land Management Act 2016 that was passed by this House last year, and now this bill. This has provided a rich evidence base about what the people of New South Wales want from their Crown land. This bill now completes that journey. It consolidates legislation that in some cases is more than a century old. It also reduces red tape and streamlines administrative processes that have been stifling economic and land productivity for too long. It also ensures that Crown land is retained for a range of conservation and community purposes. Finally, it ensures that our Crown land can be managed effectively for the future of New South Wales. I commend the bill to the House.

The Hon. MICK VEITCH (12:41): I lead for the Opposition in debate on the Crown Land Legislation Amendment Bill 2017. I note the differences in the Minister's second reading speech today from the speech made in the other place, and I will reflect on them in my contribution. This bill follows on from the Crown Land Management Act 2016, which was passed last year with some degree of controversy and community concern. The Opposition moved a number of amendments to that bill in an attempt to address the concerns raised by communities across New South Wales. It attracted notoriety and concern because it sought to streamline a number of processes that governments have traditionally used to manage Crown land.

When this Government talks about streamlining, cutting red tape and modernising, we know it is code for its real intentions; that is, to remove barriers and to change community expectations about public assets so that it can more freely deal with them. Dare I say, it wants to make it easier to dispose of valuable Crown land. The concerns raised by many community groups last year stem from the fact that Crown land is public land and the community has a right to have a say in how it is managed. I strongly support the community having a greater say in the management of our Crown land estate.

Under this Government, the capacity of NSW Crown Lands has been dramatically reduced. One need only read last year's scathing Auditor-General's report to appreciate that. It is obvious that Treasury boffins have their eyes on all publicly-owned land with a view to achieving a financial return through disposal. This Government will try to sell anything not bolted down. The Crown land estate is vast, diverse, dynamic and intrinsic to communities across New South Wales. It involves local commons, showgrounds, racecourses, girl guide and scouting halls, Rural Fire Service and State Emergency Service sheds, surf lifesaving clubs, caravan parks, sporting ovals and so on. The list of uses is long.

The Hon. Robert Brown: Rifle ranges.

The Hon. MICK VEITCH: I acknowledge that interjection. Of course, there are travelling stock reserves and routes and Crown roads. Like every member of this place, I have spent a great deal of time interacting with the Crown estate, whether it was as a young fellow helping dad on the long paddock or soaking in the buzz and the beautiful surrounds of the Gundagai showgrounds on the banks of the Murrumbidgee River or other shows like those at Bribbaree, Young and Tumut. I have used Crown laneways to get to the best fishing spots across southern and western New South Wales—not that I ever caught any fish.

This bill does to public roads what the Government did to the rest of the Crown land estate in New South Wales. It opens up possibilities and conjures consequences that the community, and particularly future generations, may regret. It removes critical parts of the long-established processes in closing a road and then selling it. The Minister said that the bill streamlines and removes red tape. This is being driven by Treasury. The Opposition is concerned that the broader public interest will be sacrificed in this process, all for the sake of a few dollars. I appreciate that some Crown roads, or paper roads, are totally enclosed by freehold land, are surplus to the State's needs and would be best managed by an adjoining landholder. However, while undertaking that process, we must also ensure that we consult sufficiently so that there are no unintended consequences.

As the Minister said, much of this bill involves tidying up issues stemming from the passage of the Crown Lands Management Bill 2016. I said during debate on that bill that we should ensure we allow sufficient time to get this right. We are talking about a paradigm shift in the way Crown land is managed in New South Wales. The way in which the bill was introduced just moments after the upper House committee—chaired by the Hon. Paul Green—tabled its report is a dangerous precedent. The problem is that we are being asked to consider this bill without knowing what is in the regulations. We still do not know what they contain. The Legislative Review Committee, which has a government majority, tabled a report yesterday flaying this bill, particularly for its Henry VIII clauses. It is contemptuous of Parliament that we are considering a second Crown lands bill without seeing the regulations. It should be noted that the bills have plenty of Henry VIII clauses to undo what is in the Act. This is another example of the "trust me" attitude of this Government, which has well and truly worn out its welcome.

Schedule 1 of the bill repeals the Public Reserves Management Fund Act 1987, which is a visionary piece of legislation that was conceived by the Wran Government and implemented by the Unsworth Government. For the past 30 years it has underpinned substantial improvements to many Crown reserves, including showgrounds, parks, community halls, and sporting clubs. Indeed, members of Parliament from both sides of politics have been photographed handing over a cheque or attending the opening of infrastructure provided by the Public Reserves Management Fund. This bill repeals the Public Reserves Management Fund Act, establishes the same funding mechanisms as those in the Crown Lands Management Act 2016, and renames it the Crown Reserves Improvement Fund.

While the Opposition opposes this aspect of the bill, I ask the Minister to clarify the quantum of red tape savings the Government ascribes to these changes. The Opposition is always concerned when the Government talks about red tape savings, as reflected in last year's Auditor-General's report. That report shone a beacon on the sloppy and inflated costings used by this Government when it comes to claiming red tape savings. It was good to hear the Minister's clarification last night that freehold showgrounds will still be able to receive funding under the new fund as they did under the old Public Reserves Management Fund. That issue was raised with me by stakeholders, and it required clarification. I seek that clarification from the Minister because there is great concern about the future of showgrounds in New South Wales under this Government. That was reflected in recent public comments made by the Agricultural Show Societies Council, which referred to last year's legislation as "lousy law". They are the council's words, not mine.

The bill also amends and updates numerous other pieces of legislation that refer to the Crown Lands Act 1989, which will be repealed on the enactment of this bill, and the Crown Lands Management Act 2016. Schedule 4 of the bill makes amendments to 112 pieces of legislation, ranging from the Constitution Act 1902 and Environmental Planning and Assessment Act 1979 to the Fire and Emergency Services Levy Act 2017 and the Local Land Services Act 2013. While this is simply administrative, these changes reflect how entrenched Crown land is within the New South Wales legislative framework. I point out that about one-third of all New South Wales land is Crown land. That is why, when the Government introduces legislation making a paradigm shift in the way in which Crown land is managed, Parliament and the broader community is and should be concerned.

One of the most symbolic parts of the Crown Land Management Act 2016 was the removal of the concept of "trust" from the legislation. It reflects the sentiment of the changes and explains why the community is so concerned about what the Government is doing. During the debate on the Crown Lands Management Act 2016, the Opposition sought to retain the trust concept in Crown land management, but its proposed amendments were

not accepted. The trust concept is now being removed from other pieces of legislation that use the trust model. That legislation affects not insignificant pieces of public land but also includes all Crown land cemeteries, such as Rookwood; a sportsground that some members may know and even have visited, the Sydney Cricket Ground; and that little piece of Crown land on the northern side of Sydney Harbour, Luna Park. These are significant and some may say sacred parcels of public land.

The Government's removal of the trust concept is alarming. While the Opposition will not oppose the legislation, it is concerned. I would like the Minister to tell the House whether the Sydney Cricket and Sports Ground Trust will retain that name or whether it will be treated like cemetery trusts and be known as the "Sydney Cricket Ground operator"? If the trust concept is retained for the cricket ground, why is it not being retained for other Crown land? Language is very important and this is why we opposed removing the concept of trust in last year's bill. We sought to amend removing the trust concept from cemetery management, which is literally sacred land in some cases. Unfortunately, on this occasion the Parliamentary Counsel's Office was not resourced to deal with this root and branch amendment in the time frame available. Labor will have more to say about this important aspect of public land management in New South Wales in future.

I now turn to what the Opposition sees as the most serious concerns of this bill—the sale and closure of Crown roads and public roads. The Crown Land Management Act 2016 saw a radical rewriting of Crown lands legislation, which, on close examination, is focused on removing as much Crown land as possible by either transferring it to councils who may then flog it off or dispose of it, or by transferring to other Government agencies such as Property NSW, who will also be able to flog it off or dispose of it. Today, six months after the Act was passed, Parliament does not know what will remain Crown land and what will not. This is why community groups are concerned. This is why the agricultural show society says that it is appalled by these "lousy laws". This is why farmers, fishers and fossickers are concerned about yet another review of the travelling stock reserves [TSRs]. This Government sees the sale of publicly owned assets as a one-off source of revenue. This is why Crown land is under threat and it is why the community is very concerned with the plans of this Government, which brings me to roads.

First are council public roads. Currently, a council must go through a consultation process to resolve to close a road, and under the Roads Act 1993 it must seek the consent of the Minister for Lands and Forestry for the closure. This forms a check and balance to ensure that public roads are closed transparently and for good reason. This bill removes the ministerial oversight. It has veto roles for a number of authorities but does not involve the Minister. It has appeal rights to the Land and Environment Court for a select few, but not for interested third parties.

This issue is not simply about access. It can mean millions and millions of dollars of profits for developers. Take, for example, two blocks of land separated by a public road. There is a clear pecuniary gain for the landholders if the road could be closed. This is happening across New South Wales, but particularly in Sydney. A closed public road can translate into tens of millions of dollars for a developer, and incentives for councils to agree would be ever present. This is why we need the current two-step process, including State oversight to ensure a council like the former Auburn council does the right thing in the interests of the public.

Section 38A of the bill sets out fairly limited reasons why a public road may be closed. They are that it is not required for public use, that it is not required to provide continuity of an existing road or that it provides vehicle access to particular land. Going back to my example of the two blocks separated by a public road, those conditions may be met, but it may not be in the public interest. Labor is concerned that veto powers will not be exercised and the Minister of the day will be able to wash their hands of the problem. We are opposed to this part of the bill and we will move amendments to this division at the Committee stage. I know the Minister will say this is simply a streamlining process, but members on this side of the House are concerned that streamlining by this Government rarely equates to public interest.

The other significant concern the Opposition has is the sale of Crown roads. Crown roads are networks that were laid out a century or more ago to facilitate the settlement of the colony. Some are formed; some are not. It is a rich tapestry—a mosaic, if you like—of public land corridors that still may have a public function and public value. This part of the bill was obviously written by Treasury, which clearly wants to extract its pound of flesh regarding Crown road disposals. This Government has been trying for the past six years to sell as many Crown roads as possible in as short a time frame as possible. It is now called an "expedited process". Section 152B states explicitly:

The roads authority—

Lands—

may sell or otherwise dispose of a Crown Road, or part of a Crown Road, without first closing it.

The current system again serves as a check and balance. First, a landholder or adjoining landholder must seek to close the road. This is when strategic planning comes into play. If it is not needed for any broader public purpose, it can be sold, but only after being closed. This Government wants to overturn the process and take the money and run. I ask the Minister to advise the House on the additional cost of the current two-step process, as I hardly believe there are any savings to be made by removing one important step in the process. This bill seems to be about time and money, and it is about getting the money to Treasury. The broader public interest implications are secondary, and my fear is that they could easily be sidelined. Labor opposes those provisions and will move amendments at the Committee stage to maintain the status quo.

Labor wants to work with all stakeholders to ensure that we rationalise the Crown road network in a sensible and strategic manner, as was our intention when we introduced this initiative more than a decade ago. Labor fears that, under this Government, prudent policy and proper planning will be thrown out of the window in a mad dash for cash, and future generations will be the greatest losers. We must ensure that local authorities have the opportunity to undertake strategic planning over these Crown road corridors. They provide access to rivers and other public lands that are important to a wide range of groups in the community such as fishers, fossickers, horseriders and bushwalkers. I note that this is a change in the Minister's second reading speech from the speech that was delivered in the lower House in which there was more focus on this aspect.

We must plan not only for current use but for future use. It would be tragic to close a road only to find out a few years later that it was a critical component of a regional bushwalking network, or that it may be part of or connected to a travelling stock reserve—the great long paddock that is a critical part of Australia's natural agricultural and social heritage. I ask the Minister to advise the House whether Crown land that forms part of or adjoins a travelling stock reserve or travelling stock route will be sold. The bill overturns long-established processes that deal with Crown roads. In my view, it has not been adequately tested with the public and it cannot be supported.

Finally, the bill provides for Lands to direct a person who uses a Crown road to undertake repairs and maintenance of that road. Section 108 also provides for penalties to be issued when directed persons do not comply. The issue of Crown roads forming access to property is a wicked policy issue, with which most country members would be all too familiar. There is often buck-passing and blame-gaming between landholders, councils and the Department of Industry—Lands. The reality is that the buck has to stop somewhere and there must be a high degree of understanding and cooperation to resolve these matters, which is all too often absent. The Opposition does not oppose the new provisions but it will be maintaining a watching brief to ensure that landholders are not unfairly targeted by these new powers.

I noted with some interest the comments made by the Minister in his reply to the second reading debate in the other place last night. I am concerned that the Minister chose to dismiss rather than address many of the community views expressed by members. It is this dismissive attitude that no doubt got the Government to where it is today on local government reform. My colleague the member for Cessnock sought some detail from the Minister and the detail was not forthcoming, so I will outline his questions again. What are the expected red tape savings from repealing the Public Reserves Management Fund Act 1987? The Government can keep chanting the mantra of red tape savings, but without quantifying them, the community is starting to see through this as pure spin and hubris. Similarly, what are the expected red tape savings of streamlining the processes for the closure of public roads and Crown lands? If there is no estimate, why are we doing this in the first place?

Can the Minister guarantee that any Crown road that forms part of a travelling stock reserve or stock route, or forms access to a TSR will not be closed? Fishers, fossickers, bushwalkers and kayakers are all concerned that, with the review of TSRs, some access points to the long paddocks will be closed. If there are five access points along the reserve, will the Minister ensure that all five will remain open to the public or will he consider closing all but one or two so he can maintain that that access has been reserved? What will be the strategic decision-making process to determine which Crown roads will remain open to the public? Will the Minister guarantee that any Crown road that forms access to a waterway will not be sold? Again, that is a grave concern for the recreational fishing community.

The Sydney Cricket Ground [SCG] has its own legislation, but why is that body allowed to retain the trust concept which is being eradicated from all Crown land management bodies under the Crown land legislation? If it is such a good proposal, why is it being enforced on cemetery managers and not on other Crown land managers like the SCG or Luna Park? Why abandon a consistent approach to land management? Finally, will the Hon. Niall Blair ensure that the many commitments he gave during the passage of the Crown Land Management Act 2016 in this place will be honoured by the new junior Minister—commitments which the junior Minister refused to address point blank last night in the other place?

Last year when debating the Crown Lands Management Act this House was concerned not just with the intentions of the current Minister, for whom there is some degree of respect, but with the intentions of future

Ministers. We legislate not just for the present but also for the future. I believe that if we knew late last year that in two months Minister Blair would be replaced by someone who utterly mismanaged the local government reform process, this bill may not have been passed. This is why people in the regions are particularly concerned. They now see the Crown lands in the hands of someone who rode roughshod over them when it came to local government reform, regardless of views collected in community consultation.

The trick to introducing real and lasting reform is for the Government to bring the community along with it. This is what has been lacking from the Crown land reform process thus far. There has been no real engagement with the community. Regardless of the debate here today and the arguments for and against, no-one can deny that there is genuine community concern over changes to Crown land management in New South Wales. That highlights the importance that the community places on Crown land. Combined with job cuts, the scathing Auditor-General's report and legislation rammed through in the middle of the night, the Government has a problem. The new Minister really needs to acknowledge that he has a problem on his hands.

Take the commons, for example. When the attempt to repeal the Commons Management Act 1989 was withdrawn last year, everyone in this place knew that it would be back. Rather than acknowledge that it had a communication problem, the Government blamed those who were opposed to the repeal. When I visited St Albans common earlier in the month the commoners were aghast at the attitude of the department. I was advised that they were accused of being elitist by departmental officials and were indirectly accused of mounting a scare campaign when it came to repealing the legislation. We saw this attitude last night in the other place when the Minister accused anyone speaking out against Crown land reform of mounting a scare campaign.

When the Minister accuses the Opposition of mounting a scare campaign, he is also accusing the community members and organisations of doing so—for example, the agriculture show society, the commoners, public sector individuals concerned about job cuts, and community groups concerned about the transfer of Crown land to local councils or other government agencies. According to the Government, those who oppose either do not understand or are launching scare campaigns. I say to the Minister in the other place that I raised concerns and issues put to me by stakeholders. When the Minister accuses me of lying or running a scare campaign, he is attacking those good, honest citizens of New South Wales who raised their concerns with me. It is my job to advocate on behalf of these stakeholders, and I will continue to do so whether the junior Minister in the other place likes it or not.

In conclusion, I challenge the former Minister to address the failure of this junior Minister to address the concerns about this bill which were raised last night and again today. The changes proposed to Crown and council public roads have not been adequately worked through with the community. It appears to be a fire sale driven by Treasury in the case of Crown roads, which may deprive a wide range of groups in the community of important public access. We need to know the budget impact of such a move.

There seems to have been a washing of the hands by the Minister for Lands and Forestry in the case of council public road closures, leaving decisions to someone else and possibly opening up opportunities for overdevelopment. The new powers to force landholders to fix roads or be fined appears to be a legislative overreach, the powers of which could be open to abuse. The Government can dismiss these concerns as a scare campaign, but they are genuine concerns raised with me by individual stakeholders and community groups, and rightly so. We on this side have several amendments that we will prosecute in the Committee stage. If they are not successful, we will be opposing the bill.

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

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

Questions Without Notice

ELECTRICITY PRICES

The Hon. ADAM SEARLE (14:30): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Given that the Government and its agencies have been in court for the past two years contesting the Australian Energy Regulator's determination to cut electricity bills for households by up to \$338 a year, what is the Government's response to community concerns that the \$125 Energy Assistance Payment for New South Wales pensioner couples and \$75 for New South Wales singles in last night's Federal budget will be inadequate to meet increasing electricity bills?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30): I have frequently addressed electricity prices and the contribution to electricity prices of

network prices. On several occasions I have made it quite clear that the network costs are not the reason for electricity price difficulties in this country. The problem is with wholesale generation costs and wholesale prices, which are the cause of the difficulty. The truth is that a guarantee was put in place as part of the electricity transactions, and it is our expectation that there will be downward pressure on network costs and network prices. That is not an issue.

The Hon. Adam Searle: So why are you still in court arguing the reverse?

The Hon. DON HARWIN: It is not the issue claimed by those opposite, to put it more clearly.

The Hon. Adam Searle: We will see whether consumers believe the Minister or me.

The Hon. DON HARWIN: I think that in the fullness of time they will agree with the wise approach that the New South Wales Government has taken. I congratulate the Commonwealth Government on the 2017-2018 Federal budget. I am pleased to see that there are measures prioritising energy security and energy affordability. These measures combined constitute a \$265 million package to support the work of maintaining a secure, reliable and competitive energy system. To assist with energy security the budget has allocated \$86.3 million over four years for gas exploration and to reform the gas markets, \$13 million to the CSIRO to improve energy forecasting and \$6.6 million over three years to the Australian Competition and Consumer Commission [ACCC] to monitor the gas market. To help energy affordability, \$7.9 million has been set aside for the ACCC to investigate policy competition in the retail market. In particular the commission will scrutinise electricity retailer behaviour, as well as contracts offered to residential and business customers.

Payments to pensioners of \$75 for a single household and \$125 for couples by 30 June, as outlined in the question, are taking place because of electricity price pressures caused by national market factors impacting wholesale prices. These measures that are being undertaken by the Commonwealth complement the work of the State Government on assistance for energy security and affordability. Our measures include more than \$250 million per year on financial assistance, and development of \$400 million in new measures to support generation investment and improve affordability under the Climate Change Fund Strategic Plan as well as Independent Pricing and Regulatory Tribunal [IPART] market monitoring of competition in the New South Wales electricity retail market. I will continue to work towards prioritising energy security and affordability, which is critical for all of us, to ensure that households and businesses can access the energy services that are required.

The PRESIDENT: Order! I remind all honourable members that having very loud discussions when a member is speaking and addressing the Chair makes it very difficult for the Chair to hear properly, and creates difficulties for Hansard. I have not called members to order for having such discussions, but I will commence to do so. Members who want to have loud discussions should leave the Chamber.

MINERAL RESOURCES

The Hon. DUNCAN GAY (14:35): My question is addressed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Will the Minister update the House on how the Government is supporting the development of our world-class mineral deposits in this State?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:35): I thank the Hon. Duncan Gay for his question. I am pleased to inform the House that the New South Wales Government is working with the industry to sustainably extract a number of well-known resources but also lesser known strategic resources that have been found to have high concentrations in New South Wales. Yesterday, I was delighted to open Exploration in the House 2017 at Parliament House as part of NSW Minerals Week. Exploration in the House is an annual seminar presented by the Division of Resources and Geoscience's Geological Survey of NSW branch. I addressed representatives of the mineral exploration industry on the New South Wales Government's support for the industry to sustainably extract a number of well-known resources but also lesser-known strategic resources, one of which is scandium.

Scandium is a soft, silvery-white metallic element, and is technically a light transition metal. It exhibits characteristics similar to rare-earth elements. Scandium reacts chemically with elements like aluminium, magnesium and zirconium to form high-strength metal alloys. Scandium has long been and continues to be recognised as a valuable commodity; however, deposits of scandium are extremely rare to find in occurrences concentrated enough for economically viable extraction. Current supply is sourced from low-grade mineral waste stockpiles or as a by-product from other mineral processing operations in Russia, China and the Ukraine, resulting in inadequate volume for wide-scale adoption. Despite scandium's scarcity, multiple potential high-value commercial uses for the metal have been developed.

Of interest is the addition of scandium into aluminium alloys. Small scandium additions in aluminium alloys produce stronger, heat- and corrosion-resistant, weldable aluminium products. The aircraft and automotive industry would be able to incorporate scandium alloys to achieve weight reductions and increased fuel efficiency. Small quantities of scandium alloys can currently be found in everyday items where strength and lightness are important, such as sporting accessories like bicycles and golf clubs. The single largest use for scandium today is solid oxide fuel cells. Scandium exhibits very good electrical conductivity and excellent heat stabilisation properties. The inclusion of scandium in these fuel cells delivers higher power outputs at significantly lower operating temperatures.

During the exploration of the New South Wales laterite clay belt, a game-changing discovery of scandium has emerged. New South Wales is home to four scandium projects having grades four times that of existing international sources. Two of these projects are in Parkes and another is in central New South Wales near Nyngan. What I believe should be called the New South Wales scandium belt boasts some unique production advantages, being both a high-grade significant resource size and being surface-mineable. The single product focus can deliver scandium at a large enough scale to promote wider use of the metal at a lower cost that will further promote absorption and growth in the various markets. This is an exciting time for New South Wales as it looks to being the key source of scandium, a unique and sought-after metal, not only in Australia but throughout the world.

COAL SEAM GAS

The Hon. WALT SECORD (14:04): My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Given that the Federal budget provided \$30 million for research into the impact on water supplies at three separate sites for new unconventional gas developments, what discussions has the Minister or his department held with his Federal colleagues or their departments on this matter?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:40:3): I can truthfully say I have not had any conversations with my Federal ministerial colleagues since last night.

WOOL INDUSTRY

The Hon. NATASHA MACLAREN-JONES (14:40): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. With Sydney's Mercedes-Benz Fashion Week just around the corner, will the Minister update the House on the benefits of wool?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:41): I thank the member for her question. The fashion industry employs approximately 71,000 people across New South Wales, generating annual retail sales of around \$8.7 billion. The showcase event of the industry is fashion week, which will be held in Sydney next week, and wool is set to feature in many of the best designs on show. It is no exaggeration to say that wool built this nation—it helped to pay for the roads, rails, cities and towns scattered across the State—and wool production contributed \$956 million to the New South Wales economy in 2015-16, sustaining many regional communities.

Wool is a wonderful, natural, renewable fibre. It does not have to be mined, it does not have to be refined and it is biodegradable. Most importantly, wool is a sustainable resource. It is grown year-round by Australia's 68 million sheep and consists of a simple blend of water, air, sunshine and grass, making wool a completely renewable fibre. His Royal Highness Prince Charles knows the benefits of wool as a sustainable, environmentally friendly product. As part of his campaign for wool, he said:

Natural materials that do not require fossil fuels to make them and that can be recycled endlessly are going to be more important than ever as we face up to the challenges of climate change.

When they are also practical and beautiful, we really should treasure them and use them as much as possible ...

