New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Sixth Parliament
First Session

Wednesday, 24 May 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 24 May 2017

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

The PRESIDENT read the prayers.

Bills

LIQUOR AMENDMENT (REVIEWS) 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

DUKE OF EDINBURGH'S INTERNATIONAL AWARD

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

(1) That this House notes that:

(a) the Duke of Edinburgh's International Award—Australia is a youth development program that empowers young Australians to reach their full potential regardless of their location or circumstance; and

(b) the Duke of Edinburgh's International Award—Australia is delivered in nearly 2,000 locations and requires more than 60,000 volunteers, mainly as activity assessors for one of the four sections that each award participant needs to complete over six to 18 months.

(2) That this House acknowledges and thanks these volunteers for giving their time in order to assist in the delivery of the Duke of Edinburgh's International Award—Australia.

(3) That this House notes that the Duke of Edinburgh's International Award—Australia Volunteer Long Service Recognition ceremony was held at Parliament House on 3 May 2017 with the Minister for Sport, the Hon. Stuart Ayres, MP, and the Hon. Natasha Maclaren-Jones, MLC, Chair of the Parliamentary Friends of the Duke of Edinburgh's Award in attendance.

(4) That this House acknowledges:

(a) Alison Underwood for 10 years of service;

(b) Clementina Getley for 10 years of service;

(c) Dominic Garner for 10 years of service;

(d) Greg Horsley for 10 years of service;

(e) Kara Manga for 10 years of service;

(f) Klara Hollestelle-Watson for 10 years of service;

(g) Christopher Whicker for 11 years of service;

(h) Claire Burden for 11 years of service;

(i) David Jackson for 11 years of service;

(j) John Hughes for 11 years of service;

(k) Jolyon Gray for 11 years of service;

(l) Kevin Costa for 11 years of service

(m) Kim Maurer for 11 years of service;

(n) Surinder Singh for 11 years of service;

(o) Alex Sarantakos for 12 years of service;

(p) Andrew Fuller for 12 years of service;

(q) David Poirier for 12 years of service;

(r) Tania Etuale for 12 years of service;

(s) Glen Byrne for 13 years of service;

(t) Karina Richter for 13 years of service;

(u) Bill Ward for 14 years of service;

(v) Clare Dorey for 14 years of service;

(w) Greg Malone for 14 years of service;

(x) Raymond Kennedy for 15 years of service;

(y) Adrian Berry for 16 years of service;

(z) Jane Strachan for 16 years of service;

(aa) Mark Roach for 16 years of service;

(ab) Skye Russell for 19 years of service;

(ac) Kevin Collins for 20 years of service;

(ad) Mary Kidner for 26 years of service; and

(ae) Douglas Walker for 30 years of service.

Motion agreed to.

ELECTRONIC VOTING

Mr DAVID SHOEBRIDGE (11:05): I move:

(1) That this House notes that:

(a) on Thursday 4 May 2017 Dr Vanessa Teague gave a briefing at the New South Wales Parliament on electronic voting and counting;

(b) the briefing was attended by members of Parliament including the Hon. Ben Franklin, MLC; Mr Clayton Barr, MP; Mr Greg Piper, MP; Ms Anna Watson, MP; Mr David Mehan, MP; and Mr David Shoebridge, MLC; as well as representatives from the offices of the Hon. Fred Nile, MLC; and the Hon. Paul Green, MLC, and parliamentary committee staff;

(c) when preference votes have to be redistributed in New South Wales Legislative Council and local council elections they are selected through a random sampling process which means not every vote is counted; and

(d) Dr Teague further advised participants on issues concerning the security and confidentiality of the iVote system for electronic voting.

(2) That this House commits to exploring ways to improve the vote counting process in New South Wales elections to ensure it is fair, transparent, secure, and counts every vote.

(3) That this House thanks Dr Vanessa Teague for her informative briefing.

Motion agreed to.

"BRINGING THEM HOME" REPORT

The Hon. SHAOQUETT MOSELMANE (11:06): I move:

(1) That this House notes that:

(a) #BTH20 is about marking the twentieth anniversary of the tabling of the "Bringing Them Home" report; and

(b) the "Bringing Them Home" report was the result of a national inquiry by the Human Rights and Equal Opportunity Commission that heard from approximately 1,000 Aboriginal and Torres Strait Islander people and extensively documented the experiences of stolen generations members.

(2) That this House acknowledges the grief, dispossession of language and culture and extreme hurt caused by past government policies.

(3) That this House notes that #BTH20 is about acknowledging the past, looking to the future and sharing culture, spirit and pride with all Australians.

Motion agreed to.

MARONITES ON MISSION AUSTRALIA CHARITY DINNER

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

(1) That this House notes that:

(a) on Friday 19 May 