Beyond being sustainable, it is the physical characteristics of wool that make it an outstanding choice for a wide range of garments, including suiting. Wool feels soft and gentle on the skin. It is breathable. For those who are especially fashion conscious, it is good to know that wool drapes beautifully. Wool is also outstanding to wear during any exercise that one might choose to undertake, from yoga to running. But the benefits do not stop there. Wool is easy to care for. It is anti wrinkle, and many wool garments can now be machine washed and tumble dried. It is fire resistant and UV resistant, and merino wool is stain resistant and odour resistant. It is exceptionally stylish, sleek and elegant, colourful, fashionable and easy to tailor—making it perfect for the sort of quality garments one would expect to see next week at fashion week.

With all of these benefits, it is clear to me that anyone who knows what is good for the environment, good for our woolgrowers and good for our regional communities would be seeking to get themselves into fine wool garments whenever they can. This nation was built on the sheep's back. Right across the globe there are new

woollen garments, particularly those made of fine merino wool, and new wool technologies, and people are looking forward to seeing the different uses of wool next week at fashion week. As the Minister for Primary Industries, and Minister for Trade and Industry, I am one of those who support our woolgrowers and our fashion industry in New South Wales. Wool is a wonderful product grown by our wonderful producers. It is a win-win for this State.

FOXG1 SYNDROME IMPACT

The Hon. PAUL GREEN (14:45): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Health. FOXG1 syndrome affects most aspects of development. Children with the condition typically have severe intellectual disability that impairs brain development, movement and speech. FOXG1 syndrome is a rare condition that affects four children in Australia. A young boy in Glenwood, Kush Singha, has this disease. Will the Minister advise the House of the services and support provided to families encountering rare diseases, especially FOXG1 syndrome?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (14:45): I thank the member for his question. I will be upfront and say I have never heard of FOXG1 syndrome. According to the detail in the member's question, it affects four children in Australia. It is obviously quite a rare syndrome affecting a small number of children. A certain level of detail will be required from the Minister for Health because of the rareness of this condition. I will take the question on notice, refer it to the Minister for Health and return to the member with an answer as soon as possible.

ABORTION CLINIC EXCLUSION ZONES

Reverend the Hon. FRED NILE (14:46): My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council, representing the Attorney General, the Hon. Mark Speakman. Is it a fact that two abortion clinics advertised in the *Yellow Pages* are located opposite the Parliament of New South Wales: Macquarie St Abortion Clinic, 195 Macquarie Street, and Dr Marie women's health abortion clinic, 187 Macquarie Street? Will the Government investigate these abortion clinics and the allegations that sewer pipes have been blocked by the body parts of unborn, aborted babies flushed down the toilet? Will the Government also assess the possible impact on access to the Parliament of New South Wales of any future 150-metre exclusion zones around those abortion clinics?

The Hon. DON HARWIN (14:47): I thank Reverend the Hon. Fred Nile for his question. He has asked me to look at a number of matters in his question in relation to premises in this vicinity and the status of those premises. He asked me this question in my capacity as the Minister representing the Attorney General, and I am sure the Attorney General will look at the aspects of the question that fall within his remit and promptly supply the member with an answer.

MARRIAGE EQUALITY PLEBISCITE

The Hon. PENNY SHARPE (14:48): My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council, representing the Premier. What is the Government's response to the allocation of \$170 million in last night's Federal budget for a national plebiscite on marriage equality? Will the Government make representations to its Federal colleagues to convey community concern in New South Wales that the plebiscite is an unnecessary expenditure?

The Hon. DON HARWIN (14:49): I look forward to having a discussion with the Premier on that issue. I have my own views on that. The Hon. Penny Sharpe well knows my views, but has not sought for my opinion and, in fact, could not in question time, because that would be contrary to the standing orders.

The Hon. Penny Sharpe: The question is in order.

The Hon. DON HARWIN: Indeed it is and that is why I will be having a discussion with the Premier about that matter and no doubt, if I am able to, I will get the honourable member a response as quickly as possible.

ABORIGINAL YOUTH LEADERS

The Hon. TAYLOR MARTIN (14:49): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs and Assistant Minister for Education. Will the Minister update the House on how the New South Wales Government is supporting the development of young Aboriginal leaders in our community?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:50): I thank the member for his question, his first question in this House, and welcome him to this Chamber. It is a good question about young leaders, and he is now our

youngest in this House; taking over the mantle. Last month I had the privilege to attend Government House and meet with the six New South Wales delegates to the National Indigenous Youth Parliament in Canberra. These young leaders were selected from a pool of applicants to participate in a week of activities hosted at Parliament House in Canberra, between 23 and 29 May 2017. When I met with our New South Wales representatives, I was very impressed with their commitment to representing their communities and their passion to learn about and become involved in our political system. These young people have such amazing life stories. They are motivated to see brighter futures for their families and communities, and are personally committed to making a serious contribution.

I extend my congratulations to those participants: Phoebe McIlwraith, 17, from Halekulani; Brenton Hawken, 22, from Parkes; Denise Marr, 24, from Beelbangera; Isaiah Dawe, 22, from Redfern; Tyrone Connors, 25, from Casino; and Cody Jones, 21, from Dubbo. Two of these young parliamentarians are former Indigenous IPROWD [Police Recruiting Our Way Delivery] graduates. IPROWD is one of the Government's flagship programs assisting Aboriginal people to serve our communities as police officers. It is certainly a program that in my office we are very proud of. I wish these six delegates all the best for their week in Canberra and hope that the program supports their aspirations.

This Government is committed to supporting the development of young Aboriginal leaders right across New South Wales. On 19 February 2015, the Murdi Paaki regional assembly, representing 16 Aboriginal communities in the western region, signed the first accord with the Government under local decision-making, a flagship initiative under our community-focused Government plan, OCHRE—opportunity, choice, healing, responsibility and empowerment. One of the priorities included in the accord is strengthening governance capacity in the region. The New South Wales Government regional network supports the implementation of local decision-making, working closely with Aboriginal regional alliances to build their capacity to engage and negotiate with the Government on their community priorities. The Murdi Paaki Assembly and the New South Wales Government are working together to strengthen local governance and future leadership capability through the Murdi Paaki Young Aboriginal Emerging Leaders program.

The program provides leadership opportunities for young Aboriginal people across the 16 Murdi Paaki communities of Bourke, Enngonia, Coonamble, Gulargambone, Goodooga, Broken Hill, Dareton-Wentworth, Wilcannia, Ivanhoe, Weilmoringle, Cobar, Menindee, Walgett, Collarenebri, Lightning Ridge, and Brewarrina. This program is assisting young people between the ages of 18 and 35 on their journey to becoming the next group of leaders in their communities. It provides participants with opportunities to develop the skills, knowledge and experience required to contribute positively in their communities, enhancing their capacity to identify strategic priorities for the social, cultural and economic development of their communities, and effectively participate in decision-making aimed at improving local outcomes.

To support succession planning at the Murdi Paaki Regional Assembly, four delegates from the program are given a seat at the quarterly general meetings of the assembly, which is a very worthwhile strategy. The Emerging Leaders program has also seen the development of local projects identified and driven by participants, with financial assistance provided by the Government. One success story is the Aboriginal Debutante Ball, organised by four young leaders from Dareton. The Dareton Aboriginal Debutante Ball was held in November last year and attended by more than 180 people. Other positive outcomes include young leaders joining boards of management and committees in their local communities, a demonstration of the positive commitment young Aboriginal people in the region have to improving outcomes in their communities, and the confidence they have gained through their participation in the Emerging Leaders program. I look forward to the opportunity of providing further updates on this program to the House.

MEDICAL CANNABIS

The Hon. MARK PEARSON (14:54): My question without notice is directed to the Minister for Primary Industries, representing the Hon. Brad Hazzard, Minister for Health. I have been contacted by members of the public with seriously ill family members who would benefit from access to medicinal cannabis. Will the Minister indicate when the medicinal cannabis clinical trials will be completed and what steps the department is taking to ensure that patients will be able to obtain sufficient quantities of this drug once it is available for therapeutic use?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:55): I thank the honourable member for his question on medicinal cannabis. Many members of Parliament have had contact from representatives from their local communities about this issue. I know that many members of this House considered this issue in great depth during a parliamentary inquiry before the member joined this Chamber. Many members from all sides of this House spent a great deal of time considering it and examining what is done in other jurisdictions in this country. It is also fair to say that this issue has been progressed more by the Liberal-Nationals Government under the then Premiership of Mike Baird

and following on from that under Gladys Berejiklian than we have ever seen in this State. We know that many people in our community who are suffering from a range of conditions, usually towards the end of their lives, are seeking some sort of relief from some of the side effects that they may be suffering from prescribed treatments, but also from any other side effects such as nausea and appetite suppression.

In July 2016 the New South Wales Government, through the Department of Primary Industries, became the first agency in Australia to receive authorisation from the Commonwealth under its amended legislation to cultivate medicinal cannabis for research purposes. It is important to put that into context in relation to the member's question. Not only has this Government looked at some of the clinical trials, but with the changes to the licensing provisions being taken over by the Commonwealth Government, the New South Wales Government, through my agency, the Department of Primary Industries, was at the ready and received the first licence to cultivate medicinal cannabis in New South Wales.

The Government is doing a number of things to try to advance this issue. I know that many within our community would argue that it is not happening quickly enough. Anyone who has a family member or who knows of someone who is suffering with some of these conditions and may benefit from this type of product being available, would argue that it is not happening quickly enough. Many organisations are advocating for it. Community champions such as Lucy Haslam from Tamworth has led the charge after the loss of her son, Dan, whose story touched many members in this House. I thank the member for his question, which I will refer to the Minister for Health for a detailed response. This issue crosses the divide on party politics. It is the subject of an active discussion within all of our communities, particularly those in regional areas that may not have access to other services, and it is something that many in this House are concerned about. For those reasons, I will take the question on notice, I will refer it to the Minister for Health and come back to the member with an answer.

MURRAY VALLEY GROUNDWATER CLASS ACTION GROUP

The Hon. MICK VEITCH (14:59): I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry.

The PRESIDENT: Order! I call the Hon. Trevor Khan to order for the first time.

The Hon. MICK VEITCH: Given that on 2 May 2017 the Crown Solicitor's Office demanded payment of \$400,000 for legal fees from Murray Valley groundwater irrigators, and given that Mr Greg Sanford provided testimony to Portfolio Committee No. 5 in Deniliquin that the Minister and his colleagues gave an undertaking to affected irrigators that this matter would be sorted out if they dropped their legal proceedings, does the Minister stand by those undertakings and will he now withdraw any claim for legal expenses?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:59): I thank the honourable member for his question, which asks about detail in relation to the Murray Valley Groundwater Class Action Group. The member has previously raised this issue. I make it clear that a meeting was held on 16 September 2015 with Murray Valley Groundwater Action Group representatives, including Mr Sandford, to discuss water sharing rules and related legal matters. Following the meeting, the group wrote to me making a number of requests, and I responded to that letter in November 2015. In that response I asked that the group's legal representatives liaise with my legal representatives about the costs associated with the legal proceedings. I have also considered the group's request for their water entitlements to be increased. I indicated in November 2015 that my preliminary view was that entitlements should not be increased. I have asked the department to consider the issue further during the development of the water resource plan for that area.

SYDNEY OPERA HOUSE TRUST

The Hon. SHAYNE MALLARD (15:01): I address my question to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Will the Minister update the House on the upgrades to the iconic Joan Sutherland Theatre and what the New South Wales Government is doing to ensure that the Sydney Opera House remains one of the world's premier performing arts spaces?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:01): I thank the honourable member for his question. I think it is 35 years this year since I attended a performance in the Joan Sutherland Theatre. I bought a student rush ticket for *Othello*.

The Hon. Greg Donnelly: What colour tie were you wearing?

The Hon. DON HARWIN: I doubt that it was orange; in fact, I doubt that I was wearing a tie. I am sure there are other members with equally fond memories of the Joan Sutherland Theatre. This morning I was joined by Louise Herron, the director of Sydney Opera House Trust, and David McAllister, the director of The

Australian Ballet as we count down 10 days until the final performance of *The Nutcracker*. The curtains will fall and we look forward to the future of this remarkable theatre. The theatre has been working hard for the people of Sydney, New South Wales, Australia and the world since it opened in the 1970s. It is probably the most intensively used opera theatre in the world, and it is home to our wonderful performing arts companies, Opera Australia and The Australian Ballet. It has delivered approximately 15,000 performances and hosted many great performers, including the theatre's namesake, the great Dame Joan Sutherland.

Undeniably, the demands on the venue have increased greatly over time. The theatre machinery systems, which were state-of-the-art when the Opera House was opened, are now in need of replacement. I congratulate the Sydney Opera House Trust on committing \$44 million of its resources to the task of bringing the technical systems up to modern standards, and for so carefully planning this project. It represents a great opportunity to do as much work as we can while the venue is closed to ensure that the Joan Sutherland Theatre continues to inspire and delight audiences for many more years. Ensuring that we maximise the outcomes of the closure for the resident companies, artists and audiences is the key reason the Government has committed \$26 million to undertake additional important upgrades.

The upgrades to the Joan Sutherland Theatre mark the start of the Opera House's renewal, which includes opening up more of this wonderful building to the public, improving access, and ensuring that it meets the needs and expectations of the 8.2 million people who visit it each year. The Government is a key supporter of the Opera House's renewal, having committed more than \$200 million from the cultural infrastructure fund to upgrade the acoustics, accessibility, efficiency and flexibility of the Concert Hall, to transform office space into a new creative learning centre, to build a premium function centre within the building envelope, to remove the marquee from the northern boardwalk, and to create a welcoming, car-free entrance under the Monumental Steps.

I extend my congratulations to the Opera House as it embarks on this exciting next stage of its renewal. Budgets are on everyone's minds this week. Only a government with a record of management like ours, with a triple-A credit rating, zero net debt and budget surpluses could afford to invest in cultural infrastructure on this scale. It has been the sound fiscal management of the O'Farrell/Baird/Berejiklian governments that has brought us to this point. Unlike the Labor Government, this Government is not leaving the Opera House to rot. Members opposite would have allowed its capacity as a living, breathing performance space to be compromised.

ESSENTIAL ENERGY WIRING DEFECTS

The Hon. GREG DONNELLY (15:05): I direct my question to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Yesterday the Minister provided a deferred answer stating that "Essential Energy technicians, as a public service, have been assisting customers and their electricians to check the wiring". Given that, will he now instruct Essential Energy to reimburse customers who were instructed on 2 April to pay a private electricity contractor to assess and test their switchboards before they were reconnected?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:06): The honourable member mentioned a specific instance and a specific date. I am interested to hear what extra details he has about that incident.

The Hon. Walt Secord: The question is based on your deferred answer yesterday.

The Hon. DON HARWIN: The Hon. Walt Secord is interjecting.

The PRESIDENT: Is the Minister taking a point of order?

The Hon. DON HARWIN: No.

The PRESIDENT: If not, the Minister should answer the question.

The Hon. DON HARWIN: The Hon. Greg Donnelly referred to a specific instance on a specific date. If he has more information about that instance, I would like it so that I can ask for a response from Essential Energy. I would be would be happy to do that, but I want to ascertain all the facts—

The Hon. Greg Donnelly: Point of order: The Minister is not correct in his articulation of my question. He is claiming that it relates to a single customer. That is not correct. I am happy to repeat the question if that will assist him.

The PRESIDENT: It might assist the Minister if the honourable member were to show him the question. I suggest that the honourable member tear off the supplementary question, which he will not be allowed to ask.

The Hon. Greg Donnelly: It was a ripper.

The PRESIDENT: Members will come to order. The Minister has the call.

The Hon. DON HARWIN: I thank the honourable member for supplying me with a copy of the question. However, I make the point once again that to speed up the emergency—

The Hon. Greg Donnelly: Point of order: The Minister is debating the question. He is asking me to provide more information, which is debating the question.

The PRESIDENT: There is no point of order. The Minister was not debating the question; he was commencing his answer, and he had said only four or five words. The Minister has the call.

The Hon. DON HARWIN: As I have said in the Chamber before, the position is that any defects that are found in private wiring must be repaired, as always, by a licensed electrician at the customer's expense. The cost of those repairs may be claimable under the customer's insurance policy.

PRIMARY INDUSTRIES EXPORTS

Mr SCOT MacDONALD (15:09): My question 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 recent trade deals for our primary producers and what this Government is doing to help our exporters take advantage of them?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:10): I thank the member for his question. Free trade is providing a cash injection to our regional towns and centres, and it is ensuring that our producers are properly rewarded for what they do best—growing the world's best food and fibre. Newly released Federal Government figures demonstrate the enormous benefits being delivered for our primary producers from recent trade deals with China, Japan and Korea. They show that the value of exports from Australia to those three nations has increased by a staggering 140 per cent over the past two years. New South Wales has played a major role in this. Some people argue that we should somehow roll ourselves into a ball and pretend that the rest of the world does not exist. That is an inward and insular view that is counterproductive for our businesses.

China, Japan and Korea are important trading partners for New South Wales. In 2016, more than 47 per cent of total goods exported from New South Wales went to those markets. A closer look at our trade with Japan shows how successful New South Wales businesses have been since the free trade deal was signed in 2014. Between 2014 and 2016, fresh or chilled beef exported from New South Wales to Japan has increased by 69 per cent to \$198 million. Over the same period, macadamia exports were up 48 per cent to \$21.8 million; orange exports have risen by 83 per cent to \$4.2 million; and wine exports have jumped 10 per cent to \$12.7 million. It is not surprising that countries such as China, Japan and Korea are clamouring to get their hands on our high-quality produce. Australian producers grow some of the best food and fibre in the world and producers in New South Wales help lead the way.

To help build on our recent successes, the NSW Department of Industry has been working with organisations such as the Export Council of Australia and the NSW Business Chamber to roll out a new regional export capability building program. It has already delivered workshops in Parramatta, Nowra, Tamworth, Sydney and the Central Coast, providing businesses with the information they need to help expand their exports. Further workshops will run in Orange, Goulburn, Merimbula, and Wagga Wagga. In addition, the Department of Primary Industries [DPI] has been working to remove barriers to expand the export of cherries from New South Wales to Asia. Currently, the export of cherries from mainland Australia is restricted due to concerns about fruit fly. As such, most exports must be shipped via sea. As part of their work, the DPI has facilitated a trial air freight export from Young and Orange to Indonesia with the cherries being treated using irradiation. The successful completion of this trial is an important step towards improving airfreight access for cherries into markets across Asia, including China, Japan and Korea.

This Government will always look beyond our borders for opportunities. These figures demonstrate that when done right, this approach can bring significant benefits for exporters, for regional New South Wales, and for the State's economy. In my role as Minister for Primary Industries and Minister for Trade and Industry, I have been working with different agencies to overcome the barriers that some of our producers were experiencing. We have used the best science and the best brains, but we have also introduced important markets. The best produce that the world has to offer is grown in New South Wales by our farmers. It is a win for our farmers, a win for our State and a win for customers across the seas.

EDDIE OBEID PARLIAMENTARY PENSION

Mr DAVID SHOEBRIDGE (15:14): My question is directed to the Leader of the Government representing the Premier. When will the Government bring legislation to this House to finally remove the

\$328 per day parliamentary pension that Eddie Obeid is still receiving, despite being in jail for having disgraced this House and his office through his corrupt behaviour?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:14): I thank the member for his question. I will refer the question to the Premier for a reply.

ENERGY EFFICIENCY

The Hon. JOHN GRAHAM (15:14): My question without notice is directed to the Minister for Resources and Minister for Energy and Utilities, representing the Minister for Planning. What metrics will the Government put in place to measure the planning and delivery of Sydney's green grid proposed under the Greater Sydney Commission draft district plans?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:15): It is a good question. The Greater Sydney Commission is doing excellent work on this issue and a number of other issues. Livability in our cities and the heat that is generated by buildings and other urban structures is a big issue. I congratulate the Greater Sydney Commission on the work it is doing. It is very important in a number of respects, including energy efficiency, which is of great interest to me. The planning portfolio is doing good work on this subject, including the commission. I am sure the member will appreciate and find of great interest the response that I will obtain from the Minister for Planning.

EARLY CHILDHOOD EDUCATION

The Hon. BEN FRANKLIN (15:16): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the Government is investing in early childhood education services on the State's mid North Coast?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:16): I thank the Parliamentary Secretary for his question. As members know, I enjoy talking about early childhood education and since becoming a Minister I have made it a priority to visit a lot of communities across the State, especially the early childhood education providers in New South Wales. Last Friday I travelled to the State's mid North Coast to visit two early childhood education services with the member for Oxley and former member of this House, the Hon. Melinda Pavey. Crescent Head Community Pre-School and Giiguy Gamambi Preschool at Nambucca Heads have both been provided grants as part of the capital works program under our Start Strong initiative. Those preschools are two of the 27 providers across New South Wales that have received a share of the grant program, which is \$8 million in total. These grants will create an additional 500 places to ensure that our children have every opportunity to thrive and prosper.

Crescent Head Community Pre-School and Giiguy Gamambi Preschool are perfect examples of services committed to providing our children with high-quality early childhood education. Crescent Head Community Pre-School received nearly \$100,000 under the fund to build an extension which will create an extra nine places at the service. The staff have been hoping to do this renovation for a number of years. They were very pleased to show me the plans for the extension and are thankful for the opportunity that the New South Wales Government has given them. I acknowledge the staff member who met with us on the day, Marcus Cooper, who is a male early childhood education teacher who has been working in the sector since he was 18.

The Hon. Mick Veitch: Very rare.

The Hon. SARAH MITCHELL: It is very rare, as the Hon. Mick Veitch pointed out. When I spoke to him about how great it was to see a male teacher in that role, he said he did not want to be seen as a token male early childhood educator and that he was passionate about and committed to his job. I mention Marcus because he was doing a great job and it is great when we see young men in those roles. I also thank the committee members who met us. Some of those mums have been involved in fundraising for a long time at Crescent Head.

The second service that I visited on Friday was the Giiguy Gamambi Preschool in Nambucca Heads. That service currently caters for approximately 30 students. They told me that 95 per cent of those students are Aboriginal and they travel from all around the mid North Coast to attend, including students who travel from Bowraville. Next to that preschool is the Muurrbay Language Centre. I popped in unannounced and said hello to Gary Williams and his team who do great work on the mid North Coast in terms of Aboriginal languages. They also work with the preschool next door to provide those children with an opportunity to speak their languages.

The Giiguy Gamambi Preschool will receive \$590,000 under the capital works fund to extend the premises and upgrade facilities. This will allow for 30 more places so that the preschool will be able to double its capacity. I am sure that the House would agree that this is an example of just how beneficial the capital works grant is in giving more children access to quality early childhood education right across the State. We should all

be very happy about the opportunities that this preschool at Nambucca Heads will give to local Aboriginal children.

As I travel around the State and touch base with many of the services, I have been pleased to see first-hand the special connection between children and teachers, particularly in the purpose-built facilities. I was particularly pleased to see the differences that have been made by the upgrades and capital works programs. I am sure that there will be no exception with respect to these latest services. I am looking forward to going back to the Oxley electorate once this work is underway, having a look at the extensions and those capital works grants in action, and seeing the difference that they make to local kids and their families on the mid North Coast.

SHARK MANAGEMENT STRATEGY

Mr JUSTIN FIELD (15:20): My question without notice is directed to the Minister for Primary Industries. Given that the statistics over the first five months of the shark net and drumline trials on the North Coast show that the nets caught only six target sharks, killing three, but killed 127 non-target animals including endangered turtles and dolphins, while the drumlines caught 29 target sharks with only one killed and no by-catch deaths, why has the Minister decided to continue the net trial for the rest of the six-month period when it is clear from the Government's own evidence that they cause damage to local marine animals and are much less effective than Shark Management Alert in Real Time [SMART] drumlines when it comes to capturing target sharks?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:21): Before I go to the substance of my answer, I point out that it is amazing that it took this Government, with \$16 million, to take a new approach to this issue so that we now have the data which enables the member to ask me a question like that about SMART drumlines. No other jurisdiction in this country had used SMART drumlines. The New South Wales Government has led the way on SMART drumlines.

I make the point that this Government is leading the world on this issue through our \$16 million shark management strategy. That has been complemented by the shark meshing trial between Evans Head and Lennox Head on the Far North Coast. The New South Wales Government has been working to protect beachgoers from sharks and at the same time minimise potential impacts on marine animals. The Government has said all along that all options are on the table. While the strategy is providing valuable information about shark detection and deterrence and assisting beachgoers, the incidents that occurred in late 2016 triggered a shift in community attitudes.

The Government listened to the community and introduced legislation to facilitate the trial of shark meshing nets. The nets have been trialled alongside SMART drumlines and other initiatives of our world-first shark management strategy. After extensive consultation with the local community, the nets are currently being trialled at Shelly Beach, Lighthouse Beach and Sharpes Beach at Ballina, Seven Mile Beach at Lennox Head, and Evans Head Beach. The trial is being run in accordance with a management plan which requires that nets are fitted with whale alarms and dolphin pingers to deter those marine mammals from the nets, and there is daily checking of the nets by contractors and observers when weather permits. The shark net trial commenced on 8 December last year, and is being closely monitored and assessed by Department of Primary Industries—Fisheries shark scientists. We have maintained transparency on this by making information about catches in the shark nets publicly available on a monthly basis during the trial.

The expectation from the beginning has been that the North Coast trial will have nets in the water for up to six months, noting that this could be staggered over a longer period from the date the trial commenced to allow for bad weather and any logistical constraints. Yesterday I announced that the trial will end and the nets will be removed on 13 June. It should be noted that the peak whale migration on the North Coast is estimated to occur at the end of June. Of course, if migrating whales reach the North Coast earlier, I reserve the right to have the nets taken out earlier than this date. With the nets out of the water, we will increase the number of SMART drumlines from 25 to 35. Helicopter surveillance will also keep operating on the North Coast every weekend, and daily flights will commence during the July school holidays. There will also be another drone trial during the holidays. For every person who has a view on what we are on this issue, there is someone who has an opposite view. This has been a challenge but this Government is leading the nation on this. This Government has been open. We have been publishing the data and trialling new technologies. We will continue to work with the North Coast community.

Mr JUSTIN FIELD (15:25): I ask a supplementary question: Will the Minister elucidate this answer with regard to the removal date and the Government's commitment to considering removing the nets early if whales are sighted? Will the Minister give a commitment to the North Coast community that the nets will not be reintroduced next season?

The PRESIDENT: Order! The supplementary question is clearly out of order. A member cannot take one part of a Minister's answer—a very small part—and simply add a number of new questions. It is quite evident that it breaches the standing orders for supplementary questions.

FOOD IRRADIATION FACILITY

The Hon. ERNEST WONG (15:26): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. In light of the community demand for an irradiation phytosanitary facility for export fruit and vegetables to be built in Western Sydney, what steps has the Minister taken to set up such an important facility so that New South Wales producers can compete with Victoria?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:26): I note that the member was here earlier in question time when I was talking about the benefit of such a facility in relation to the export of cherries. I have also been looking at possibilities for other types of horticulture products where this type of technology can be beneficial. In relation to where those discussions are up to, I am happy to take the question on notice and come back to the member. It is important to note that the use of irradiation technologies New South Wales, through the Department of Primary Industries, has led the charge in trying to get cherries into parts of the Asian market. The concerns that I mentioned earlier in question time about fruit fly were prohibiting exports from entering some countries. This is something that our scientists and experts within the department are looking into. I am happy to take the question on notice and come back to the member with any details about what plans there may be for such a facility for Western Sydney.

SCREEN NSW FUNDING

The Hon. LOU AMATO (15:28): My question is addressed to the Minister for the Arts. Can the Minister update the House on the funding for the screen industry in New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:28): I thank the Hon. Lou Amato for his question, and for his interest in how the Government is supporting the arts across various sectors in New South Wales. New South Wales is home to the majority of screen producers and screen activity in Australia. The screen industry plays a significant role in attracting investment, creating employment, and showcasing our State and talent to the world. I am proud that in the last budget the New South Wales Government introduced the Made in New South Wales Fund, which effectively doubled existing New South Wales funding for the screen industry to almost \$40 million over two years. The new fund is being managed by Screen NSW and has set out to attract high-end distinctive local television production to New South Wales, as well as to support the attraction of significant international production.

The fund is already having a large impact. To date it has secured 16 new series and revitalised local television drama production. Screen NSW production finance has leveraged \$146.8 million in local production expenditure in New South Wales this year and supported more than 7,000 New South Wales jobs in front of and behind the camera. The Made in NSW fund has also brought large-scale international productions to the State such as Jackie Chan's *Bleeding Steel*, Animal Logic's *Peter Rabbit* movie, the Sony China series *Chosen* and *Pacific Rim 2: Maelstrom*. These international productions have brought close to an additional \$180 million in production expenditure to New South Wales and created more than 2,100 New South Wales jobs.

I am also delighted to say that one of the recent productions secured by the Government for New South Wales is *Ladies in Black*, the new feature film from Oscar-winning director Bruce Beresford. This is a quintessentially Sydney story set in the summer of 1959 about migrant settlement and women challenging the status quo. These projects all build on last year's notable success when the Australian drama report revealed that 55 per cent of all drama production in Australia took place in New South Wales, up from 38 per cent the previous year. The Government is committed to supporting the arts across our State and will continue to work in partnership with the New South Wales screen industry to ensure that New South Wales remains the leading State for screen production. If honourable members have other questions that they would like to ask, I invite them to place them on notice.

Rulings

SUPPLEMENTARY QUESTIONS

The PRESIDENT (15:31:0): Order! Some members seem to have developed the habit of consistently asking supplementary questions that add little. Past Presidents have made numerous rulings on the nature of supplementary questions. I wish to quote one. On 4 April 2000 President Burgmann made the following statement:

... supplementary questions are allowed, within reasonable limits, in order to elicit further information on a question which a member feels has not been effectively answered. Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the answer given. They are not an opportunity to ask another question.

She went on to say:

Over the years there have been numerous rulings by Presidents Johnson and Willis which have stated that supplementary questions must not be a restatement of the original question, nor seek to ask a question not arising from the answer given.

I ask all members before they ask or seek to ask a supplementary question to keep that ruling in mind and also to keep in mind that allowing supplementary questions is at the discretion of the Chair.

Deferred Answers

PREFABRICATED HOUSING

In reply to **the Hon. ROBERT BROWN** (5 April 2017).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised:

- The planning system currently provides for the use of flat pack and kit homes in the same way as conventionally constructed dwelling houses. Approvals can be through development assessment or fast track complying development.
- In addition, the National Construction Code, which sets national minimum building standards, is a performance based code. This also facilitates the use of new, innovative and sustainable construction methods and technologies such as mass timber construction.
- The department is considering how to improve provisions for homes that are pre-constructed in a factory. These are commonly called manufactured homes.

LOCAL GOVERNMENT ELECTION DONATIONS

In reply to **the Hon. PETER PRIMROSE** (5 April 2017).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised:

As stated in the second reading speech for the Local Government and Elections Legislation Amendment (Integrity) Bill 2016 that was passed by Parliament, the Government is looking to introduce expenditure caps for local government elections as part of a broader review of the election funding legislation.

GENDER TERMS

In reply to **Reverend the Hon. FRED NILE** (5 April 2017).

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education)—The Minister provided the following response:

The department has no plans to change terms currently used to describe gender.

Bills

CROWN LAND LEGISLATION AMENDMENT BILL 2017

Second Reading

Debate resumed from an earlier hour.

The Hon. ROBERT BROWN (15:33): On behalf of the Shooters, Fishers and Farmers Party I add my contribution to the Crown Land Legislation Amendment Bill 2017. As stated by the Opposition spokesperson, the Hon. Mick Veitch, this is a detailed bill. It is a detailed bill because it incorporates many changes to other legislation to, in the Government's words, try to make sense of legislation passed last year. I do not have much to say about the bill other than to say that a number of constituent groups have expressed concerns to me primarily to do with the closure, sale or disposal of paper roads or Crown land access. I was given a set of questions by a number of organisations.

The Recreational Fishing Alliance of NSW, the peak recreational fishing body New South Wales, has an interest in this bill through one of its affiliates, the NSW Council of Freshwater Anglers, which is the body primarily concerned with acclimatisation activities, the release of fish bred by the Government in its own facilities and a facility jointly funded by recreational fishing trusts. When the examination of paper roads began under former Minister Stoner, those groups asked us to arrange a meeting with the Minister to discuss the potential loss

of access. Those fishing groups were augmented by kayakers, fossickers, campers, recreational outdoor activity people and hunters. At the time, Minister Stoner, the Deputy Premier, put in place a checking process to cover instances when issues may arise surrounding access for these interest groups to this number of paper roads.

To that end, the then Minister for Fisheries put aside resources for a full-time equivalent person while a second person was funded by the recreational fishing trusts such that, when the Department of Industry—Lands came across a paper road with access to a body of water such as an empowerment, a stream, a river or the like, those roads were removed from the process and examined. If there was no conflict or likelihood that they would result in closure of recreational access, they were put back into the system and processed. I am told that approximately 23,000 of the proposed closures—I do not know the total number; I have not been given that figure—were assessed for access to, across and alongside waterways. Of those, in about 485 cases it was obvious that the sale of that piece of land could or would impact upon access by one of the recreational groups.

Of those 485 cases, 464 were kept out of the process, which is 95 per cent. One has to argue that at least the process in place was helpful. That is not to say that recreational fishers in particular did not believe that some accesses got through the net, if members will excuse the pun, but in six cases the Department of Industry—Lands disagreed with Fisheries' assessment and won the argument, so to speak. Rather than waste a lot of the House's time, I indicate that the Shooters, Fishers and Farmers Party conditionally supports this bill. We supported the Crown Land Management Bill 2016, although during debate on that bill in 2016 the Christian Democratic Party and the Shooters, Fishers and Farmers Party asked the Government a lot of questions. We asked the Government to place on record assurances in its response to those questions, and in debate on this bill I will also ask questions.

Three issues were raised by constituents, but other than those three areas of interest, no other issues were raised with us, except that perhaps the Opposition has put the frighteners on us in some observations about what may come to pass. In response to that, on the last Crown lands legislation and on many other pieces of legislation, the Shooters, Fishers and Farmers Party and I have placed our faith in the Government—and particularly in the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry—to do the right thing. I have been in this place since 1995, and we have learned that there are some members we can trust and some that we just do not trust—and not just some members in this place but some in the Government. This particular Minister has not skunked us yet, and I hope he never will.

The Hon. Niall Blair: Do you want an answer to that in my reply?

The Hon. ROBERT BROWN: If you wish. Minister, I ask you to take these three questions seriously because they are serious questions. However, before I put those questions I wish to express my appreciation for the help given to us by the Minister for Lands and Forestry, and Minister for Racing, Paul Toole. The Minister sent a couple of representatives to brief us, and I admire greatly one of those representatives for his experience as a planner, Mr Andrew Abbey, who is currently in the Speaker's gallery. Mr Abbey is the Director, Special Projects for the New South Wales Department of Planning. I thank the Minister for sending a credible representative who understands the issues. Apart from the questions raised by the Hon. Mick Veitch in relation to the Government's secret plan to flog off Crown land, I ask the Minister to offer his reassurance to constituents who have raised with me issues of concern.

First, how is the Government going to make sure that public access to fishing spots, camping grounds, fossicking areas and other recreational areas will continue to be protected when considering Crown road closures? We know that the process is accelerating. Minister Toole's office assured us that the acceleration was minor, but two steps are being incorporated into one step, which could indicate that there will be less red tape and therefore more speed. The number of resources being made available by the Minister, the Department of Fisheries and the Recreational Fishing Trust is limited. I would be distressed if those resources were overwhelmed by the speed at which Treasury requires the Department of Industry—Lands to get on with this process. Treasury loves money. I ask the Minister to explain how the Government will guarantee that access issues will be addressed. I hope he can assure us that resources will be maintained and will not be removed.

Secondly, what is the Government going to do to make sure stakeholders who may have concerns about the closure of Crown roads are made aware of applications for closing Crown roads and given an opportunity to make a submission? The stakeholders affected are not necessarily the landholders themselves; they may be members of the public who use the roads to access recreational spots. Generally speaking these stakeholders are people who either work seven days a week or, if they have retired, do not necessarily have the skills to get the information from an advertisement in a newspaper. We may have seen the advertisements in newspapers relating to mining leases.

Mr David Shoebridge: Some of us have—that is the problem.

The Hon. ROBERT BROWN: Yes. Members would understand how difficult it would be for a layperson to ascertain whether the Crown land referred to in the advertisement is of interest to them or not. Minister, I am interested to know what the Government has in mind to ensure that stakeholders can identify whether access to a recreational area they use will be affected. Lastly, is the Government doing anything to improve the quality of the notification process so that the average person can clearly see what roads are proposed to be closed and where they are located? Given that people assessing the process are advised by people who are not necessarily professionals but use these recreational areas—usually Fisheries officers are briefed on these areas by volunteers in their own time—how will the Government improve the quality of the notification process so that the average person will know whether they need to question the process?

One of the biggest bugbears brought to me by recreational groups is that the process is defined to assume that the people who want to comment on these issues are either landholders who know about access across their land and therefore have a potential interest, or people who can interpret composite plans and work out which Crown land parcels are affected. Minister, if you can answer those three questions satisfactorily then we will support this legislation. I put a codicil on our support by saying that I will be interested to see the Opposition's amendments, and we will make up our mind whether the Government can be trusted if the amendments do not pass. I commend the bill to the House.

Mr DAVID SHOEBRIDGE (15:45): On behalf of The Greens I indicate that we have serious concerns in relation to the Crown Land Legislation Amendment Bill 2017. This Chamber has debated at length the issue of Crown land in New South Wales. The value of this Chamber was evident in that debate, when we amended the last Crown land legislation to save the commons in New South Wales and to remove the threat being posed to commons in New South Wales from the Crown Land Management Act 2016. Having moved those amendments on behalf of The Greens, I am pleased that the collective representation of the likes of the commoners at St Albans; the Christian Democratic Party, which indicated its support for protecting the commons; the Shooters, Fishers and Farmers Party; the Labor Party; and The Greens—

The Hon. Niall Blair: And the local member.

Mr DAVID SHOEBRIDGE: And the local member. I do not agree on much with the local member, but I believe he also made a representation. I think there was a collective acknowledgement that the proposal to remove commons in New South Wales was a proposal too far and would cause far more damage than good. At the outset I commend the campaign of the people of St Albans and of the commoners across New South Wales. I also commend the fact that the abolition of the commons is not in this Act. It is a good start. However, much of this bill is of a machinery nature—and I think we should all acknowledge that. One of the proposed changes will be to abolish the Public Reserves Management Fund and establish instead a Crown Reserves Improvement Fund.

The Hon. Mick Veitch: CRIF.

Mr DAVID SHOEBRIDGE: Is it a CRIF? All right, we will call it a CRIF. It is proposed that the CRIF be taken out of the Public Reserves Management Act, which will then be repealed, to bring the new fund and the machinery for it into the Crown Lands Act. The concept is six of one and half a dozen of the other as far as The Greens are concerned, whether it is a standalone bill or is brought under the Crown Lands Act. Rebadging it does not really change it. Largely that is a machinery change, and I think it is designed for administrative ease. It is easier to have all of the key provisions in relation to Crown lands found in one easy-to-find bill. I understand the reasoning behind this change. There are some minor changes to the wording as a result of this bill, and I will address those changes later. I note the principal concern The Greens have in relation to these changes is legislating for good practice on transparency—again, I will deal with that in more detail later.

The other significant change—a substantive change, not one of an administrative nature—is to amend the Roads Act 1993 and make further provision with respect to Crown roads and public roads primarily in relation to what are now being called local roads. Local roads are roads that will be handed over to and put under the control of the local council. Those changes to the management of Crown roads and public roads are designed to make it easier to sell council roads by removing the requirement for the concurrence of the Minister for Lands and Forestry. I acknowledge that there are some checks and balances in the bill. A shorthand summary of how the scheme will operate is that council roads cannot be closed unless the road is not reasonably required as a road for public use, is not required to provide continuity for an existing road network or—there is a much more complicated legislative formula for this—another road provides access to the same place.

Where it is proposed to sell a local road as a result of the changes in this bill, all adjoining landowners are required to be notified. There is a standard 28-day notice period, which The Greens would say has been proven to be inadequate, before the sale can happen. All notifiable authorities, which is a defined term in the bill, also have to be notified. I suppose it is ipso facto that a notifiable authority has to be notified. Notifiable authorities include the Rural Fire Service [RFS], Fisheries and other statutory authorities that would have an interest in the

closure of local roads. Submissions about the closure can be provided to the local council if, by chance, as the Hon. Robert Brown indicated, someone saw the notice in the local paper and worked out that DP7025431/26 No. 3 is the local road they trot down to go to their local swimming hole. If they work that out, they could make a public submission to the local council, but so can the notifiable authorities.

If an objection is lodged by a local resident who has always loved going down that little track to the local swimming hole, it can be ignored by the local council. If a local fisher says, "That's the way we get to our little patch on the coast", that can be ignored by the local council. If a local mountain bike rider says, "That's the way we get onto the track that leads into the State Forest", that can be ignored by the local council. But an objection by a notifiable authority like the RFS cannot be ignored by the local council. Unless that objection is withdrawn, the local council needs to go to the NSW Land and Environment Court to set aside the objection if it wants to proceed with the sale of the land. That is the basic structure regarding local roads. The bill rebadges other bits and pieces, and there are some rats-and-mice amendments to tidy up things left undone in the 2016 Act.

Why is this bill important? The Crown Lands Act 1989 is important to the people of New South Wales because 42 per cent of the State, or 33 million hectares, almost half of the State, is Crown land. That is why debating this bill is important. The bulk of Crown land is west of the sandstone curtain, but there is a vast amount of it in coastal parts of the State and huge amounts in western parts of the State. Stewardship of such a huge parcel of public land is very important. The most recent report of the Auditor-General and the report of the inquiry of General Purpose Standing Committee No. 6, chaired by the Hon. Paul Green and of which I was a member, made it clear that a lot is going wrong in the management of Crown land in New South Wales and vast improvement is required. Getting the management of 42 per cent of New South Wales right is a hugely important task.

The parliamentary inquiry handed down 20 recommendations in its report, including some essential legislative protections for Crown land and the public interest. The Auditor-General's report into the sale and lease of Crown land made stinging findings about how one-on-one backroom dealings were the order of the day when it came to disposing, selling or leasing of Crown land. A fair summary of the Auditor-General's report is that the lack of adequate procedures, adequate process and adequate oversight in the Crown Lands department left the Auditor-General in despair. I personally found it frustrating that the department, which twice gave evidence before the parliamentary committee, said nothing about the Auditor-General's extremely adverse draft report and draft recommendation, although it had already been provided with it. I am sure the Chair remembers this. The department witnesses knew that at the time and said nothing. They acted as though it was all fine. They deflected the questions the parliamentarians asked them with bureaucratic disdain. If there is ever a warning bell about how a department operates, it rings when you see that kind of behaviour from bureaucrats. The secretary of the department should make a public apology for that.

Despite our political differences with the former Minister, I think he did an excellent job to try to right the ship. It was a hell of a job, and it was by no means completed at the time he exited. We have a new Minister now, one about whom I have some concerns, which I will not delve into now. There is a big question mark over the future of this department and about whether or not the promises made and initial reform steps will bear fruit, because historically this department has done its own thing. It needs very close ministerial and parliamentary supervision to ensure that things change fundamentally. That is one reason that The Greens will move amendments to this bill to require transparency in the way in which the Public Reserves Management Fund is operated. For most of its life, the previous Crown Reserves Improvement Fund operated with little or no transparency and little, if any, public reporting.

In the past decade more than \$100 million has gone into and come out of that fund and been applied to ad hoc projects around New South Wales. For most of its history few people apart from the recipients knew how, why and how much was being distributed and for what purposes. I give credit to the department for significantly improved transparency as to the way the fund has been operated over the past few years. We receive annual reports, we are finding out what projects have been approved and we are getting the rationale for why certain projects have been approved and others have not. That is a good administrative change. I think it was driven by the former Minister, although I may be wrong about that, but it is a change of policy direction and there is no legislative requirement for it. It is the fundamental belief of The Greens that we should put in place a statutory reporting mechanism. We will move amendments that seek to insert such a mechanism into this bill.

The Greens are deeply troubled that statewide ministerial oversight will be lost in relation to the sale of local roads. Local roads can be essential. Earlier in my speech I identified some of the circumstances in which people rely upon local roads, made and unmade. Many unmade roads are well-known walking tracks or well-known access points to get from a public road to a natural reserve, waterway, State Forest or national park. Unmade roads provide essential linkages, many of which are not well known to the local council or State authorities. If a local road, unmade or not, is sold and privatised, that access disappears.

That is why we believe that the 28-day notification period is woefully inadequate. I know that the Opposition has some additional amendments in relation to local roads and we support those amendments. But we will also move amendments to increase the minimum statutory notice period from 28 days to 42 days, which is not perfect but we think would go some way to improving the public accountability in relation to local roads. We will also require that the social and environmental issues that are relevant to the sale of a local road are considered in the sale process. We think that is self-evident.

What on the face of it looks like a wholly administrative bill, we think contains some quite vexed public policy issues. We are very prepared to engage in good faith with our amendments and seek to improve the bill. If we do not get substantial improvements in the bill, we will not be able to support it at the third reading. I note that the Shooters, Fishers and Farmers Party and the Christian Democratic Party have basically said they will support it and hope that it all turns out right.

The Hon. Robert Brown: Accurate.

Mr DAVID SHOEBRIDGE: I note the response from the Hon. Robert Brown. Our experience in this Parliament is that we may well hope for the best, but we are better off planning for the worst and legislating for the worst.

The Hon. Robert Brown: With Brad Hazzard, there would be no way.

Mr DAVID SHOEBRIDGE: Ministers come and go; one might think the current Minister will listen and that he will continue to put transparency into administrative practice, but that Minister can go and be succeeded by a Minister who just finds it is all too much bother and that it creates too much potential controversy: "We will just stop that transparency. We will just reduce the notification period and we will get on with business as usual in New South Wales". We have had time to end business as usual through legislative amendments to make legislation transparent and fair, and that is the manner in which we will consider this bill.

The Hon. PAUL GREEN (16:01): I speak to the Crown Land Legislation Amendment Bill 2017. Crown lands cover approximately 42 per cent of this State and are home to a variety of important natural features and facilities, such as parks, beaches, waterways and sportsgrounds. It is important that everyone has access to those lands and their facilities. The people of New South Wales highly value Crown land as a public asset, as was evident throughout the inquiry that I chaired into Crown lands last year with my great committee.

The parliamentary inquiry received about 350 submissions, including a submission from the Government, and the former Minister gave evidence in the inquiry regarding Crown land use in New South Wales. Hearings were held in the Shoalhaven, Dubbo, Ballina, Newcastle, Gosford and Sydney. During the inquiry it became apparent that the community values the social, cultural and environmental, and even spiritual importance, of Crown land, while the Government has tended to focus more on the economic outcomes. That has been shown since the beginning of the Crown Lands Act because Crown land has been a way for government, whether Labor or Liberal, to stimulate the State's economy, with its sale and management.

As time goes by and the management and use of Crown land changes, it is imperative that the community is meaningfully consulted on Crown land decisions. Managers of Crown land need to exercise their powers of care, use, control and management appropriately to ensure that Crown land is preserved and enhanced for future generations. We know that we must be good stewards of the land that has been entrusted to us and our generation. In the twenty-first century, Crown land needs to be managed in a way that is relevant, that is accountable to the people and that establishes the necessary checks and balances relating to its use. This management system must ensure that economic, social, cultural and environmental factors are taken into consideration when making any decisions around the usage and maintenance of Crown land.

The Crown Land Management Act 2016, which was debated in this place last year, consolidated into one Act the statutory provisions dealing with the ownership, use and management of the Crown land of New South Wales. Of course, the bill was the first of a two-part process. The second part of this process is the bill before the House today. This bill will make consequential amendments to legislation and further repeals, if required. The object of this bill therefore, is firstly, to abolish the Public Reserves Management Fund and establish instead a Crown Reserves Improvement Fund under the principal Act, and to provide for its use. This includes repealing the Public Reserves Management Fund Act 1987. Secondly, the bill amends the Roads Act 1993 to make further provision with respect to Crown roads and public roads. Thirdly, it makes amendments to certain legislation that are consequential on the enactment of the principal Act and the proposed Act.

The first object of this bill is to repeal the Public Reserves Management Fund Act 1987 and consolidate its provisions into the Crown Land Management Act 2016. While the Public Reserves Management Fund will be abolished, it will not disappear. The fund will be renamed the Crown Reserves Improvement Fund. The fund will continue to be the mechanism by which funding is provided for the maintenance of Crown reserves such as

showgrounds, community halls, local parks and reserves, as well as providing funds for improvements to recreational attractions such as holiday and caravan parks, State parks and walking trails. Over the past 10 years the fund has given more than \$140 million to more than 2,000 projects across New South Wales. The financial assistance that this fund provides will continue to be available to local communities across this State. It is an invaluable resource to councils, community volunteers and corporations that invest into our local reserves. I note as a former mayor that those grants were incredibly helpful.

Mr David Shoebridge: What council?

The Hon. PAUL GREEN: The Shoalhaven City Council. Many members may have been there; it is clean, green and pristine. It has 109 beaches, the whales that come north and go south, and the dolphins that swim under the bows of boats. Of course, there are great lattes, chardonnays, wineries, cheeses and seafood; they are all first class.

Mr David Shoebridge: You forgot the whitest sand in Australia.

The Hon. PAUL GREEN: And some of the whitest sands in the world at Hyams Beach.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The member will return to the leave of the bill.

The Hon. PAUL GREEN: The second part of this bill modernises the legislative framework governing the closure, maintenance, transfer and sale of Crown roads. I note at this point that the Minister for Lands and Forestry is the authority for all Crown roads. I turn first to the sale of Crown roads. The updating of the legislative framework seeks to streamline the road sale process while ensuring that there is appropriate notification to protect existing interests. Processes include public advertisement and notice being provided to relevant adjoining owners. Currently, the process to sell Crown roads has three stages: first, before land that makes up a road corridor can be sold it must be closed under the Roads Act 1993; secondly, the road corridor then converts to Crown land; and thirdly, the land is deregistered as Crown land and can then be sold.

This bill will remove the last two steps. Crown roads will now still be dealt with by the department under the Roads Act 1993, as previously legislated, saving a doubling-up of process and a reduction in red tape. Under the Roads Act 1993 the following conditions must be met in order for a road corridor to be closed, with the process taking a minimum of seven months. To begin, the department advises of its intention to close the road and then enters into a period of public consultation including advertising in the local newspaper for 28 days the intent to close the road and inviting submissions from all interested parties.

The department must then notify the relevant public authorities, including local governments, Local Land Services [LLS], fishing and aquaculture agencies, the National Parks and Wildlife Service, and Forests NSW. I must also write to affected and adjoining landholders notifying them of the proposal. Sometimes mail does not get to the addressee because they are not at home. That is always a concern because if that happens the landholder will not have the opportunity to contribute to discussions about whether a road should be sold. The department has established an online advertising system that has been operational since late 2013, and it has improved information accessibility. Once notified, adjoining and affected landholders, public authorities and any other interested party can lodge a written submission to the department regarding the proposed road closure within the 28-day advertising period.

Each road closure application is considered on its individual merits. Matters that may be considered include current use of the road for access, including any topographical or environmental constraints that may exist; requirements to maintain primary legal and/or practical access to a holding where it is already available; requirements to maintain access to other Crown land, for example, reserves and waterways; and any concerns raised about recreational use or access via Crown roads. The assessment will result in the following outcomes: the road may be closed, either in whole or in part; the road may be closed with requirements for an easement; or the road may not be closed because it is required for public access or for a government purpose.

Once permission for the road closure has been the subject of consultation, and consideration requirements have been fulfilled, its sale may proceed. Once this entire process is completed, the former road corridor cannot be sold to anyone; it can be sold only to an adjoining property holder or a public authority. I agree with that recommendation in the report. This process is extremely slow, and it is appropriate that the Government is addressing it because it must work more effectively. However, when it goes wrong it can go badly wrong, and those involved can be severely affected if everything is not done the right way and in the right order. I take a glass-half-full approach to this issue. This legislation addresses a number of unresolved issues far more quickly than would otherwise have been the case. It was also one of the issues that the committee asked the Government to address.

Under this bill, councils will be able to close Crown roads without the approval of the Minister for Lands. Previously, councils were required only to seek approval from the Minister for Lands. The bill introduces stringent safeguards that must be considered and implemented prior to a council being able to close a Crown road. Safeguards include that councils do not close roads without criteria being fully satisfied; that is, the road is not reasonably required as a road for public use; the road is not required to provide continuity for an existing road network; and that if the road provides access to a particular landholder another road must provide reasonably practicable access. I point out for the record that notifiable authorities also effectively have a right of veto if their objection to the closure of a road is not resolved.

The bill also includes requirements with regard to advertisements, consultation with relevant parties, and consideration of submissions. As is currently required, councils must advertise for 28 days in the local newspaper. Closures can also be objected to in the Land and Environment Court. Currently when a council wishes to close a road and it applies to the Minister, it is not required to notify anyone. Under this bill, councils will now be required to notify all adjoining landowners and all notifiable authorities, including Roads and Maritime Services and the Rural Fire Service, and an owner or occupier whose land will suffer material loss of access. The Christian Democratic Party believes that that is appropriate. Councils must also engage in consultation and invite submissions from concerned landholders, landowners, notifiable authorities and other interested parties.

Formerly when road closures were approved by the Minister for Lands there was no right of appeal. This bill introduces a right of appeal to the Land and Environment Court. Any adjoining landowner, notifiable authority or owner/occupier who will suffer a material loss will now have this right. Once again, that is a great change. Unmaintained Crown roads can fall into disrepair, raising serious health, safety and access concerns for those who utilise them. One size does not fit all when it comes to the process and cost of repairing a Crown road. This bill provides clear direction about how safety and maintenance concerns with regard to Crown roads are to be addressed by the Minister.

If a road is deemed unsafe and it is a serious safety risk for the community, landowners will be directed to fix it. I know from my time as mayor of the Shoalhaven that the cost of repairing roads can be onerous and the landowner might not have factored that expense into the family budget. In cases where this occurs, this bill provides an opportunity for the Government to step in to repair the road where there are serious health and safety concerns and where there is a right of access. The Government has given an undertaking that a policy regarding the way in which such repairs will be undertaken will be established prior to this bill being enacted. Where the Government covers the cost of road repairs, it will involve landowners in the quotation processes and give consideration to the landowners regarding their capacity to pay. While this is not always an ideal situation for landowners, the Government must ensure that as far as possible the goods and services we provide are safe. By ensuring the health, safety and right of access, it will fulfil the basic premise of the use of Crown lands and Crown roads.

One of the problems is that the Government might require that a road be fixed, but with our ageing population landowners can be asset rich and cash poor. The last thing the Christian Democratic Party wants to see is the heavy hand of the Government on these people. I urge the Government to be compassionate in implementing this aspect of the legislation. The elderly parents of a friend of mine at Mulgoa lived on a dirt road. From memory, there was a zoo at the end of their road. The owner of the zoo had access to the money required to repair the road. Because it was a shared road, he went to court and the couple were ordered to contribute to the repair. It was fine for their use as it was, but it was not fine for the visitors to the zoo. The zoo owner and his visitors were the major road users, so he should have covered the cost of the repair. My friend's parents spent many of their twilight years paying for the road to be tarred for the zoo. I hope that the Government takes cases like that into account. Perhaps there could be a payment plan. Of course, it could take a long time to repay the cost because roads can be very expensive.

The bill also deals with land reserved for a public purpose, including for recreation, cemeteries, infrastructure or government services, under the amended Crown reserve trust and trust manager system. This system was created under the Crown Land Management Bill 2016 to simplify management structures, improve governance standards and reduce the unnecessary administrative burden on Crown reserve managers. The system will be applied to trusts that manage cemeteries and crematoriums, certain race tracks, Luna Park and the Sydney Cricket Ground. The bill applies those changes to a range of Acts that refer to Crown reserves and trusts. As a former mayor of my local community, I note that under this legislation the Minister's power to divest a Crown road to a local council remains.

I reiterate to the Minister for Lands that it is important to ensure that divestment of roads does not become a cost-shifting exercise for the Government. Transferring the ownership of Crown roads in need of repair to local councils would put a massive cost burden on them. To date it has not happened to the level that some believe it is going to happen after today, but we are safe in thinking that it will be a measured transfer with the consensus of

State and local governments. I stand firmly against cost-shifting exercises and appreciate that the current Minister and any future Minister will ensure it is constructive and fair to continue working with local councils. We commend the bill to the House.

The Hon. NATASHA MACLAREN-JONES (16:21): I am keen to speak in support of the Crown Land Legislation Amendment Bill 2017 because it demonstrates the ongoing commitment of the New South Wales Government to deliver modern, streamlined and transparent management of the State's vast Crown lands. Crown land reserves are an essential part of the social, economic and environmental fabric of communities across our State. They provide parks, beaches and public spaces for the community. Crown reserves also provide significant benefit and services to every community in New South Wales. Approximately 34,000 Crown reserves exist across New South Wales and they are managed by a range of different organisations, including local councils, community groups, volunteer and professional trust managers, and government agencies. Every local council in New South Wales manages land reserves in their local government area.

In addition, more than 700 community reserve managers and more than 3,000 dedicated volunteers look after individual Crown reserves containing showgrounds, racecourses, local parks, and other important community facilities. It is important that these organisations have the resources to effectively manage and improve Crown reserves. Crown land is a significant asset in our State and comprises approximately half of all land in New South Wales, which includes 580,000 individual Crown land parcels covering some 33.5 million hectares. Our Crown land is used by all members of our community for a wide range of activities. It consists of national parks and State forests, which are enjoyed by retirees, as mentioned by the Hon. Paul Green, and also grounds on which young people play sport on weekends. Families also enjoy camping trips and recreational activities together on Crown land. While our Crown land is owned by the State of New South Wales, it is used by everybody in this State as well as visitors who come to look at our beautiful parklands and beaches. This Government owes it to the people of New South Wales to ensure that Crown land is managed appropriately so they can be enjoyed now and well into the future.

In 2012 the Government commissioned a comprehensive review of Crown land management, which was the first major review of Crown land in more than 25 years. The prevailing issue that arose from the report was that Crown land was no longer being utilised to the expectation of the community. The Government responded to the review, releasing a white paper on proposed legislative changes. In response to the white paper, it was important to note that more than 600 submissions were received from a wide variety of respondents. This represents the interests of our community and how we manage our Crown lands. In 2016 a parliamentary inquiry was initiated to inquire into and report on Crown lands in New South Wales. In particular, the inquiry focused on the extent of Crown land, and the benefits of its use and management to the State, the amount of community consultation and input surrounding the use of Crown land, the most appropriate and effective measures to protect Crown land, and the extent of Aboriginal land claims over Crown land.

The inquiry was a vehicle for the committee to hear directly from the community about what they wanted and expected from Crown land. Hearings were held across New South Wales and more than 300 submissions were received. The committee made 20 comprehensive recommendations. I note the work of the committee and the Chair, the Hon. Paul Green. The Crown Land Management Act passed by the New South Wales Parliament in November last year began the Government's reform of the management of Crown land. It consolidated seven existing pieces of legislation into a new, streamlined approach, reducing complexity and duplication. Furthermore, the Act cemented mandatory consultation with local communities, which is a first in the history of Crown land legislation. This means that any major decision changing the public's use and enjoyment of Crown land must follow community consultation. This was an important step in ensuring that the ongoing use of Crown land is in line with community expectations. The Act also enshrined in legislation, for the first time, the importance of Crown land to Indigenous people, protecting Aboriginal land rights and native title interests.

The Crown Land Legislation Amendment Bill complements the Crown Land Management Act by making changes to other Acts that deal with Crown land and that are required as a consequence of the Act. It is essentially phase two of the Government's Crown land management reforms, ensuring that all legislation is consistent and correctly references the new Crown land legislation. Additionally, the bill updates the provision for Crown roads in the Roads Act 1993 in accordance with the recommendations of the Crown Lands Management Review and subsequent community consultation.

The bill comprises four schedules. Schedule 1 repeals the Public Reserves Management Fund Act 1988, incorporating its provisions in the Crown Land Management Act. The Public Reserves Management Fund becomes the Crown Reserves Improvement Fund, which I will spend a little bit of time on. The Public Reserves Management Fund is an important mechanism that provides much-needed support and financial assistance to maintain and improve our Crown reserves. Since the late 1980s the Public Reserve Management Fund has provided hundreds of millions of dollars to support the maintenance, protection and improvement of Crown land

across the State. Over the past 10 years the New South Wales Government has allocated more than \$140 million to communities and reserve managers through the Public Reserves Management Fund. Local parks and reserves, community halls, war memorials, showgrounds and caravan parks have all benefited from funds from the Public Reserve Management Fund.

I draw the attention of the House to some of the impressive and worthy projects this fund has supported. In 2016-17, the New South Wales Government allocated \$17.8 million through the Public Reserves Management Fund to support a range of projects across the State. In 2016-17, the fund provided more than \$3 million for projects to improve showgrounds across New South Wales, which included: \$10,000 to replace the arena fence at the Bredbo Showground, \$91,000 for the construction of a multi-purpose shed at Cootamundra Showground, \$450,000 to replace the Condobolin Showground Exhibition Hall, and \$600,000 to revitalise the Young Showground's historic grandstand. More than \$4 million in grants has been provided to help improve local parks and reserves, such as \$1,600 to erect a fence to keep cattle out of the rainforest remnant at Booyong Recreation and Flora Reserve, and \$330,000 for the development of a new skate park facility at Banna Park in Griffith. Nearly \$6 million has been allocated from the fund for projects to improve caravan parks and State parks across New South Wales.

In addition to these worthy projects, this financial year we have allocated \$1.8 million for 151 feral pest and weed control projects and \$1 million for 48 bushfire protection projects. The fund is the backbone of many Crown reserves, and this Government is committed to providing significant benefits and ensuring its continued success. To reduce legislative complexity, the bill incorporates the fund into the Crown Land Management Act 2016. This means that all of the relevant provisions about Crown land and improvements to Crown reserves can be found in one location—the Crown Land Management Act 2016. The bill also renames the Public Reserves Management Fund as the Crown Reserves Improvement Fund, to more accurately and simply describe the purpose of the fund. This name better reflects what the fund seeks to achieve.

The bill also includes broader and more flexible provisions around when grants and loans can be made, to ensure that the full range of costs relating to the management and operation of Crown reserves are covered. Funds will now be able to be allocated to cover a broad range of administrative costs in connection with the management of a reserve, including costs associated with developing policies, procedures and guidelines. This will make Crown reserves more sustainable into the future. The fund provides critical resources to ensure the ongoing success of many reserves, supporting regional economic growth, strengthening local communities and helping to protect the natural environment. We are committed to ensuring that this fund continues to invest in and improve Crown reserves for the benefit of the community under its new name, the Crown Reserves Improvement Fund.

Schedule 2 amends legislation referring to reserve trusts and makes other amendments to the legislation that are consequential on the enactment of the principal Act and the proposed Act. It exists because many trusts, such as the Sydney Cricket Ground and Luna Park, operate under their own pieces of legislation. The amendments under Schedule 2 bring these trusts under the broader Crown land legislation to simplify management structures and enhance governance. Schedule 3 relates to amendments to the Roads Act 1993, creating a more efficient approach to Crown roads. Crown roads generally refer to unconstructed and unformed roads that were historically set aside for potential future road needs. There are 500,000 hectares of Crown roads across New South Wales. The Crown Lands Management Review identified changes required to the framework governing Crown roads. Currently the Minister for Lands and Forestry is responsible for the opening and closing of most roads, even where council is the relevant authority for the road. This has created problems for local councils and the bill's proposed framework is aimed at resolving these issues.

Under the proposed framework, Crown roads will remain the responsibility of the Minister for Lands and Forestry; however, local councils will be granted the power to close those public roads for which they are the local authority, in their local area, without Ministerial approval. In effect, this will reduce red tape and double handling. The framework provides a simplified process for selling Crown roads, aimed at speeding up the amount of time taken to process road closure applications. Lastly, where a Crown road is not accessible to the general public and where legitimate health and safety issues exist, the Minister may require the users or the road to ensure its repair and maintenance.

Schedule 4 provides for amendments to certain other legislation that are consequential on the enactment of the principal Act and the proposed Act. It is important to note that these amendments do not change the substance or intention of any of these Acts or instruments. The reason for these amendments is simply to bring existing wordings and terminology in line with the Crown Land Management Act 2016. I am pleased that the New South Wales Government has accepted all 20 recommendations arising from the Response to Crown Lands Legislation white paper. It is clear the Crown Land Legislation Bill, like the Crown Land Management Act before it, is in the process of delivering on these recommendations.

We are creating simpler legislation and more effective Crown land management, continuing to manage Crown land for the benefit of people of New South Wales, reducing red tape, streamlining administration and cementing the role of local communities in the process. The Government has consulted extensively with community members, first following the release of the white paper, and subsequently through the parliamentary inquiry process. This is well and truly reflected in the Crown Land Management Act as well as the bill before us. The entire process has centred on what the people of New South Wales want from Crown land, and this bill is vital for ensuring the effective future management of Crown land in New South Wales. I commend the bill to the House.

The Hon. RICK COLLESS (16:33): I also support the Crown Land Legislation Amendment Bill 2017. As has been mentioned by quite a few speakers, Crown land is an important public asset that delivers a lot of social, environmental and economic benefits for the people of New South Wales. For far too long, we have been managing the Crown estate under an outdated and complex legislative system. Some parts of the current legislative framework date from before 1900. This framework has slowly been added to, amended and revised, bit by bit, in an ad hoc manner. This has resulted in legislation that creates delays, is duplicative and implements poor practices.

The system no longer allows us to manage the Crown estate effectively in a way that meets the needs of the community or the Government. The community has made this point loud and clear to the Government, over and over again. In 2012 we started the process to improve the management and framework of the Crown land estate. The Government spent more than four years thoroughly consulting with the community on what it wanted for the future of the Crown land. That included receiving more than 600 submissions on the Crown Land Management Review and the Crown land legislation white paper. Then in 2016 a parliamentary inquiry into Crown land was conducted. The inquiry made 20 wide-ranging recommendations. The New South Wales Government has accepted all of those recommendations, and is in the process of implementing them.

I point out some of the experiences I had with Crown land in my former role as a district soil conservationist. Roads that went through properties were leased out to local land owners. Thousands of kilometres of those roads still exist. The restrictions were so great that if we wanted to build any soil conservation earthworks over the Crown roads we had to get an undertaking by the landowner who was leasing the road that, should the works that we were constructing make the road unpassable in future—should it ever be required to be used as a road—the landowner would guarantee alternative access.

Mr David Shoebridge: It was a road.

The Hon. RICK COLLESS: It is a road that is leased by the landowner. It was too difficult, in those days, to buy the roads out. There was no effective mechanism to allow that to happen, and where there was a mechanism it was extremely difficult to navigate. There was another case when I was the mayor of Inverell Shire.

The Hon. Mick Veitch: They were the days.

The Hon. RICK COLLESS: They were the days. One of the local farmers there was booked for driving an unregistered truck on a local road—a formed road.

The Hon. Paul Green: Was it a horse or a truck?

The Hon. RICK COLLESS: It was a truck—an unregistered farm truck. When the farmer examined the maps of this road he discovered that the constructed road was not on the road reserve; therefore he was not driving the truck on the road. The fine was waived because he was actually driving a truck on his own land, even though it was a formed road, and not on the road reserve. That had some interesting ramifications for the council at the time, because once the council realised that the constructed road was not on the road reserve the council then had to go through a process of acquiring that road and closing the road reserve. That was quite an involved process. There is obviously a great need to have a lot of this legislation improved and upgraded to enable those sorts of issues to be dealt with more quickly.

More recently the Department of Industry—Lands consulted with 78 commons to get their detailed views on the new common provisions under this bill. This work and community consultation shaped the Crown Land Management Act, which was passed last year. Today, we have the final bill that will complete the parliamentary journey of the landmark reforms to the Crown estate. Together, the Act and this bill create a single, modern legislative framework for Crown lands and Crown roads, which will be easier to understand and will increase community involvement in major decisions. It will fundamentally improve the management of the Crown estate. Most importantly, it will ensure that Crown land is preserved and enhanced for future generations, through harnessing economic opportunities, and preserving and protecting the environmental and heritage values of Crown land.

This bill and the Crown Land Management Act 2016 together will consolidate seven pieces of legislation into one clear, comprehensive and modern Act. It will reduce red tape and streamline unnecessary administrative processes, and provide greater transparency. Most importantly, it will provide the community with a stronger voice on important decisions about the Crown land they use. This new framework ensures that the Crown land estate can continue to support and generate significant social, environmental and cultural benefits to every community in New South Wales. It will fundamentally improve the management of Crown land and set us up for the future. I commend the bill to the House.

The Hon. Dr PETER PHELPS (16:40): I am sceptical of the very existence of Crown lands to start off with. Crown land is an interesting concept. Of course, Crown land in Australia first arose under the Crown Lands Act 1861, although presumably the claim was made from the initial moment of white settlement that the land belonged to the Crown. However, the Crown Lands Act 1861 is an interesting document because it actually espouses what may be called libertarian or classical Liberal principles, the fundamental one of which was the homesteading principle.

For those who are not aware of it, the homesteading principle takes its name from the United States Homestead Act of 1862. The homestead principle in law is a concept that one can gain ownership of a natural thing that currently has no owner by using or building something out of it. Along with self-ownership, the right to homestead is one of the foundations of deontological libertarianism. In the nineteenth century a number of governments formalised the homestead principle by passing laws that would grant property of land plots of certain standardised size to people who would settle on it and improve it in certain ways—typically build their residence and start to farm at least a certain fraction of the land.

Typically such laws would apply to territories recently taken from indigenous inhabitants—this was certainly true in the United States, certainly true in Canada and certainly true in Australia—and which the State would want to have populated by farmers. For example, in 1862 there was the United States Homestead Act, in 1872 the Dominion Lands Act in Canada and in 1861 the Crown Lands Act in New South Wales. The principle behind it is fairly simple—that is, land should belong to those who are prepared to use it and develop it. That is a very good principle, otherwise we have an unused and underutilised resource in a society that works on the basis that man or woman's labour, as the case may be—we should not be sexist about this; human labour—is a principle we should be supporting and accepting.

Over a period of time that has morphed into a situation where people now believe the Crown lands are an inalienable right of the Government and that has morphed further into a situation where particularly those on the left of politics believe that Crown land should be in the ownership and possession of the State forever and in perpetuity and has morphed even further with the radical environmentalist left to the stage where they now believe that the property rights of individual property owners should be subsumed by the State appropriation of land, of which I can think of no worse, more deleterious example than the use of government funds and powers to acquire what are perfectly legitimate operating and profit-making farms and turn them into ghost paddocks for the sake of being able to declare, "We now have a new national park here." The most infamous example is the river red gums that were entirely a man-made creation.

During the inquiry into public land management, of which I was a member, we were told that with one particular former thriving farm, one-third was already dead, one-third would be allowed to die and the remaining one-third would be retained because that was the natural order. When he was Premier, the Hon. Bob Carr would have been very surprised to hear that, but none of us is surprised. The Crown Land Legislation Amendment Bill 2017 does not go as far as I would like, but it is still a very good amendment to the current control, ownership and use of Crown land in this State.

In 2014 the Government released the Crown Land Management Review, which recommended a number of changes to the management of Crown land. In 2016 the New South Wales Parliament passed the Crown Land Management Act 2016, which implemented the majority of recommendations of the Crown Land Management Review following significant consultation with key stakeholders. This bill is the final step in implementing the Crown Land Management Act 2016 and recommendations from the Crown Land Management Review. The bill makes a number of changes to the Act and instruments that are required as a consequence of the passage of the Crown Land Management Act 2016.

The bill also streamlines Crown road closure provisions and incorporates the Public Reserve Management Fund into the Crown Land Management Act 2016. The bill does not make major policy changes and other than for roads does not materially alter the intent or content of other New South Wales legislation. The key provisions in the bill will update New South Wales legislation where required as a result of the passage of the Crown Land Management Act 2016. As part of this update exercise it will amend New South Wales legislation that referenced Crown reserves and Crown trusts to ensure that legislation is consistent with the new Crown reserve management framework under the Crown Land Management Act 2016. The bill will make minor

amendments to the Crown Land Management Act 2017 to make the Act more robust and ensure that there will be a smooth transition from the current legislation to the new regime. The bill will update the legislative framework for the closure, transfer and sale of Crown roads to streamline road sale processes while ensuring that there is appropriate notification to protect existing interests, including advertisement and notice being provided to relevant adjoining owners.

The bill will allow councils to close council roads without approval of the Minister for Lands but with stringent safeguards, including a requirement that councils do not close a road unless the road is reasonably required as a road for public use; the road is not required to provide continuity for an existing road network; if the road provides access to particular land, another road provides reasonably practicable access; requirements for advertisement, consultation with relevant parties and consideration of submissions; and rights to object to closures in the Land and Environment Court. Finally, the bill repeals the Public Reserve Management Fund Act 1987 and consolidates this piece of legislation within the Crown Land Management Act 2016.

As members will realise, I am thrilled and excited to hear that the Act is being repealed. The bill also changes the name of the fund to the Crown Reserve Improvement Fund but does not alter the way the fund operates other than to broaden the ability of the Minister to make payments from the fund so that Crown land managers can be even better supported in their management activities. These changes will provide for a single modern legislative framework for Crown lands and Crown roads that will be easy to understand and will increase community involvement in major decisions.

I congratulate the Minister, the Hon. Paul Toole, on this wonderful initiative. He is doing a wonderful job generally. The Crown Land Legislation Amendment Bill is an excellent piece of legislation from a Government that is committed to good government and modernisation. It is reforming existing laws by removing archaic, outdated laws and making appropriate changes where needed. The Government is interested in getting on with the job of doing things efficiently and taking care of the people of New South Wales without unnecessarily intruding on their daily lives. This is a great bill and I commend it to the House.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:59): In reply: I thank the Hon. Mick Veitch, the Hon. Robert Brown, Mr David Shoebridge, the Hon. Paul Green, the Hon. Natasha Maclaren-Jones, the Hon. Rick Colless and the Hon. Dr Peter Phelps for their contributions to the debate on the Crown Land Legislation Amendment Bill 2017. Today the House is considering the Crown Land Legislation Amendment Bill 2017, a bill that completes a journey that began more than four years ago.

Last year the Parliament passed a comprehensive package of reforms through the Crown Land Management Act 2016. That Act was the product of more than four years of engagement with the community on what they wanted for the future of their Crown land and what they wanted in the new Crown land legislation. This process included a parliamentary inquiry into Crown land, public consultation and targeted discussions with stakeholders. This bill now amends a number of Acts and instruments that are required as a consequence of the passage of the Crown Land Management Act 2016. It is the final parliamentary step to implementing the most significant improvements to the management of Crown land in a generation.

In relation to the points raised by the Hon. Mick Veitch, the member claims that the Crown land reforms are about a fire sale of Crown land and Crown roads. I would like to again assure the House that the Crown land legislation is not, and has never been, about the sell-off of Crown land or Crown roads. Despite assertions from the member that the Crown roads program is viewed as some sort of magic cash cow by Treasury, the program is modest in scale. It is estimated to contribute almost \$60 million over the four financial years to 2018-19, and this excludes the costs of administering the program. The new legislation is not about a fire sale; it is about developing a framework that allows for the effective management of Crown land, both now and in the future. I also reassure members of the community that their involvement continues to be central to the process through the new community engagement strategy.

I now turn to the points made by the Hon. Mick Veitch about red tape. The Government has been clear since 2014 that a key objective of the Crown land management review was to consolidate eight outdated pieces of legislation into one. The red-tape benefits to be delivered through this consolidation process will flow from removing the substantial duplication of existing and outdated legislation, the overlapping administrative responsibilities between New South Wales government agencies and the inconsistencies in management. This consolidation began with the Crown Land Management Act 2016.

Incorporating the Public Reserve Management Fund Act into that Act is the final step in the consolidation process. It will mean that everything to do with the management and improvement of Crown land in New South Wales is in one new, consolidated, modern piece of legislation. The benefits of red-tape reduction will be seen cumulatively over time. This reduction will contribute to the New South Wales Government's red-tape reduction

objective. More than \$800 million in regulatory costs for business and the community has been reduced in annual terms by this Government since 2011. This has been achieved by measures similar to what we are delivering through the Crown land reform.

I now address comments raised by the Hon. Mick Veitch about the amendments to the Crown roads closure program. Closing a Crown road before it is sold is a purely administrative step that provides no additional consultation. It does not provide additional protections or benefits to the community. I now turn to the points raised by the Hon. Mick Veitch and Mr David Shoebridge about closure of council public roads and ministerial oversight. The bill introduces strong protections that ensure that councils do not close roads that are required for access to a property. Retaining ministerial oversight will not add any additional protections over and above what is in this bill. It will only continue the existing unnecessary double handling.

A council can close a public road only when it meets three strict conditions—those are, when the road is not required for public use, when it is not required to connect a road network, and where another road is available that can enable vehicles to access the area. In addition, councils must consult thoroughly before making a decision to close a road. That includes notifying landholders whose properties adjoin the road, and advertising the proposed closure for a minimum of 28 days. Councils must also consider any submission made. The protections allow the community to provide advice on whether the road is needed for access to a property or public space. The bill also allows owners and occupiers of land whose access is materially affected and certain authorities the right to appeal to the Land and Environment Court against a council road closure decision. That is a new and important protection.

I now address the three issues that the Hon. Robert Brown raised about Crown roads access and notifications. I also acknowledge that the Hon. Mick Veitch raised similar questions about public access to Crown roads that lead to waterways. I reassure the House that there are robust legislative and administrative arrangements to ensure that public access to fishing spots, camping grounds, waterways and other recreation areas is protected when considering Crown road closures. The Government's program to sell unneeded Crown roads strikes the right balance to ensure that, where a Crown road is not required for public use, it can be purchased by a member of the public.

Critical to the success of this program is a comprehensive system of referrals to relevant agencies and public notification to interested members of the community so as to assess whether public access is in fact required via the road which is proposed to be sold. In the case of access to waterways for recreational fishing, since 2012 the Department of Primary Industries [DPI]—Fisheries has assessed 23,000 individual Crown roads adjoining waterways which were proposed for closure. DPI Fisheries objected to 485 proposals, and in 95 per cent of cases the road was retained. The Hon. Robert Brown raised this issue in his contribution to this debate. DPI Fisheries takes a merits-based approach that looks to assess roads for closure based on all other access in the relevant river reach. DPI Fisheries assesses several criteria in determining roads for retention, including whether there is fishing amenity at the site, if the road is practical for use and the presence of alternative nearby access points. It does this by using desktop assessments, followed by field assessments to ensure that all desktop determinations are verified.

In one case near Morundah this month, DPI Fisheries recommended that a series of Crown roads be retained for public access because they led to an extensive river and reserve system at Yanco and Colombo creeks. Many of these roads were formed and could be easily traversed. Some provided the only access points to key fishing spots. The rivers were known to hold good stocks of native finfish and the area in general is a popular fishing destination. An example of a case in which DPI Fisheries did not oppose a closure occurred in 2014. A proposed road disposal in Tarrabandra was not opposed because there was alternative access to a waterway from a reserve on the opposite bank. This access was deemed to be more practical than that afforded by the road proposed for disposal. These two examples demonstrate that the comprehensive system of referrals ensures that public access to fishing spots, camping grounds and other recreation areas are being protected when considering proposed road sales. In relation to the Hon. Robert Brown's questions about resourcing, I note that in 2016 the Government significantly increased the number of staff working on the Crown Roads Disposal Program.

I now turn to the points raised by the Hon. Robert Brown about consultation in the Crown road closure process. The Crown Roads Disposal Program includes robust public notification provisions to ensure that every interested person has the opportunity to make a submission about proposed road disposals. Members of the community told us loud and clear that they want a greater role in decision-making about Crown land in general and Crown roads in particular. For the first time the legislation will provide that if a Crown road is proposed to be sold, the owner of each property that adjoins the road or relies on it for access to their property must be notified. The sale also needs to be advertised to the broader public. This will allow the wider community to comment on the sale of Crown roads, ensuring equity and appropriate public consultation.

The public must be provided with at least 28 days to comment or make a submission about the proposed sale or closure of a Crown road. To make consultation for the roads disposal program easier, the Department of Industry—Lands has developed an online search facility. This helps members of the community to view and

search current notices for public roads that are proposed to be sold. The search facility provides both map-based and keyword searches to find roads that are offered for sale. It allows the community to use keywords to filter the search to a specific area such as local government area or locality; view information on the roads that are proposed for closure, including maps showing the roads offered; access information on how to make a submission; and print full details of the road advertisement and supporting maps.

The Minister must consider any submission received before a decision is made to sell the road. This robust public consultation process helps determine whether the roads are required for public access to land or waterways and should remain a part of the public road network. It also allows members of the community who may use the road, such as bushwalkers or fishers, to have their say in relation to the future of the road. The new legislation not only retains this robust process but also has additional safeguards.

In relation to the other point raised by the Hon. Robert Brown about whether the Government is doing anything to improve the quality of the Crown road notification process, opportunities to improve the public notification process that underpins the Crown Roads Disposal Program continue to be explored. I am aware of concerns expressed by some members of the community that the online search facility could be improved to make it clearer as to what road is proposed to be closed and where that road is located. In conjunction with the Minister for Lands and Forestry, I have asked the Department of Industry—Lands to explore opportunities to improve the public notification process. I note that the Hon. Paul Green raised this issue too.

The department is exploring the option to include a registration process with its online search facility that would allow interested members of the community to pre-register their interest in being notified about road closures in their area. This means that, if and when a road closure is proposed in their area, they will automatically receive an electronic notification of the proposed closure. A further improvement I have asked the department to explore is the inclusion of the mapping coordinates of the road in question in the notice about the road closure, making it easier for people to search via mapping tools to understand exactly where the road is. Over time, map quality and detail can be improved. The Government is proud of the Crown Roads Disposal Program and the improvements made in recent years, particularly to provide an online search facility, which have greatly enhanced the ability of the community to be informed about proposed road closures. I am confident the Department of Industry—Lands will assess the suggested improvements above to ensure the public notification process continues to be strengthened over time.

I am pleased that we have been able to significantly improve the ability for fishers to not only know when a Crown road is proposed for closure and sale but also have their say on whether the closure is appropriate. The existing system works, but this system is better because it widens the scope of notification and ensures the interests of recreational fishers, along with those of landowners, are front and centre. I look forward to working with recreational fishers on creating more recreational fishing opportunities, such as artificial reefs, fish aggregating devices, fish stocking in rivers and the hugely successful Gone Fishing Day in October.

In relation to the points raised by the Hon. Mick Veitch and the Hon. Paul Green about road maintenance, I acknowledge the Hon. Paul Green's comments about applying the maintenance provisions sensitively. They will only be used in certain defined circumstances in line with strict policy principles and will be determined on a case-by-case basis. Anyone asked to contribute to road maintenance will be able to outline whether they have the financial or other capacity and capability to contribute to or undertake the work. This provides for an equitable process for funding the costs of road maintenance.

In relation to the comments made by the Hon. Mick Veitch about travelling stock reserves [TSRs], I first state that travelling stock reserves are an iconic and important part of the New South Wales landscape. In addition to being used by stock, travelling stock reserves have a range of economic, cultural, Aboriginal cultural, recreational and environmental uses and values. Nothing in this bill or in the Crown Land Management Act 2016 changes this or removes protections for travelling stock reserves. As the Minister clearly stated in the other place last night, if a Crown road is required to provide public access to a travelling stock reserve it will not be sold.

It is not appropriate for me to pre-empt the myriad scenarios that may relate to specific cases for Crown roads, noting that hundreds are processed each year. I assure the House that the Crown roads program is working and it is set up to deal with a scenario such as the one the Hon. Mick Veitch raised where five Crown roads might lead to a TSR. In this circumstance the merits of closing or selling those five Crown roads would be fully investigated, including referrals and notifications, so that the best outcome can be reached. In parallel with this legislation, we are undertaking a comprehensive, strategic review of TSRs to better understand exactly which TSRs are used and what they are valued for. Importantly, we are asking for the community's views on exactly how they use and value travelling stock reserves. I encourage anyone interested to make a submission to this review. The Government is committed to ensuring a viable TSR network both now and in the future.

In relation to the Hon. Mick Veitch's comments about the Sydney Cricket Ground [SCG], I can confirm that the SCG and Luna Park trusts will retain their names. This recognises that these reserves meet specific public needs and have bespoke functions when compared to other reserves. In addition these trusts have their own site-specific legislation, unlike other trusts, and therefore it is appropriate that this be reflected in the bill. It is also important to note that the bill does not exempt the SCG from the general provisions in the Crown Land Management Act 2016.

I refer to the comments made by the Hon. Mick Veitch about showgrounds. The New South Wales Government has no plan to sell off Crown land that is of State significance. Showgrounds play an integral role in regional towns across New South Wales and I greatly value the commitment of the community volunteers who manage Crown land. The New South Wales Government remains committed to ensuring showgrounds continue to be properly managed for regional communities to enjoy.

The Hon. Mick Veitch asked that I reaffirm the commitments I made last year about the implementation of the Crown land legislation. Last night the Minister for Lands and Forestry reaffirmed his commitment to the smooth and effective transition to the new legislation. Last year I committed to engaging with the community on the development of the community engagement strategy, and that is what this Government is doing. The draft community engagement strategy will be published in the second half of 2017, and public submissions will be invited before it is finalised. In addition, regulations required under the bill will be prepared this year, placed on public exhibition and brought before the Parliament prior to the new legislation commencing.

This bill consolidates legislation, reduces red tape and streamlines administrative processes in relation to Crown roads. It will continue to support funding for Crown reserves by providing critical resources through the Crown Reserves Improvement Fund. This new framework ensures that the Crown land estate can continue to support and generate significant social, environmental and cultural benefits to every community in New South Wales. Finally, it ensures that our Crown land can be managed effectively for the future of New South Wales.

I conclude my remarks by firstly thanking Minister Toole, his office and the Department of Industry—Lands for the work they have done to help address some of the questions and concerns that have been raised by members opposite in today's debate. It is important that, as a House of review, when questions are raised by those opposite they are treated with the respect they deserve because they are asked on behalf of many in the New South Wales community. I thank the Minister and his department for the work they have done to provide answers to those questions today. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that this bill be now read a second time.

Motion agreed to.

The Hon. NIALL BLAIR: I move:

That you do now leave the chair and the House resolve itself into a Committee of the Whole for the consideration of the bill.

Motion agreed to.

In Committee

The CHAIR: There being no objection, the Committee will deal with the bill as a whole. There are three sets of amendments: Opposition amendments appearing on sheet C2017-030A, Opposition amendments appearing on sheet C2017-034B and The Greens amendments appearing on sheet C2107-035.

The Hon. MICK VEITCH (17:09): By leave: I move Opposition amendments Nos 1 to 5 on sheet C2017-034B in globo:

No. 1 Modification of Acts by regulations

Page 6, Schedule 1 [18], proposed section 3.28A (6), lines 11–13. Omit all words on those lines.

No. 2 Modification of Acts by regulations

Page 10, Schedule 1 [30], lines 16–18. Omit all words on those lines.

No. 3 Modification of Acts by regulations

Page 14, Schedule 1 [42], proposed clause 7A (11), lines 1–3. Omit all words on those lines.

No. 4 Modification of Acts by regulations

Page 17, Schedule 1 [54], proposed clause 41A (3), lines 36 and 37. Omit "subject to any modifications prescribed by the regulations".

No. 5 Modification of Acts by regulations

Page 17, Schedule 1 [54], proposed clause 41A (4), lines 38–40. Omit all words on those lines.

This is particularly important, because we are now dealing with the second Crown land bill, without actually seeing the accompanying regulations and these amendments actually give effect to statements in the Legislation Review Digest of 9 May page 11. With regard to schedule 1 [18], the digest states:

The Committee notes the administrative convenience of enabling the regulations to modify the provisions of the Bill in relation to land that is purchased or leased or over which an easement is acquired. The Committee also notes that such land may not necessarily be considered Crown land, and therefore not necessarily subject to the provisions of the Bill. However, the Committee has a preference against regulations that can modify the application of the provisions of principal legislation.

I think that is very important in the context of the this legislation. It is amending legislation from last year that is yet to be brought into effect. We have not seen the regulations, so we have not actually have not been given the opportunity to see what effect the regulations will have. With regard to schedule 1 [54], in much the same way the digest states:

The Committee notes that empowering the regulations to modify the provisions of relevant State legislation as they relate to successor bodies has the effect of being a Henry VIII clause.

There are a number of members in this Chamber with a view about Henry VIII clauses.

Mr David Shoebridge: Off with their heads.

The Hon. MICK VEITCH: Off with their heads. With regard to schedule 1 [30], the digest states:

The Committee notes that empowering the regulations to exempt any person, matter or thing from the operation of the principal Act prevents the Parliament from scrutinising what person, matter or thing is proposed to be exempted from the operation of the principal Act.

The committee refers that to Parliament for consideration. With regard to schedule 1 [42], the digest states:

The Committee notes that empowering the regulations to modify the provisions of the principal Act in their application to conditional Crown land may enable the Minister to make regulations that are contrary to the principal legislation.

That is quite concerning. We should give consideration to those recommendations from the Legislation Review Committee. A number of members peruse the Legislation Review Digest every week it comes out. There is a reason for that, which is that it highlights issues such as Henry VIII clauses and the potential—I am not saying that it is intentional—to bring into place regulation that is contrary to the principal legislation. I commend those amendments to the House.

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:12): The Government opposes the amendments moved by the Opposition. In relation to schedule 1 [18], the regulation-making powers do not remove parliamentary oversight, as the Opposition would have you believe. Regulations are disallowable instruments that are laid before both Houses of Parliament, who have the opportunity to debate their application, as they do with legislation.

This regulation allows for flexible management of land before it is brought into the Crown estate. In relation to schedule 1 [30], this regulation-making power is used in contemporary land and natural resource legislation to cater for the diverse range of circumstances that must be covered by the regulatory framework in relation to schedule 1 [42]. This regulation-making power applies to land that is not Crown land and ensures that there is flexibility for that land to be dealt with by the Minister in circumstances where it is not appropriate that it enters the Crown estate.

In relation to amendment No. 4 moved by the Opposition, the relevant provision ensures that important authorisations continue and that the new Crown land managers can be smoothly transitioned to the new provisions of the Crown Land Management Act. In relation to amendment No. 5, this discrete amendment would actually remove the checks and balances the bill provides to the regulation-making power the Opposition is seeking to remove. This safeguard is entirely appropriate to ensure the efficient and effective implementation of this new regime. The regulation-making powers in the bill are entirely appropriate and, I repeat, are to ensure the efficient and effective implementation of this new regime. For those reasons the Government opposes amendments 1 to 5 moved in globo by the Opposition.

Mr DAVID SHOEBRIDGE (17:14): The Greens support each of the Opposition's amendments Nos 1 to 5 and appreciate the shadow Minister bringing them to the House. Henry VIII clauses are becoming increasingly common in New South Wales legislation. The Henry VIII clause basically allows the Executive—a couple of hundred years ago that was Henry VIII—to rewrite legislation that is passed by the Parliament. Of course, that is problematic in any kind of liberal democracy. Back in Henry VIII's day, the Parliament found it particularly offensive and when one of his grandchildren tried to expand upon those kinds of executive powers, he found himself in a lot of hot water.

The Hon. Don Harwin: Henry VIII did not have grandchildren.

The Hon. Dr Peter Phelps: That is part of the problem.

Mr DAVID SHOEBRIDGE: Yes, that is true actually. One of his distant, non-linear descendants.

The Hon. Don Harwin: Actually, he was not a descendant either, he only had one generation of descendants. It was his sister's descendant.

The CHAIR: Order! Whilst there is great interest in matters royal, apparently at least by some in this House—

Mr DAVID SHOEBRIDGE: I always forget how many royalists there are in the Chamber. I went on with shallow historical lineage knowledge and I accept the corrections.

The CHAIR: —members will cease interjecting and allow Mr Shoebridge to proceed, even if he is historically inaccurate.

Mr DAVID SHOEBRIDGE: The idea that the Executive, through regulation-making power, can rewrite laws of the Parliament is offensive to responsible government in New South Wales and offensive to the idea of parliamentary oversight. I will talk about one of the provisions that the Opposition is seeking to remove. Opposition amendment No. 1 proposes to remove section 3.28A (6). Section 3.28A is about the acquisition of non-Crown land and certain interests in non-Crown land, but subsection (6) says this about how acquired land can be managed. It states:

The regulations may make provision for or with respect to the modification of the provisions of this Act in their application to land that is purchased or leased or over which an easement is required under this section.

It is just like a blanket power to rewrite the Act. If land is purchased or leased and becomes part of the Crown land estate, it is like a regulation-making power that says they can write regulations that rewrite any part of the Act in relation to that land. An entirely parallel regulatory regime could be set up in relation to that subsection of Crown land and it could be done without having to trouble this Parliament. Rewriting legislation for a regulation should be a thing that the Government resorts to only in extreme circumstances—The Greens would prefer it was never. This kind of broad Henry VIII power is deeply troubling. The Government's response is, "You can put a disallowance provision through", but let us be clear about it: Disallowance motions succeed about as often as we find hen's teeth in this Parliament. It is very rare that they succeed. The onus should not be on the Parliament to disallow a regulation that rewrites the bill. If the Government wants to rewrite legislation, it should do it in the ordinary way and bring an amending bill to this House.

I understand why the bureaucrats want this power. It is complicated legislation and they are not 100 per cent sure exactly how each element is going to work out. There are so many parcels of Crown land, there is so much factual complexity to it and there may be unforeseen problems. I accept that and I think the bureaucrats have a reasonable argument when they put that forward. Hopefully the way we deal with that is by having flexible and adept legislative powers, and a competent Minister and bureaucracy, who when they see a problem raise it with the Parliament, which will then fix it. It should not be done in a backhanded way by using a regulation-making power.

The CHAIR: The Hon. Mick Veitch has moved Opposition amendments Nos 1 to 5 on sheet C2017-034B. The question is that the amendments be agreed to.

Amendments negatived.

Mr DAVID SHOEBRIDGE (17:20): I move The Greens amendment No. 1 on sheet C2017-035:

No. 1 **Annual report on Crown Reserves Improvement Fund**

Page 9, Schedule 1 [26], proposed Division 12.5. Insert after line 46:

12.32 Annual report on operation of Crown Reserves Improvement Fund

- (1) As soon as practicable after 30 June in each year, the Minister is to cause an annual report to be prepared on the operation of the Crown Reserves Improvement Fund during the financial year ending on that date.
- (2) The annual report for a financial year must include:
 - (a) details of the payments made into and from the Fund during the year, and
 - (b) an audit of the Fund by the Auditor-General (including a report of the Auditor-General on whether the payments from the Fund during the year have been made in accordance with this Act), and

- (c) details of any guidelines or policies that have been applied during the year in making payments from the Fund, and
 - (d) any other information about the operation of the Fund during the year that the Minister determines should be included.
- (3) The Minister is to cause a copy of the annual report to be tabled in each House of Parliament within 6 months after the end of the financial year to which it relates.

I will not canvass the matters that I covered in my second reading contribution when I set out why The Greens are moving this amendment. In summary, the legislation proposes to create the new Crown Reserves Improvement Fund, which was the Crown Land Management Fund. Over the past decade, that fund has received about \$140 million, which has been spent on essential improvements on Crown land around New South Wales. To say that the fund's operations have been opaque for the vast bulk of the time during which it has been operating would be an understatement. No-one knows where the money went, why one project was approved and another was not, and why one council received funding and another did not. In addition, no-one knew the criteria being assessed.

There was no external or public oversight of how those millions of dollars were being distributed. As I said, in the past few years there has been a change in administrative practice. Hopefully that was driven by a fresh political direction set in the Minister's office. We are now getting annual reports, audited reports and clear public reporting about where the money is going and why one project has been chosen and another has not. That is good; that is how we would like it to operate, and I commend the department for doing that. However, if we want it to continue doing that, we must require it in legislation.

At the moment there is no legislative obligation to provide that transparent reporting. There is no requirement to table audited reports in the Parliament or to provide any public reporting. We are talking about a fund that over the course of a decade received close to \$140 million. The Greens' amendment requires an annual report on the operation of the Crown Reserves Improvement Fund. The amendment speaks for itself. There are no tricks; there is no secret agenda. The Greens are not seeking to put in place something we think will be an administrative burden. We are simply trying to ensure transparency. Much of this is already happening, but we want to legislate for bad Ministers as well as good Ministers. We cannot understand why the Government does not support this kind of basic transparency.

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:23): I thank the honourable member for moving The Greens amendment No. 1, and also for largely providing my arguments for opposing it. This amendment is unnecessary. The member is correct in pointing out that the department already publishes yearly reports for the Crown Reserves Management Fund. Those reports cover payments from the fund, operational matters and key achievements, and they are available on the department's website. That reporting will continue under the Crown Reserves Improvement Fund, which is a much better name for this wonderful program. The fund's finances are audited by the Auditor-General, and that will continue. Having been the Minister responsible for the fund, I can assure the member that, as he said, we have a robust system. That system will continue because the fund is important for the community. My only wish as the Minister formerly responsible for it is that everyone who applied could be accommodated. Unfortunately, the fund is always oversubscribed because of the vast number of sites that want access. The criteria are applied to ensure that the funds are spent in areas of greatest need.

The Hon. MICK VEITCH (17:24): The Opposition supports The Greens' amendment because it is eminently sensible. As the Minister said, much of this work is already being done. It would not take much more effort to accommodate The Greens' requirements. One of the things that concerns me about funds like this is that at some stage a bad Minister of either persuasion could get a little too excited about the money in the fund and start to pork barrel during an election campaign. The passage of this amendment would ensure scrutiny and that that did not happen. I am not saying that it has happened in the past, but there is the potential. As I said, the Opposition supports The Greens amendment.

Mr DAVID SHOE BRIDGE (17:25): I thank the Minister and the shadow Minister for their contributions. It is true that there are reports; members can find them on the website. However, they start only in 2013-14. Before that there was silence and darkness. Those reports have been provided only because of a policy change. Although I do not have a paper trail to prove it, I believe that change was made by a Minister who wanted public reporting. We have had Ministers, some of whom have sat in this House, with this portfolio responsibility who members would not expect to have a commitment to transparency. That is the politest way I can put it.

The Hon. Duncan Gay: You were not brave enough to say that when they were here.

The Hon. Walt Secord: That's right; he is brave when they are not here.

Mr DAVID SHOE BRIDGE: I had the misfortune of sitting in this place for six months with the likes of Macdonald and Obeid. There are plenty of members here who were sitting in this Chamber with them for much

longer. Sylvia Hale, Lee Rhiannon and others courageously took the fight to those Ministers. Members should have listened to them. This is a history lesson for members; when those members raised questions about the integrity of those Ministers they were ignored. Rather than rely on the courage of the likes of Sylvia Hale, we would be far better legislating to require transparency in the first place. If those requirements are already being met, and if the Government is committed to doing so in the future, why not ensure that if there is a change in the administration in New South Wales—it does happen—a future government must continue to do so? I commend the amendment to the Committee.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:27): Minister Humphries was responsible for this area when the reporting commenced in 2013-14. As the Minister who then took over responsibility in 2015, I was happy to continue that process. The Government believes the appropriate system and the processes exist. Successive Ministers have ensured that the reports are published and that there is transparency. We do not want to start winding back the clock when we know that the current system is working. The Government opposes the amendment.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 1 on sheet C2017-035. The question is that the amendment be agreed to.

The Committee divided.

Ayes16
Noes20
Majority.....4

AYES

Buckingham, Mr J
Field, Mr J
Pearson, Mr M
Secord, Mr W

Donnelly, Mr G
Graham, Mr J
Primrose, Mr P
Sharpe, Ms P

Faruqi, Dr M (teller)
Mookhey, Mr D
Searle, Mr A
Shoebridge, Mr D
(teller)
Walker, Ms D

Veitch, Mr M
Wong, Mr E

Voltz, Ms L

NOES

Amato, Mr L
Clarke, Mr D
Farlow, Mr S
Green, Mr P
Maclaren-Jones, Ms N
(teller)
Mitchell, Ms S
Phelps, Dr P

Blair, Mr N
Colless, Mr R
Franklin, Mr B (teller)
Harwin, Mr D
Mallard, Mr S

Nile, Reverend F
Taylor, Ms B

Brown, Mr R
Cusack, Ms C
Gay, Mr D
MacDonald, Mr S
Martin, Mr T

Pearce, Mr G

PAIRS

Houssos, Ms C
Moselmane, Mr S

Ajaka, Mr J
Mason-Cox, Mr M

Amendment negatived.

The Hon. MICK VEITCH (17:36): By leave: I move Opposition amendments Nos 1, 3 and 4 on sheet C2017-030A in globo:

No. 1 Closing of Crown roads

Page 56, Schedule 3.1, lines 3–6. Omit all words on those lines.

No. 3 Sale of Crown roads

Pages 61–63, Schedule 3.2 [13]. Omit all words from line 17 on page 61 to line 5 on page 63.

No. 4 Closing of Crown roads

Page 65, Schedule 3.3 [2], lines 3–13. Omit all words on those lines.

These changes relate to Crown roads and closing council public roads. The changes have not been justified. I take on board the Minister's speech in reply. However, the red tape savings have not been articulated for this particular program. I understand the Minister said that, since 2011, \$800 million has been allocated across all government areas, but he is not able to articulate how much money was allocated for this particular program. This bill removes ministerial oversight on the closure of council public roads and demonstrates it is a mad dash for cash. The Opposition has neither faith nor confidence in the ability of the Government to use the new powers without sacrificing the interests of the public. The amendments aim to maintain the status quo and until such time as the case for change has been adequately argued, the status quo should remain. I commend the three Opposition amendments to the House.

The CHAIR: Because Opposition amendment No. 3 conflicts with The Greens amendments Nos 2 and 3, I invite Mr Shoebridge to move his amendments. We will then move Opposition amendment No. 3, and assuming that amendment goes down with Nos 1 and 4, we will then put The Greens amendments.

Mr DAVID SHOEBRIDGE (17:38): By leave: I move The Greens amendments Nos 2 and 3 on sheet C2017-035 in globo:

No. 2 Sale of Crown roads—submissions period

Page 61, Schedule 3.2 [13], proposed section 152D (2) (c), line 43. Omit "28". Insert instead "42".

No. 3 Sale of Crown roads—relevant considerations Page 62, Schedule 3.2 [13], proposed section 152E (1), line 3. Insert "and the public interest and environmental values" after "proposal". These amendments also relate to the council road provision. For the record, The Greens support the Opposition's proposal. We basically wish to strip it all out and retain the status quo, while ensuring that there continues to be ministerial oversight. That would be the preferred outcome. The Greens will be supporting the Opposition's amendments. In the event that those amendments are not successful the Greens amendments do two things. The first is to increase the notification period from 28 days to 42 days. We have spoken to the staff in the Minister's office and the officers in the department and they have always stressed that 28 days is just the minimum. They say, "There can always be more. It is just a minimum; you need not worry." The administrative practice is that the minimum ends up being the maximum.

The notifications periods almost always comply with the minimum, and no more. Twenty-eight days is not enough time, in many cases, for the local community to find out what the effect of a proposed road closure will be. Sometimes there are conversations at a pub, a dinner table or in a workplace. Someone says, "Have you heard about this?", which leads to someone getting concerned, but it takes them a while to write a submission. The Greens say that 42 days is a much more reasonable time to have that kind of notification period. Secondly, in relation to the decision on whether or not a road should be closed, at the moment proposed section 152E says:

- (1) After considering any submissions that have been duly made with respect to the proposal, the roads authority may sell or dispose of the Crown road concerned.

So the only thing the roads authority is required to consider is any submissions. The problem with that—The Greens think it is a pretty substantial problem—is that the roads authority should also be looking at issues such as the public interest and environmental values before they close a road, regardless of whether or not the public interest was raised in a submission, and regardless of whether or not anyone specifically raised environmental values. Those things should be at the top of the list for any roads authority.

A couple of neighbours might want a road shut, but that might create a significant problem for other members of the public. On a reading of 152E, the roads authority is only required to consider the submissions. It might completely ignore the public interest; they are never directed to the public interest. I do not know how that drafting found its way into the bill; we think it is significantly problematic. In The Greens amendment No. 3 we expressly insert that the roads authority needs to consider the public interest and environmental values as well as any submissions.

The Greens believe that not having those kinds of criteria—particularly public interest but also environmental interests—expressly considered by a roads authority has the potential to create a significant problem. As I have said, there may be many circumstances where adjoining landowners want a road shut but there is a very strong public interest in keeping it open. If the roads authority is only looking at the submissions, that will not be considered. The statute says the authority should look at the submissions so—bang!—we lose a road and the public interest is damaged. That can be fixed by way of this Greens amendment.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:42): I will start with Opposition amendments Nos 1, 3 and 4 on sheet C2017-030A. The Government opposes the amendments. The Opposition has failed to demonstrate how these amendments will in any way provide additional safeguards to the community. They have failed in this because there are no safeguards. The requirement to close a road before selling it is an unnecessary and purely administrative step that wastes time and resources and provides no additional consultation or community engagement rights. Our new provisions add legislative consultation rights that do not currently exist. The

Government has made sure that there are special new protections for adjoining landowners to ensure that Crown roads are not sold inappropriately.

I emphasise that removing this unnecessary step does not in any way detract from current processes and requirements for notification and engagement. It seems that the Opposition has an inherent and illogical objection to removing unnecessary red tape. It appears from amendment No. 1 that the Opposition is trying to remove the oversight of the Land and Environment Court for decisions regarding council road closures. The oversight is an important new protection that this Government has introduced, and provides additional safeguards to all parties who might be affected by a council road closure. It is also inconsistent with other amendments put forward by the Opposition, and simply demonstrates the confusion that is apparent in that party.

The Government also opposes The Greens amendments Nos 2 and 3 on sheet C2017-035. The current 28-day minimum period is consistent with the vast bulk of the State's legislation—228 other Acts mirror this entirely standard and reasonable period. If necessary, people wishing to object to a road closure are able to request an extension of time from the departmental case officer. In addition to the legislative advertising requirement, the Department of Industry—Lands has a website notification process that maximises access to notifications for the community. Simply increasing the period would not provide any additional benefits and is not necessary.

In relation to amendment No. 3, the process of selling Crown roads includes an extensive referral and public notification process, including the opportunity for all interested parties to make submissions which must be considered prior to making a decision. In this way all issues which may be of interest to the public about a specific road proposal can be raised and addressed, including whether the site has any environmental values or is required to maintain public access. Therefore, the bill ensures that matters relevant to a particular Crown road are specifically considered.

The CHAIR: The Hon. Mick Veitch has moved Opposition amendments Nos 1, 3 and 4 appearing on sheet 2017-030A. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR: Mr David Shoebridge has moved The Greens amendments Nos 2 and 3 appearing on sheet C2017-035. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR: We will now move to the final set of amendments, Opposition amendments Nos 2 and 6. Irrespective of whether the member moves them together, they will be put separately.

The Hon. Niall Blair: Point of order: Chair, we are in the Committee stage of the bill, and I am trying to hear what is happening. It is very difficult because of the level of conversation around the Chamber. I ask that members keep their conversations to themselves.

The CHAIR: That is a fair comment.

The Hon. MICK VEITCH (17:48): By leave: I move Opposition amendment No. 2 on sheet C2017-030A and No. 6 on sheet C2017-034B, in globo and seek to have them put in seriatim.

Amendment No. 2:

No. 1 Closing of Crown roads

Page 56, Schedule 3.1, lines 3–6. Omit all words on those lines.

No. 2 Closing of Crown roads

Pages 56–59, Schedule 3.2. Omit all words from line 14 on page 56 to line 6 on page 59. Insert instead:

[3] Section 37 Decision on proposal

Insert after section 37 (2):

- (3) Also, a public road that is a Crown road cannot be closed if it is located wholly or partly in, or provides access to, a travelling stock reserve within the meaning of the *Local Land Services Act 2013*.

No. 3 Sale of Crown roads

Pages 61–63, Schedule 3.2 [13]. Omit all words from line 17 on page 61 to line 5 on page 63.

No. 4 Closing of Crown roads

Page 65, Schedule 3.3 [2], lines 3–13. Omit all words on those lines.

Amendment No. 6:

No. 6 Appeals against council public road closures

Page 58, Schedule 3.2 [7], proposed section 38F (1), line 42. Omit "A person referred to in section 38B (1) (b)". Insert instead "Any person".

With respect to amendment No. 2 on sheet C2017-030A, the Opposition is trying to add a provision to protect the integrity and access to the long paddock—travelling stock routes and reserves [TSRs]. This part of the amendment puts beyond any doubt that any Crown road that is located wholly or partly in, or provides access to, a TSR cannot be sold. This is a simple amendment and it should be accepted by the Committee. I appreciate the Minister's in-reply speech in which he addressed at length some of the concerns raised by the Hon. Robert Brown, but it is my contention that this amendment puts it into legislation and will make sure that we are protecting the provisions with respect to travelling stock reserves.

Amendment No. 6 on sheet C2017-034B provides for appeals to the Land and Environment Court against closure decisions. It is a limited right contained to those listed in section 38B (1) (b), namely, "all owners of land adjoining the closure or notified by authorities and any other person prescribed by the regulations". Assuming the regulations do not include third parties, this amendment allows other interest groups to appeal to the Land and Environment Court over any closure proposal. The important part here is that we are assuming the regulations will not include third parties because we have not seen the regulations. To ensure that third parties and other interest groups have the right of appeal to the Land and Environment Court, we seek to put that into the legislation.

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (17:50): The Government opposes these amendments. Opposition amendment No. 2 on sheet C2017-030A adds unnecessary administrative red tape without providing target safeguards to give real protections to the community. It would remove real safeguards the bill puts in place that provide substantial rights for agencies and people affected by council road closures to be given the opportunity to comment or object. The bill actually introduces additional protections. The Opposition loves to talk about the current two-tier system. This bill introduces more than two tiers of protection. There is advertisement, consultation, veto rights for agencies and, for the first time, Land and Environment Court appeal rights.

The Opposition seems to have forgotten that the Crown land Minister does not have responsibility for council roads. It is entirely appropriate that the road authority responsible for maintaining and operating these roads decides when they should be closed. This is backed by stringent safeguards. Finally, the travelling stock route [TSR] amendment is not necessary. The department does not sell Crown roads that provide the only access to TRSs. This position is bolstered by a process that ensures proposed Crown road closures that relate to TRSs are referred to Local Land Services where they are the manager of the TSR.

There are about 6,500 TRSs across New South Wales. A blanket legislative prohibition on selling roads that may provide access to TRSs would have unintended consequences and put at risk hundreds of existing applications by farmers and others to close roads in entirely appropriate circumstances. The Government is committed to maintaining a connected and viable TSR network in New South Wales. On this basis the Government is undertaking a comprehensive review of TRSs that will gather evidence from the community about which TRSs they use and their value. The opportunity for public comment on this was announced on 27 April and submissions close on 22 June.

The Government does not support amendment 6 on sheet C2017-034B. These new appeal rights provide targeted protections that strike the right balance between allowing councils to make decisions on the roads they manage and protecting access where it is required by the community. To allow any person to appeal would leave the system open to abuse without delivering any real additional protections or safeguards. Third parties continue to have notification rights and the opportunity to make submissions not only to the council but also to relevant agencies, which can veto a road closure or themselves appeal the decision. Councils must consider all submissions they receive before making a decision and decisions can be challenged if they fail to do so.

The Hon. ROBERT BROWN (17:53): I speak on the amendments and signal that while the Shooters, Fishers and Farmers Party will not support Opposition amendment No. 6, we see a lot of sense in Opposition amendment No. 2. My argument to the Minister is this: access to travelling stock routes—not so much wholly within or contained within but access to—is problematic. A long travelling stock route [TSR] may have 50 or 100 access points and the flexibility of the travelling stock route is best served by keeping multiple access points open, particularly if sections of the stock route are in different conditions. For example, a farmer who puts his sheep or cattle in the paddock may need to take them off at certain points along the travelling stock route. The fact that some Crown accesses have been started where they constitute an access to a travelling stock route is perhaps unfortunate, but that does not countermand the argument.

The Minister stated that submissions on travelling stock routes are now open and close on 22 June. The bill, if passed without this amendment, could influence submissions on the use of TRSs. If a TSR is totally

landlocked the submissions and the Government would agree there could or should be an alternative use for the TSR. Even though this amendment includes the words, "wholly within" gets to the nub of paper road access to travelling stock routes. Because of that, I do not think the process that is in place relating to, say, recreational use, adequately caters to travelling stock routes when the actual use and future of those travelling stock routes are currently under review and will be decided at a future time.

The Minister could argue that it might disrupt some of the work already done, but that is counterbalanced by saying that to pull this particular piece out of the legislation and insert this amendment probably gives greater flexibility down the track if the Government is genuinely going to consider submissions made on the future of travelling stock routes. For those reasons, whilst we have not supported any other amendments, we will support Opposition amendment No. 2.

Mr DAVID SHOEBRIDGE (17:56): The Greens support each of the amendments moved by the Labor Opposition. It would probably be convenient if I first deal with each of the travelling stock routes. I rarely say this, but the position put by the Hon. Robert Brown is the position that is adopted by The Greens. I might have used more gender inclusive language, but apart from that the submission put by the Hon. Robert Brown is the position that would be adopted by The Greens on travelling stock routes.

I listened carefully to the Minister's position about the current policy when it comes to access to travelling stock routes. The Minister's words were that the department will not sell a road or allow a road to be sold if it provides the only access to travelling stock routes. I think that was a key statement because, as the Hon. Robert Brown said, if one really wants a travelling stock route to work, having multiple access points can be essential to it. The idea one can sell everything except for one access point is a real problem.

The Hon. Duncan Gay: Why?

Mr DAVID SHOEBRIDGE: I can hear the Hon. Duncan Gay calling out, "Why?" I will leave it to anyone who understands how a travelling stock route operates, where one might have multiple farmers wanting access to it, to understand why having multiple access points is better than having just one. That is why The Greens support that amendment. The other amendment I will speak to specifically is Opposition amendment No. 6 in relation to appeal rights. The reason The Greens support this amendment is that we take the philosophical approach to support broad legal standing when it comes to protecting public interest, environmental values and social values. We think that as a general rule there should be open standing. If someone has been affected or can be affected by a decision we think they should have standing to protect the public interest, environment value or social value. We think that is important.

The Government's proposed appeal rights giving a person the right to appeal against the decision to close a council road are limited only to owners of land adjoining the road and notifiable authorities such as Fisheries authorities and the Roads and Maritime Services [RMS]. There is a regulation-making power, which I am not ignoring, but I have not heard the Government say it wants to populate that class of persons with anyone who is affected by the closure of a council road. Currently the appeal rights are open only to owners of adjoining land and notifiable authorities.

As I said in my contribution to the second reading debate, plenty of people value having access to parts of the State such as waterways and natural reserves via a Crown road, an unmade road, but these people are not the adjoining owners or a notifiable authority. They might be members of a family who have always used a particular fishing spot and they want to have access to that spot via an unmade road. If they are not an adjoining owner, that road can be sold and they will not have access. There are people whose access to a State forest or a national park is on an unmade road, but if they are not an adjoining owner or a notifiable authority then the land can be sold or the road can be sold and they would not have any appeal rights. That is why The Greens believe that the class of appeal rights should be extended from a person referred to in subsection 38B (1) (b) to instead provide that any person or any affected person should have appeal rights.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (18:00): Opposition amendment No. 2 on sheet C2017-030A states:

... a public road that is a Crown road cannot be closed if it is located wholly or partly in, or provides access to, a travelling stock reserve within the meaning of the Local Land Services Act 2013.

It would be difficult to have one blanket rule covering the 6,500 TSRs across New South Wales. As Minister responsible for Local Land Services and previously the Minister responsible for Crown land, I have done some work with Local Land Services on just mapping the TSRs. The map of TSRs in New South Wales reveals how fragmented and disjointed these routes are. The Crown Roads Disposal Program, which started when the Labor Party was in government, will make the disposal of paper roads much easier. Farmers, in particular, want to sell a lot of paper roads, and many members would agree these roads should be sold. However, this catch-all

amendment would have unintended consequences right across the State. For every scenario those opposite put up in support of this amendment, I reckon I could find 100 scenarios to show why this amendment would require future amendment, should it pass. Having to further amend legislation in the future would chew up the time of this House.

We are undertaking the first review of TSRs in this State. Never before in the history of New South Wales have these routes been mapped. This Government absolutely commits to the use of those travelling stock routes that are required by our primary producers. That is why the referral to Local Land Services that issues the permits for the travelling of stock on those routes is provided for in the legislation as it stands. This catch-all amendment would have huge unintended consequences and undo a lot of what this bill is trying to achieve in reducing duplication and red tape. For those reasons, the Government opposes this amendment.

The CHAIR: The question is that Opposition amendment No. 2 on sheet C2017-030A be agreed to.

The Committee divided.

Ayes17
Noes19
Majority.....2

AYES

Brown, Mr R
Faruqi, Dr M
Mookhey, Mr D (teller)
Searle, Mr A
Shoebridge, Mr D
Walker, Ms D

Buckingham, Mr J
Field, Mr J
Pearson, Mr M
Secord, Mr W
Veitch, Mr M
Wong, Mr E

Donnelly, Mr G (teller)
Graham, Mr J
Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

NOES

Ajaka, Mr J
Clarke, Mr D
Franklin, Mr B (teller)
Harwin, Mr D

Amato, Mr L
Colless, Mr R
Gay, Mr D
MacDonald, Mr S

Mallard, Mr S
Nile, Reverend F
Taylor, Ms B

Martin, Mr T
Pearce, Mr G

Blair, Mr N
Farlow, Mr S
Green, Mr P
Maclaren-Jones, Ms N
(teller)
Mitchell, Ms S
Phelps, Dr P

PAIRS

Houssos, Ms C
Moselmane, Mr S

Cusack, Ms C
Mason-Cox, Mr M

Amendment negatived.

The CHAIR: The question is that Opposition amendment No. 6 on sheet C2017-034B be agreed to.

Amendment negatived.

The CHAIR: The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. NIALL BLAIR: I move:

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

Motion agreed to.

Adoption of Report

The Hon. NIALL BLAIR: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. NIALL BLAIR: I move:

That this bill be now read a third time.

The House divided.

[*In division*]

Mr DAVID SHOEBRIDGE: Point of order: The Chair immediately put the question to a vote without giving either the Opposition or me the opportunity to make a brief contribution as to why we are voting against the third reading of the bill.

The PRESIDENT: Sorry, but it is too late.

Ayes20
Noes16
Majority.....4

AYES

Amato, Mr L
Clarke, Mr D
Franklin, Mr B (teller)
Harwin, Mr D
Maclaren-Jones, Ms N
(teller)
Mitchell, Ms S
Phelps, Dr P

Blair, Mr N
Colless, Mr R
Gay, Mr D
Khan, Mr T
Mallard, Mr S

Nile, Reverend F
Taylor, Ms B

Brown, Mr R
Farlow, Mr S
Green, Mr P
MacDonald, Mr S
Martin, Mr T

Pearce, Mr G

NOES

Buckingham, Mr J
Field, Mr J
Pearson, Mr M
Secord, Mr W
Veitch, Mr M
Wong, Mr E (teller)

Donnelly, Mr G (teller)
Graham, Mr J
Primrose, Mr P
Sharpe, Ms P
Voltz, Ms L

Faruqi, Dr M
Mookhey, Mr D
Searle, Mr A
Shoebridge, Mr D
Walker, Ms D

PAIRS

Cusack, Ms C
Mason-Cox, Mr M

Houssos, Ms C
Moselmane, Mr S

Motion agreed to.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2017

UNIVERSITIES LEGISLATION AMENDMENT (PLANNING AGREEMENTS) BILL 2017

Second Reading

The Hon. BRONNIE TAYLOR (18:18): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

The Statute Law (Miscellaneous Provisions) Bill 2017 continues the statute law revision program, which has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984 and are an effective method for making minor policy changes and maintaining the quality of the New South Wales statute book.

Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. It contains amendments to 31 Acts and related amendments to two instruments. I will give an outline of some of the amendments that are included in this schedule.

Schedule 1 makes various amendments to the 10 Acts establishing public universities. The amendments will clarify provisions of those Acts that confer powers on the universities' governing authorities with respect to financial management and the acquisition and management of property. These include amendments to make it clear that the existing power of a governing authority to oversee risk management and risk assessment across the university includes the power to effect financial adjustments for the management of financial risks.

The schedule also makes a number of amendments to the Barangaroo Delivery Authority Act 2009. These include amendments updating references to the Barangaroo Headland Park, which has been named Barangaroo Reserve by the Geographical Names Board of NSW. The amendments will also make it clear that the Board of the Barangaroo Delivery Authority may circulate papers by email or other electronic means for the purpose of transacting its business.

Amendments are made to the Carers (Recognition) Act 2010 in line with recommendations resulting from the recent statutory review of that Act. The amendments include various changes to the NSW Carers Charter to reflect current terminology and social context. An amendment is also made to remove the unnecessary requirement that the Minister for Disability Services be included as a member of the Carers Advisory Council (which advises the Minister on matters relating to carers).

Amendments are made by schedule 1 to several Acts in the portfolio of the Minister for Innovation and Better Regulation.

An amendment to the Motor Dealers and Repairers Act 2013 is made as a consequence of the recent transfer of functions under the Act from the Secretary of the Department of Finance, Services and Innovation to the Commissioner for Fair Trading. The amendment will ensure that those functions can continue to be delegated to employees of that department.

The Biofuels Act 2007 is amended to update a provision relating to the membership of the Expert Panel which advises the Minister for Innovation and Better Regulation on exemptions from minimum biofuel requirements. The amendment is consequent on recent administrative changes and will ensure that the panel continues to include a person with regional industry development expertise who is employed in the Department of Industry.

An amendment is made to the Pawnbrokers and Second-hand Dealers Act 1996 to provide for a power to delegate the functions of the Commissioner for Fair Trading under the Act. Currently, the Commissioner relies on a power of delegation under the Fair Trading Act 1987 when delegating functions under the Pawnbrokers and Second-hand Dealers Act 1996.

Schedule 1 also amends the Law Enforcement (Controlled Operations) Act 1997 by updating a reference to the former Australian Customs Service. That agency has been integrated into the Commonwealth Department of Immigration and Border Protection. The officers of that Department now exercise the functions formerly exercised by officers of the Australian Customs Service. The amendment will enable regulations under the Act to prescribe that department as a law enforcement agency that may conduct controlled operations under the Act.

The last schedule 1 matter I will mention is the amendments to the Tow Truck Industry Act 1998. The amendments will facilitate the transfer of policy and regulatory functions from Transport for NSW and Roads and Maritime Services to the Secretary of the Department of Finance, Services and Innovation. Under the new arrangements, the authorised officers who exercise powers of inspection and other regulatory functions under the Act will be appointed by the Secretary of the Department, rather than by Roads and Maritime Services. The amendments include a savings provision enabling the authorised officers who are currently authorised by Roads and Maritime Services to continue to exercise those regulatory functions under the Act.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are corrections of cross-references, typographical errors and terminology, and amendments arising out of the enactment of other legislation.

Schedule 3 makes amendments to the provisions of various Acts providing for the issue of penalty notices consequent on the enactment of the Fines Amendment (Electronic Penalty Notices) Act 2016. That Act amended the Fines Act 1996 to consolidate and standardise provisions relating to penalty notices. In particular, the Act transferred to the Fines Act 1996 the substance of provisions found in specific sections of other Acts providing for the issue of penalty notices. The amendments made by schedule 3 will remove provisions that are now duplicated in the Fines Act 1996.

Schedule 4 makes various amendments to Acts as a consequence of past administrative changes orders and the enactment of the Government Sector Employment Act 2013.

Schedule 5 continues the program of repealing Acts and instruments that are redundant or of no practical utility.

Schedule 6 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, and savings clauses for the substituted provisions.

The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned or at the beginning of the schedule concerned.

I am sure that honourable members will appreciate the straightforward and non-controversial nature of the provisions contained in the bill. However, if any amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for Government staff to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill. Withdrawn proposals can also be dealt with in a second bill (using the procedure for splitting bills in the Legislative Council), which can be dealt with in each of the Houses in the same way as an ordinary bill.

I commend the bill to the House.

The Hon. ADAM SEARLE (18:19): I lead for the Opposition in debate on the Statute Law (Miscellaneous Provisions) Bill 2017. The Opposition does not oppose this bill, which contains a host of minor amendments, revisions and repeals that can be far more efficiently dealt with by this compendious vehicle than

by a series of separate amending bills. I refer to the contribution of the shadow Attorney General in the other place in which he enumerated a few of his favourite things in the bill such as changes to the Lotteries Assets Ministerial Holding Corporation and the Children (Criminal Proceedings) Act. He also referred to the amendment to the Independent Commission Against Corruption Act that seeks to correct what appears to be a typographical infelicity. The bill makes changes to the Fines Amendment (Electronic Penalty Notices) Act and the Energy Services Corporations Act and Electricity Supply Act in my portfolio. The bill also contains a range of other provisions, none of which is controversial.

While we do not oppose the bill we have circulated and provided to the Clerks an amendment concerning the inadequacy of the Government's twenty-sixth change to the ICAC legislation, in particular the transitional provisions relating to the appointment of the chief commissioner and the decision of whether to exercise the veto by the relevant parliamentary oversight committee. I will not go into further detail on that now but I will speak to it briefly in the Committee stage.

Mr DAVID SHOEBRIDGE (18:20): The Greens do not oppose the Statute Law (Miscellaneous Provisions) Bill 2017. It is one of those bills that regularly come to the House containing a number of essential tidying-up provisions to ensure that legislation keeps track with all changes. We have raised a substantive concern about voluntary planning agreements. The bill contains a proposal to allow university councils to enter into voluntary planning agreements even in relation to land that was gifted to them or given to them at a discount by the State. Most campuses were given to universities for nothing or next to nothing. The only proposed protection for that land provides that a university cannot enter into a voluntary planning agreement to sell or lease the land it was given if it is proposing to sell, lease or dispose of the land for zero dollars.

The proposed protection in the bill is that a university council cannot dispose of gifted land under a voluntary planning agreement if it is going to give it away. The Greens believe that the protection is hollow. If instead of giving the land away the university disposed of it for as little as \$1 it would avoid the protections in the bill. We have had an ongoing discussion about this with the Government. We may not agree on the final outcome but we have agreed to remove the provisions relating to universities from this bill so that we can have the substantive debate at a later time. We appreciate the Government moving that amendment. We will be supporting the bill.

The Hon. BRONNIE TAYLOR (18:22): On behalf of the Hon. Don Harwin: In reply: I commend the bill to the House.

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

Motion agreed to.

Suspension of Standing Orders: Instruction to Committee of the Whole

The Hon. BRONNIE TAYLOR: I move:

That standing orders be suspended to allow a motion to be moved forthwith for an instruction to the Committee of the Whole in relation to the bill.

Motion agreed to.

Instruction to Committee of the Whole

The Hon. BRONNIE TAYLOR: I move:

That it be an instruction to the Committee of the Whole that:

- (a) the Committee has the power to divide the Statute Law (Miscellaneous Provisions) Bill 2017 into two bills so as to incorporate in a separate bill the amendments relating to university legislation with respect to planning agreements; and
- (b) the Committee report the bills separately.

Motion agreed to.

In Committee

The CHAIR: The Committee has received an instruction from the House that the Committee has power to divide the bill into two bills. There being no objection, the Committee will deal with the bill as a whole.

The Hon. BRONNIE TAYLOR (18:25): I move, according to the instructions of the House:

That the bill be divided into two bills, and that Schedule 1.4 [4], 1.12 [4], 1.17 [5], 1.25 [5], 1.26 [4], 1.27 [4], 1.28 [4], 1.29 [4], 1.30 [7] and 1.33 [5] be incorporated in a separate bill (*the Universities Legislation Amendment (Planning Agreements) Bill 2017*) with the following long title and provisions:

A bill for an Act to amend universities legislation with respect to planning agreements.

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Universities Legislation Amendment (Planning Agreements) Act 2017*.

2 Commencement

This Act commences on 1 July 2017.

Schedule 1 Amendment of universities legislation**1.1 Charles Sturt University Act 1989 No 76****Section 21 (4A)**

Insert after section 21 (4):

(4A) The Council may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:

- (a) except as provided by paragraph (b)—without the approval of the Minister, or
- (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.2 Macquarie University Act 1989 No 126**Section 18 (4A)**

Insert after section 18 (4):

(4A) The Council may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:

- (a) except as provided by paragraph (b)—without the approval of the Minister, or
- (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.3 Southern Cross University Act 1993 No 69**Section 18 (4A)**

Insert after section 18 (4):

(4A) The Council may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:

- (a) except as provided by paragraph (b)—without the approval of the Minister, or
- (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.4 University of New England Act 1993 No 68**Section 18 (4A)**

Insert after section 18 (4):

(4A) The Council may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:

- (a) except as provided by paragraph (b)—without the approval of the Minister, or
- (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.5 University of New South Wales Act 1989 No 125**Section 17 (4A)**

Insert after section 17 (4):

(4A) The Council may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:

- (a) except as provided by paragraph (b)—without the approval of the Minister, or

- (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.6 University of Newcastle Act 1989 No 68

Section 18 (4A)

Insert after section 18 (4):

- (4A) The Council may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:
 - (a) except as provided by paragraph (b)—without the approval of the Minister, or
 - (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.7 University of Sydney Act 1989 No 124

Section 18 (4A)

Insert after section 18 (4):

- (4A) The Senate may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:
 - (a) except as provided by paragraph (b)—without the approval of the Minister, or
 - (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.8 University of Technology Sydney Act 1989 No 69

Section 18 (4A)

Insert after section 18 (4):

- (4A) The Council may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:
 - (a) except as provided by paragraph (b)—without the approval of the Minister, or
 - (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.9 University of Wollongong Act 1989 No 127

Section 18 (4A)

Insert after section 18 (4):

- (4A) The Council may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:
 - (a) except as provided by paragraph (b)—without the approval of the Minister, or
 - (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

1.10 Western Sydney University Act 1997 No 116

Section 24 (4A)

Insert after section 24 (4):

- (4A) The Board may enter into a voluntary planning agreement under the *Environmental Planning and Assessment Act 1979*:
 - (a) except as provided by paragraph (b)—without the approval of the Minister, or
 - (b) in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost—only with the approval of the Minister.

Mr DAVID SHOEBRIDGE (18:25): For the reasons I gave in the second reading debate, The Greens support this approach being taken by the Government.

The CHAIR: The question is that, according to instruction of the House, the bill be divided into two bills.

Motion agreed to.

The CHAIR: There being no objection, the Committee will deal the Statute Law (Miscellaneous Provisions) Bill 2017, with the exception of Schedule 1.4 [4], 1.12 [4], 1.17 [5], 1.25 [5] 1.26 [4] 1.27 [4] 1.28 [4] 1.29 [4], 1.30 [7] and 1.33 [5].

The Hon. ADAM SEARLE (18:27): I move Opposition amendment No. 1 on sheet C2017-033A:

No. 1 **Parliamentary veto**

Page 9. Insert after line 24:

1.11 Independent Commission Against Corruption Amendment Act 2016 No 65

[1] Section 2 Commencement

Insert "except as provided by subsection (2)" after "proclamation".

[2] Section 2

Insert at the end of the section:

- (2) Schedule 1 [20] commences on the date of assent to the *Statute Law (Miscellaneous Provisions) Act 2017*.

[3] Schedule 1 Amendment of Independent Commission Against Corruption Act 1988 No 35

Insert at the end of Schedule 1 [20]:

44 Transitional provision relating to first appointment of Chief Commissioner and other Commissioners

- (1) This clause applies to the first appointment of the Chief Commissioner and other Commissioners under this Act, as amended by the amending Act.
- (2) Before the commencement of Schedule 1 [4] to the amending Act:
- (a) the Minister may refer a proposal that a person be appointed as the Chief Commissioner or other Commissioner to the Joint Committee under section 64A, and
- (b) the Joint Committee may consider the proposal and notify the Minister whether or not it has decided to veto the proposed appointment.
- For that purpose, section 64A applies as if a reference to the Commissioner were a reference to the Chief Commissioner or other Commissioner.
- (3) A referral and notification under subclause (2) may be relied on for the purposes of clause 2 of Schedule 1, as inserted by the amending Act.
- (4) The Minister is not to refer a proposal to the Joint Committee under this clause to appoint a person as a Commissioner (other than the Chief Commissioner) until the Minister has consulted the person proposed to be appointed as the Chief Commissioner on the proposed appointment. If the person is appointed as Chief Commissioner, that consultation may be relied on for the purposes of section 5 (2), as inserted by the amending Act.

Commencement

The amendments made to the *Independent Commission Against Corruption Amendment Act 2016* commence on the date of assent to this Act.

Explanatory note

Items [1]–[3] amend the Independent Commission Against Corruption Amendment Act 2016 (the *amending Act*) to make a transitional provision relating to the first appointment of the Chief Commissioner and other Commissioners of the Independent Commission Against Corruption who are to take office on the commencement of the amending Act. Before such a Commissioner is appointed, the joint Parliamentary Committee on the Independent Commission Against Corruption must be given the opportunity to veto a proposed appointment and the Chief Commissioner must be consulted about the proposed appointment of the other Commissioners. The amendments authorises those procedural requirements to be undertaken before the commencement of the amending Act.

The purpose of this amendment is to address the problem the Opposition sees with the configuration of the Independent Commission Against Corruption [ICAC]. Members will remember news reports about the relevant parliamentary ICAC oversight committee not being able to deliberate about whether or not to exercise its veto over the proposed appointment of the new chief commissioner because the legislation that creates that post has

not been enacted, and therefore the committee is still operating under the old 1988 legislation as enacted. A similar difficulty may have arisen in relation to a similar body. I understand that this came about because of the Government's—we say—indecent haste to amend the ICAC legislation.

There should have been a transitional provision in that 2016 legislation, but there was not. The problem is that the Government had the 2016 legislation proclaimed and the post of commissioner vanished—that is, there was no-one to run ICAC—and there was no new chief commissioner because that appointment must be referred to the parliamentary oversight committee to decide whether to exercise its veto. This is a catch 22 situation. The obvious solution was to have a short enactment that papered over the problem. Instead, the Government sought to make a regulation under the existing legislation purporting to extend to the committee the power to deliberate, even though the post upon which it would be deliberating did not yet exist.

The Opposition thinks the regulation made is beyond power because the regulation-making power under the Independent Commission Against Corruption Act is for the purposes of that Act. It cannot possibly extend to giving the committee power to deliberate on a post that does not exist. Until the new Act comes into force and effect there is only a single position of commissioner. The regulation is not legally effective. I note that the shadow Attorney General has put his concerns in writing. It is my understanding that the relevant parliamentary oversight committee is taking a close look at this issue and may well seek to obtain some advice. The Independent Commission Against Corruption has a litigious history and many difficult issues end up being resolved in the courts—whether the New South Wales Court of Appeal or the High Court of Australia.

Indeed, in the past 12 to 18 months the entire foundation upon which the Independent Commission Against Corruption was thought to have operated for two decades was gutted. This led to a huge problem—an inquiry, legislation and the like. Clearly there is an arguable problem here but, as I have said, the regulation does not resolve that problem because it is beyond the power of the existing Act to make that regulation. The Opposition has given notice of the disallowance of that regulation to try to force the Government to see that there is at least a potential problem and to put it beyond doubt. The alternative is to fold the existing regulation into the primary Act, which is what this amendment seeks to do.

Some might say that reliance can be placed on section 26 of the Interpretation Act, which deals with the exercise of certain powers between enactment and commencement of Acts and making and commencement of instruments—an instrument of appointment is an example of that. The problem in this instance is not the instrument appointing the new chief commissioner, but the power of the committee to decide whether to exercise the veto over a proposed appointment. That is not an instrument of any kind and this legal difficulty cannot be assisted by resort to section 26 of the Interpretation Act. Indeed, that is presumably why the Government has made the regulation. As I have indicated, the regulation is at least arguably beyond power because the Act it is made under does not have any position known as chief commissioner in it. That position will exist only when the new Act is proclaimed, and it has not yet been proclaimed. It has been assented to so in one sense it is an enactment, but it does fix the problem.

When there are serious legal issues advice should be sought from the Solicitor General, Crown Solicitor or someone of equal authority. It is invidious to ask the draftsman or the office of the drafter to provide legal advice. There is nothing improper about it, but if the author of the work is being asked to pronounce upon the legal efficacy of their own work then there is at least a perceived difficulty. People on the receiving end of investigations by the Independent Commission Against Corruption will fight, as we have seen, tooth and nail to protect their reputations and careers—sometimes entirely justifiably. Why would the Government want to run the risk of this new architecture falling in a heap if there is a difficulty? If those opposite are not going to take up the opportunity presented by this amendment then they should fix it by law before the courts do it for them.

The Hon. BRONNIE TAYLOR (18:33): The Government opposes the Opposition amendment. The Government has taken a range of measures to ensure that the reconstituted Independent Commission Against Corruption can commence operations as soon as possible. The process implemented by the Government to appoint the chief commissioner and other statutory appointees is effective and valid—we have legal advice to that effect. That advice provides, in part, that the Independent Commission Against Corruption Amendment Act 2016, which received assent on 23 November 2016 but has not yet commenced, will establish the Independent Commission Against Corruption as a three-member commission, comprising a full-time chief commissioner and two part-time commissioners.

Relevantly, the amendment Act will provide the committee with the power to veto a proposed appointment to the reconstituted commission consistent with its existing powers under section 64A of the Independent Commission Against Corruption Act 1988. To allow for this process to occur before the amendment Act commences, a regulation was made by the Governor that amends the Independent Commission Against Corruption Regulation 2010 by inserting a transitional provision—the Independent Commission Against Corruption Amendment (Commissioners) Regulation 2017. This regulation authorises the committee to be given

the opportunity to veto a proposed appointment and the chief commissioner to be consulted about the proposed appointment of the other commissioners before the commencement of the amendment Act.

The regulation was made under section 117 and clause 1 of schedule 4 to the Independent Commission Against Corruption Act. Section 117 is a broad regulation-making power, which provides that the Governor may make regulations not inconsistent with the Independent Commission Against Corruption Act for or with respect to any matter that by the Independent Commission Against Corruption Act is required, permitted or prescribed, or is necessary or convenient to be prescribed for carrying out or giving effect to the Independent Commission Against Corruption Act. Clause 1 of schedule 4 to the Independent Commission Against Corruption Act provides that the regulations may contain provisions of a savings or transitional nature consequent on the enactment of an Act that amends the Independent Commission Against Corruption Act. It is clear from clause 1 that it is not necessary for that Act to have commenced for this regulation-making power to apply. As clause 1 (1) provides, only its enactment is required. Clause 1 (2) further provides that:

... any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

The regulation was made on 31 March 2017, which was after the assent of the amendment Act on 23 November 2016. The regulation is of a transitional nature as it concerns the first appointment of the chief commissioner and other commissioners under the Independent Commission Against Corruption Act, as amended by the amendment Act. Before the regulation was made, Parliamentary Counsel provided an opinion that the regulation may be lawfully made, as required by section 7 of the Subordinate Legislation Act 1989. A copy of that advice has been provided to the parliamentary committee on the Independent Commission Against Corruption. Separately, the Independent Commission Against Corruption committee has sought legal advice from the Crown Solicitor on related issues. That advice has been received by the committee.

Further, Parliamentary Counsel has provided advice on this issue that provides in part that the Independent Commission Against Corruption Amendment (Commissioners) Regulation 2017 confirms the authority of the parliamentary committee to exercise its statutory right to consider and decide whether to veto a proposed appointment of a person as the chief commissioner of the commission before the commencement of the Independent Commission Against Corruption Amendment Act 2016 that creates that office and abolishes the existing office of commissioner. The object of the regulation is to avoid an initial period in which the commission has neither an existing commissioner nor a chief commissioner to direct its affairs and exercise relevant statutory functions.

It should be noted that all initial appointments of a new statutory office are invariably made before the formal commencement of the legislation enacted by Parliament that establishes the office. The initial appointment is expressed to commence when the legislation commences—often the appointment is made at the regular meeting of the Governor-in-Council on a Wednesday, with the Act under which the appointment is made being proclaimed to commence on a later designated date published on the New South Wales legislation website on the following Friday. This procedure is specifically authorised by section 26 of the Interpretation Act 1987. That enables an instrument of a legislative or administrative character, which is an instrument of appointment, to be made—and things done for the purpose of enabling such an instrument to be made or bringing such an instrument into effect—after the Act concerned has received assent and before it commences, with the instrument having effect when the Act is commenced

Rather than rely on the general authority of section 26 of the Interpretation Act 1987 for the purposes of the parliamentary committee veto, a regulation was made to specifically authorise that committee to consider whether to veto the initial proposed appointment. In accordance with established practice, the authority to make the regulation is referred to in the explanatory note to the regulation. It states that the regulation was made pursuant to section 117 of the Independent Commission Against Corruption Act 1988—the general regulation-making power to make regulations permitted or necessary or convenient to be prescribed for carrying out or giving effect to the Act—and also under clause 1 of schedule 4 to that Act, which is the power to make provision by regulation of a savings or transitional nature consequent on the enactment of any Act that amends that Act.

The bill for the Independent Commission Against Corruption Amendment Act 2016 was assented to by the Governor on 23 November 2016, which constitutes the enactment of the Act, and the regulation was published on 31 March 2017. The regulation would be generally authorised by section 117 as "necessary or convenient" to be prescribed within the meaning recognised by the High Court in *Shanahan v Scott* [1957] HCA 4 and in *Willocks v Anderson* [1971] 124 CLR 293 as a provision that is ancillary or incidental to a specific purpose of the Act. However, the more specific authority to make the regulation is conferred by item [1] of schedule 4 since the regulation provides for a transition of the governance arrangements of the commissioner to the new chief commissioner governance arrangements enacted by Parliament within the meaning of a transitional provision recognised by the High Court in *ADCO Constructions Pty Ltd v Goudappel* (2014) HCA 18.

For the reasons outlined above, the regulation was validly made and, accordingly, the parliamentary committee can proceed to determine whether or not to veto the appointment of the proposed chief commissioner before the commencement of the Independent Commission Against Corruption Amendment Act 2016. This advice from the Parliamentary Counsel was received by the ICAC Committee today. The committee has not met since to consider the proposed appointment. Given that the Premier has already referred the appointment of the proposed chief commissioner to the ICAC Committee in accordance with the regulation, passing this amendment would unnecessarily delay the appointment of the proposed chief commissioner of the ICAC. In these circumstances, the Opposition's efforts to amend this bill not only break with long-held convention but are unnecessary, inefficient and highly irresponsible. For all those reasons, the Government opposes the Opposition amendment.

Mr DAVID SHOEBRIDGE (18:40): First, I fully accept the convention point. If The Greens have a problem with the latest amendment it is breaching the convention in terms of the amendment of these kinds of bills. They should rush through without amendment and we think this is the wrong place to have the debate. I accept the Government's point on that. However, we cannot understand why the Government is proceeding with something of so much potential political import, such as the appointment of the chief commissioner and other new ICAC commissioners, and is relying upon a regulation-making power that is either buried away in the transitional provisions of the current Act, which arguably would not allow the Government to appoint anyone other than the commissioner under the current Act—and relying upon a transitional provision to appoint commissioners inconsistent with the current Act we say is highly problematic—or is relying upon the other avenue under section 26 of the Interpretation Act, which does not seem to have been relied upon. We do not understand why there is this degree of uncertainty and potential minefield for the operation of ICAC.

ICAC has been through enough with High Court challenges. We know that people who are likely to be the subject or who are the subject of adverse findings in ICAC are very willing to take every legal point, and at the very start of the amended ICAC there is a whole lot of legal uncertainty. It may be that that machine-gun recitation of the law that we just got from the Parliamentary Secretary is right. The opinion of the Parliamentary Counsel, for whom I have enormous respect, may be right, but there is clearly room for legal argument on it. When one thinks that potentially millions and millions of dollars and countless hours of investigation might be prejudiced because of a legal challenge because the Government did not get it right, we cannot understand why the Government is making that choice. We agree this is not the place to amend it, but we think it should be fixed.

The CHAIR: The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet C2017-033A. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR: The question is that the Statute Law (Miscellaneous Provisions) Bill 2017, with the exception of schedule 1.4 [4], 1.12 [4], 1.17 [5], 1.25 [5], 1.26 [4], 1.27 [4], 1.28 [4] 1.29 [4] 1.30 [7], and 1.33 [5] be agreed to.

Motion agreed to.

The Hon. BRONNIE TAYLOR: I move:

- (1) That the Chair do now leave the chair and report to the House that the Committee has considered the Statute Law (Miscellaneous Provisions) Bill 2017 and, according to the instruction given by the House, has divided the bill into two bills: the Statute Law (Miscellaneous Provisions) Bill 2017 and the Universities Legislation Amendment (Planning Agreements) Bill 2017.
- (2) That the Statute Law (Miscellaneous Provisions) Bill 2017 be reported with amendments.
- (3) That the Committee report progress on the Universities Legislation Amendment (Planning Agreements) Bill 2017 and seek leave to sit again next sitting day.

Motion agreed to.

Adoption of Report

The PRESIDENT: The Committee reports that it has considered the Statute Law (Miscellaneous Provisions) Bill 2017 and, according to the instruction given by the House, has divided the bill into two bills, the Statute Law (Miscellaneous Provisions) Bill 2017, and the Universities Legislation Amendment (Planning Agreements) Bill 2017. The Committee reports Statute Law (Miscellaneous Provisions) Bill 2017 with amendments, and reports progress on the Universities Legislation Amendment (Planning Agreements) Act 2017, and seeks leave to sit again on the next sitting day.

The Hon. BRONNIE TAYLOR: I move:

That the report on the Statute Law (Miscellaneous Provisions) Bill 2017 be now adopted.

Motion agreed to.

The Hon. BRONNIE TAYLOR: I move:

That the report on the Universities Legislation Amendment (Planning Agreements) Act 2017 be now adopted.

Motion agreed to.**Third Reading**

The Hon. BRONNIE TAYLOR: On behalf of the Hon. Don Harwin: I move:

That the Statue Law (Miscellaneous Provisions) Bill 2017 be now read a third time.

Motion agreed to.

The Hon. BRONNIE TAYLOR: I move:

That a message be forwarded to the Legislative Assembly informing the Assembly of the action taken by the Council and requesting the concurrence of the Assembly.

Motion agreed to.*Adjournment Debate***ADJOURNMENT**

The Hon. DON HARWIN: I move:

That this House do now adjourn.

BROKEN HILL HISTORIC BUILDINGS

The Hon. WALT SECORD (18:48): In early April, I visited Broken Hill and surrounds to conduct a series of meetings with local government, water, Aboriginal, health and arts, and cultural officials in my capacities as shadow Minister for the Arts and shadow Minister for Health. While there I had the pleasure of receiving personal guided tours of the historic Broken Hill Mosque and the Broken Hill Synagogue. These are truly two remarkable buildings. The mosque was set up by early Afghan cameleers who helped open up the interior of Australia, and the synagogue has the distinction of being one of the most remote Jewish museums in the world.

Both sites tell fascinating stories of Australia's settlement. The synagogue is part of the little-known history of Jewish settlement in rural, regional and remote New South Wales. But, unfortunately, both historic buildings are in desperate need of repair. Shortly after my visit, I wrote to the Premier drawing to her attention the need to properly preserve both buildings. I was pleased to hear last week that heritage Minister Gabrielle Upton announced that the State Government will provide \$113,000 over two years in matched funding to Broken Hill City Council to fix the mosque's interior and exterior walls and the floor, which has been damaged by termites. It was one of almost 220 projects to receive funding across the State.

For the record, I welcome the mosque announcement. The Broken Hill Mosque is an extraordinary meeting of Islamic and Australian culture. It is constructed of corrugated iron sheets and painted rust-red wood, and is situated on an avenue lined with date palm trees. The mosque alcove points to Mecca and prayer rugs adorn the floor. They were left by travelling worshippers for the use of other visiting worshippers. The first mosque in New South Wales was built in Broken Hill in 1887. In 1967 the Broken Hill City Council acquired the land that houses the Broken Hill Mosque. A year later, it was dedicated by visiting Muslim officials. It is still used today. Out of interest, I checked the guest book and saw a recent visitor was Jihad Dib, the Labor member for Lakemba. As for the synagogue, the foundation stone was laid in November 1910 and it is now owned by the Broken Hill Historical Society. Recently, the mosque suffered hailstorm damage and needs about \$140,000 in various repairs. Unfortunately, the historical society does not have the funds to undertake the repairs.

From the 1880s to the 1960s a vibrant and successful Jewish community existed in Broken Hill. The synagogue was once the heart of the Jewish community in Broken Hill. The community came to the region as merchants at the time of the birth of the silver mining industry. Many of them had their origins in the Ukraine, Lithuania, Poland and Russia. They came to Australia to escape pogroms in eastern Europe and eventually settled in Broken Hill. Today, their descendants are scattered around the world. During the 1920s, the synagogue membership grew to around 250 worshippers with their own rabbi. The synagogue closed in 1962 and the scrolls were transferred to Melbourne, but the ark, bimah and pews remain in place. Even though the Jewish community has since left and the last Jewish community member passed away in 2005, this synagogue remains a vital part of the history of our settlement in far western New South Wales.

Accordingly, while I welcome the Berejiklian Government's support for the Broken Hill Mosque, I encourage the Government to also fund the synagogue repairs. I know that individual members of the Sydney

Jewish community have already expressed their concern informally to Ms Gabrielle Upton about the lack of funding. They expressed similar views to me at the Yom Ha'atzmaut—Israel Independence Day—event in Sydney last week. The synagogue is clearly a project worthy of consideration in the forthcoming State budget. I thank Ms Margaret Price, who is one of the three authors of the book *Jews of the Outback*, for her personal tour of the synagogue. I also thank Mr Bob Shamroze. He is a son of one of the original mosque cameleer founders. Despite recovering from recent major surgery, he still found the energy to show the mosque to visitors. Ms Price and Mr Shamroze made the visits a truly memorable, educational and worthwhile experience.

On 5 April in a parliamentary speech, the Minister for the Arts, the Hon. Don Harwin, bragged about the Berejiklian Government's so-called "commitment of \$600 million to supercharge cultural infrastructure in this State". The State Government, the Premier, the Minister for Heritage and the Minister for the Arts can now all look to Broken Hill where a willing community and an easy decision awaits them. Surely, a tiny sliver of the massive \$600 million could be put towards restoring Broken Hill's historic synagogue. I thank members for their attention and once again urge the Berejiklian Government to find the funds necessary to pay for the repairs to the Broken Hill Synagogue in the forthcoming State budget. I thank the House for its consideration.

INLAND RAIL LINK

The Hon. ROBERT BROWN (18:52): I speak this evening on the need for an inland rail link with a standard rail gauge in this country. I note that last night's Federal budget contained an \$8.4 billion announcement for such an inland rail link between Melbourne and Brisbane. The prospect of such a project is welcome, though I remain to be convinced on whether this will proceed, given past form by successive governments, Federal and State, since Federation. The \$8.4 billion proposal shows the rail link departing Brisbane and heading south-west towards the Queensland border.

I am pleased to note that a number of key New South Wales communities will be included in this link. These include: North Star, Moree, Narrabri, Gwabegar, Narromine, Parkes, Stockinbingal, Illabo, Junee, Wagga Wagga and Albury. Transit times would be slashed by 10 hours and it would take less than 24 hours to move freight from Brisbane to Melbourne, according to the proposal. This Federal proposal will include upgrades of existing track, as well as dual gauge track in Queensland. Maps of this proposal provided to my office do not list duplication of rail lines within New South Wales, though I remain hopeful and will speak on that later in my speech. Our State desperately needs duplication of rail across many regional communities. It is an embarrassment that in the twenty-first century a wealthy western nation such as ours struggles to build adequate rail links.

The Shooters, Fishers and Farmers Party welcomes the involvement of Parkes in the electorate of Orange in this proposal. Our member for Orange, Philip Donato, will be pleased to see his electorate included. However, having witnessed some of the problems associated with WestConnex in Sydney, we add a note of warning that the Government should not run roughshod over rural landholders in order to proceed with this project. Landholders have rights and they must be granted adequate access to their own lands, particularly if that land is divided by a rail corridor. It is unequivocal that farmers have an inalienable right to farm their own land and I urge the Government to tread carefully when these rights are infringed upon. If need be, the Shooters, Fishers and Farmers Party will fight tooth and nail for the rights of the farmers, notwithstanding the enormity of a project of that size and its importance to the Federation.

I do have some misgivings about this proposal. It is called the "steel Mississippi" by the Federal Treasurer. This is because of the history of disagreement in this country over rail linkages and a uniform rail gauge. Despite one of the main reasons for federation was to standardise rail gauges between the States, there is still not a rail line across the entire country. A standard gauge has been hampered because of disagreements between the States, as each State wants to hold onto its own standards. I have high hopes for the improvement of rail freight in this country but only if governments are bold enough. An inland rail link would stimulate investment in rural communities, which could act as hubs for transferring goods by road, short haul, thereby reducing the high volumes of extreme long-haul trucking. It would also stimulate road-based freight for shorter distances.

Rural New South Wales will benefit from improved rail services, but only if the governments involved are genuine. I note the ongoing decades-long debacle that the second Sydney airport at Badgerys Creek has become. Unlike the Multifunction Polis of the 1980s, I hope this proposal has validity. I only hope that governments will stop focusing on short-term policies aimed at the next election and look decades ahead to Australia's future. I note there is presently an inquiry into water augmentation in New South Wales. I urge both the State and Federal governments to design the corridor wide enough to accommodate future requirements for pipelines of water, gas, oil or whatever is required. We can learn from our Asian neighbours about shifting government's focus to the longer term.

SOCIAL AND AFFORDABLE HOUSING

The Hon. SCOTT FARLOW (18:57): I will speak tonight about the Government's program to sell properties in Millers Point to provide 1,500 new social housing homes and address those who stand against it. We saw yesterday the disgraceful acts of The Greens, the Maritime Union of Australia [MUA] and the Electrical Trades Union [ETU] to barricade a Millers Point property so that the sheriff could not evict a tenant who had previously agreed with Family and Community Services [FACS] to relocate. After an investigation into his personal circumstances that tenant gave FACS an undertaking to leave and not to seek further public housing. Of course, that person has been evicted this morning. This afternoon there are more advocates camping in protest outside FACS.

Social housing should not be there for property owners to have a city pad. It should not be there for those who have employment and do not qualify. It should be there as a safety net, to help avert homelessness and provide homes for those who have no other alternative. It is quite clear that those opposing the Millers Point sales, such as The Greens, the unions and other advocacy groups, are not interested one iota in providing homes for those who need it and reducing the 60,000 social housing waitlist in New South Wales. Rather, they stand side by side to ensure that a lucky few get a central business district address at the cost of 1,500 social housing homes across this State, with the bill footed by the taxpayers of New South Wales. On this side of the House, we are interested in reducing the 60,000 social housing wait list. This Government believes in a fair safety net for the many and we believe that social housing is a privilege, paid for by the taxpayers of New South Wales, and not a right.

The PRESIDENT: Order! Members will cease interjecting. The member will be heard in silence.

The Hon. SCOTT FARLOW: I turn, however, to the view that Mr David Shoebridge proposed yesterday. Mr Shoebridge stated:

Sydney is for everyone, young, old, rich and poor. This is our city and we are going to stand here and defend it. The comments are near Churchillian in their defiance—noble remarks and a wonderful statement but devoid of any reality. It is all very fine to say that Sydney is for everyone but the reality is that somebody has to foot the bill. Let us have a look at some of the facts. The median price for a house in Millers Point is \$2.725 million and for a unit it is \$1.795 million. When housing affordability, which the Premier has identified as one of her three priorities, is such a significant issue we cannot sit by and entrench a lottery system for the lucky few to have a pricey city property. Each social housing property comes at a cost and the properties in Millers Point come at a more significant cost.

For each property sold in Millers Point we can provide four to five new properties elsewhere. On top of the value of the properties, they are also properties that cost more to maintain than other stock in the social housing system due to their age and property type. Hardworking taxpayers in Kingswood, Kurri Kurri and Kotara are footing the bill for housing people in Millers Point. I am sure many people right across the State would love to live in Millers Point, so why should they be paying hand over fist for a fortunate few?

Mr Jeremy Buckingham: They have already paid for it.

The Hon. SCOTT FARLOW: And they continue to pay. The Government, and in particular the taxpayers of New South Wales, should not be subsidising some form of social experiment for the Sydney CBD. There is no benefit whatsoever for the 7.5 million people across our State and there is no benefit for the 60,000 people on the social housing waitlist. I would be very surprised if many of the rank and file members of the Maritime Union of Australia and Electrical Trades Union—wharfies in Newcastle and sparkies in Western Sydney—would think that the unions representing them should be in this fight.

As I have noted in this House previously, both my parents are union members. Unions do plenty of good things, but then there are bloody-minded political activities like these that do nothing to represent the ordinary union members. Already from the sale of properties in Millers Point the Government has been able to fund the construction of 750 new dwellings. One of those relocated tenants was a close friend of my mother-in-law. She resisted the relocation, but since she has moved to a new property she has been very happy with the outcome in a better property, requiring less maintenance. Tenants are supported sensitively during their relocation to other suitable dwellings.

The final 24 remaining Millers Point tenants have been offered between them 121 alternative offers of accommodation in locations such as Potts Point, Waverley, Bondi, Ultimo, Pyrmont, Glebe and other inner-west suburbs. They have not been turfed out on to the street. Family and Community Services has also retained some of its social housing in Millers Point, particularly for older tenants. Anyone who cares about the vulnerable and the 60,000 people on the waiting list would want the social housing dollar to go further. If not, they would be joining a barricade in Millers Point. I know where the hardworking families of Penrith, Pemulwuy and Parkes stand; they stand with us. It is the fair thing to do, it is the right thing to do and it is what the Government is doing.

TRIBUTE TO SHIRLEY CARTER

The Hon. GREG DONNELLY (19:02): Honourable members and the public awoke yesterday morning to the heartbreaking story in the media about the circumstances surrounding the tragic death of one of the State's senior citizens, Shirley Carter, a resident at the Opal Raymond Terrace Gardens nursing home who died in October 2016. The day before the death of Shirley Carter her daughter, Jayne Carter, was told by staff of the nursing home that her mother had been found with maggots in her mouth. Jayne Carter was, of course, completely blown over by this information passed on to her by the nursing home staff the day before her mother's death.

It should come as no surprise that Jayne Carter is calling for a full and transparent investigation into the matter and the circumstances around her mother's death. I certainly hope and expect that this will be done expeditiously and that the Minister for Ageing, the Hon. Tanya Davies, will take an active role in the matter, including providing support to family members left shocked and angry from the whole incident. There can be no doubt that this is a shocking case. I do appreciate that the operation of nursing homes essentially falls within the purview of the Commonwealth Government and not the State Government. However, Shirley Carter was a resident of New South Wales, as are her children, extended family, friends and fellow residents of the nursing home.

To have a loved one pass away in such circumstances is profoundly sad. I cite this case not to gratuitously shock the House, but once again, as I have done on previous occasions in this House, to highlight the vulnerability of the aged, infirm and mentally diminished senior citizens of this State. Honourable members would be aware that General Purpose Standing Committee No. 2, as it was then called, tabled its report into Elder Abuse in New South Wales in June 2016. That report produced 11 unanimously endorsed recommendations. Earlier this year the Government, as is required, provided a written response to the recommendations. A copy of both the inquiry report, with the recommendations and the Government's response, are available via the committee's webpage on the New South Wales Parliament website. I and many people I have spoken to found the Government's response tepid, shallow and underwhelming. Given all the evidence is now on the public record as a result of the inquiry, I, like everybody who was involved in the inquiry, expected a far more comprehensive and robust response from the Government. I note that the New South Wales State budget is only a matter of weeks away. I sincerely hope that the Government will make some budget announcements that help to tackle elder abuse in New South Wales.

The Commonwealth Attorney-General requested last year that the Australian Law Reform Commission inquire into elder abuse. It is about to provide its report, entitled "Protecting the Rights of Older Australians From Abuse". I strongly encourage anybody interested in the issue of elder abuse to have a look at the discussion paper released in December 2016 as part of the Australian Law Reform Commission inquiry. It is an excellent document of almost 260 pages that covers a range of key issues relating to elder abuse. It has detailed footnotes and references. I sincerely hope the Australian Law Reform Commission report proves to be a significant stimulus to initiating concrete steps to tackling elder abuse in Australia.

There can be no doubt that the time has come for our nation to come to terms with the terrible blight of elder abuse that confronts it and to commit itself to completely eradicate it. I also challenge those members who so enthusiastically support euthanasia and assisted suicide legislation to pause and ask themselves how we as a society can guarantee—guarantee not just hope—that such proposed legislation will not and cannot be abused today and into the future when there are utterly helpless senior citizens languishing in nursing homes with a flyblown mouth the day before they die.

RENEWABLE ENERGY

Mr JEREMY BUCKINGHAM (19:06): As members will recall, the ancient Greek philosopher Heraclius said the only constant in life is change, and it is true. We see so many changes in the world around us day to day. In the area of energy, which I am so passionate about and which so many people are interested in, there are massive changes. There are changes that are profound, deep and serious and they have to be dealt with by government. It is absolutely central to the body politic in Australia that we as a legislature and as a community deal with the changes in the composition of our stationary and transport energy systems.

One of Australia's oldest companies, the Australian Gas Light Company [AGL], is a company going through profound changes. AGL started at Barangaroo, the first gas light company in the Southern Hemisphere. One of Australia's oldest and proudest companies has announced recently after a long time in the gas and coal and energy industry that it is getting out of coal. Members opposite would know that I have spent my entire time in this place banging on about coal. As another wise person said, "If you want to get a message across say it again and again until you are blue in the face and throwing up, and then some people will get the message."

[Interjection]

I note the interjections of two of the more esteemed, older members of the National Party, the Hon. Rick Colless and the Hon. Duncan Gay. Change for them is hard. The world view that they developed in the 1940s or 1950s is not relevant today, but I note that the new Nationals and the new Minister, and I hope the new members, have a different view and that they grasp the nettle of that change, because there is huge opportunity in it. Our fleet of coal-fired power generators in Australia is older than some of the members in this House, and all of us will pass away. The generators too will shuffle off this mortal coil. Those coal-fired power stations—Liddell, Bayswater, Eraring, Mount Piper—have a lifespan we can measure, and some of them will exist for only a few more years. AGL has said it will get out of coal by 2050 to meet the Government's net zero emissions target. AGL wants certainty; it wants the closure of coal-fired power to be legislated. Coal is over.

In Australia the problem with meeting the Government's zero net emissions target is that we have had policy stasis. We have had policy paralysis because ideologues in The Nationals and in the Liberal Party have not seized the opportunity to legislate for a carbon price to pay for building the renewables that would save us. The big problem with the disappearance of coal-fired power stations and free marketeers exporting our gas reserves is that we are reaping the whirlwind of cost-of-living pressures.

The PRESIDENT: Order! I call Mr Scot MacDonald to order for the first time.

Mr JEREMY BUCKINGHAM: Mark my words: In 2019, when those opposite face political oblivion, it will be because they will be held to account for soaring power and gas prices due to their policies. I am proud to be a member of The Greens because 10 years ago we advocated moving to renewable energy resources. What Dr John Kaye said 10 years ago on this topic has been proved to be 100 per cent correct. In the meantime, this Government has been stuck in the past although it said it would get the balance right when it came to energy and mining. Now KEPCO Bylong Australia is proposing to develop a huge coalmine, the Bylong Coal Project. This mine will tear the heart out of the Bylong valley. The Hume Coal Project is tearing the heart out of Sutton Forest in the Southern Highlands.

The Wallarah 2 Coal Project on the Central Coast—no ifs, no buts—is guaranteed to go ahead. It is set for approval in the next couple of days. I note Mr Scot MacDonald nodding; he wants it to go ahead. We have the Shenhua Watermark coalmine on the Liverpool Plains. Those opposite should think about the effect of cost-of-living pressures on marginal seats. They have not got the balance right when it comes to mining and land development. They will be held to account. The ideologues and dinosaurs in The Nationals and in the Liberal Party will cost young members of those parties their jobs. They will be on the Opposition benches because of cost-of-living pressures and their failure to deal with renewable energy targets.

WAVERLEY COUNCIL

The Hon. CATHERINE CUSACK (19:11): At 6.30 p.m. on Tuesday 17 May 2016 Waverley Council held its regular meeting at its Bondi Junction chambers. It was the final day for the former general manager, who had been offered a new position as chief executive officer [CEO] of the City of Canning in Perth. A new temporary general manager was in attendance. From 6.30 p.m., for the next six hours and 16 minutes, a fractious council ploughed through its 272 page agenda, starting with 12 addresses from members of the public on topics ranging from the Bondi National Surfing Reserve to marriage equality to motorcycle parking in Bondi Junction. The council moved through proposed street upgrades, disability parking and so on.

The tortured minutes refer to a councillor who objected to a plan to relieve traffic in Bondi Junction due to "Aboriginal air rights". Council was advised that staff had investigated the site of the proposed road closure and found no Aboriginal heritage issues. On to council amalgamations and Bondi Pavilion, the bickering wore on through the night into the following day, until finally at 12.48 in the morning an adjournment motion was moved. A subsequent independent report found:

Up to the point at which the motion to adjourn was moved, the evidence suggests the Mayor acted with reasonable care and diligence despite facing a high degree of hostile and disruptive behaviour from the gallery. The motion to adjourn came at 12.48 am, by which time the effects of fatigue were taking their toll on the efficiency of proceedings. The Mayor was concerned for Councillor Kay who was keen to go home to his wife, who was recuperating from serious illness. Other Councillors were aware of his situation.

The mayor referred to is Sally Betts, a highly respected and effective member of the Liberal Party. She is a woman of integrity I hold in the highest regard. She is in politics for the right reasons, a dedicated servant of her constituents and a principled leader, someone who believes in reform and the best interests of her ratepayers.

Back to the adjournment motion moved at 12.48 in the morning, when nearly 6½ hours of council meeting has elapsed, the gallery is harassing elected representatives, one councillor has already gone home, another is desperate to return to his sick wife and—Alleluia!—an adjournment is moved. I can picture the relief on the faces of professional staff chained to the room for the duration. Sally put the motion and declared it carried on the voices.

The meeting resumed on Tuesday 24 May and the agenda was completed. Boring, except that today Mr David Shoebridge has moved a motion seeking to turn a 2016 council adjournment into a scandal of epic proportions. He has variously demanded that State Parliament call for censorship of the valiant Sally Betts; the Minister for Local Government should reprimand her; and she should unreservedly apologise and then immediately resign as mayor. The so-called shocking, explosive, horrific allegation is that Sally did not properly count the vote on the adjournment motion. In fact she did not have to. She called it as being carried on the voices and the meeting broke up. So of course the Greenies all start complaining. That is what they do. The Office of Local Government naturally declined to investigate.

Unfortunately under council's flawed protocol, a consultant, O'Connor Marsden and Associates Pty Ltd, was engaged and while most of the complaint was dismissed they still found a job to do. At vast and unnecessary expense to ratepayers a forensic investigation was mounted into the 12.48 a.m. adjournment motion. The consultants found that five councillors understandably wanted to go home, but six other councillors said they were having such a fabulous time they wanted the meeting to keep going. The fact is Sally had the opportunity to call it on the voices and the councillors did not call a division until after she closed the meeting. The consultant acknowledges there has been no breach of standing orders but claims this was unfair because apparently one councillor lifted her arm. And that is the issue in its entirety.

The consultant's 32 page report has not been published, as deceitfully stated in the motion of Mr David Shoebridge earlier today. It was only finalised yesterday to Sally and the complainants. The general manager has yet to see a copy, council has yet to consider it. The entire matter is confidential and of course Sally Betts is entitled to due process—but that has all been trashed by Mr David Shoebridge in a jaw-dropping abuse of parliamentary privilege. Yes, that is the same Mr David Shoebridge who never shuts up about due process and instead of honouring his own words, he cherry-picks bits of a leaked and flawed report, pretends it has been published when it has not been, and tables his disgraceful motion in Parliament.

As I have said, Sally has had no opportunity to respond and now The Greens have seized on a ludicrous crusade, which frankly brings discredit upon this Chamber. Yet again The Greens, and Mr David Shoebridge in particular, thrive on personal smear, scaring, blocking, stopping, and bringing people down. They are a vicious party of toxic protest, unconcerned with truth and facts. Today Mr David Shoebridge has abused his privileges for a petty political purpose and thus has damaged Parliament as well as everyone else. He is an embarrassment to democracy and the traditions of this place. [*Time expired.*]

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

Motion agreed to.

The House adjourned at 19:17 until Thursday 10 May 2017 at 10:00.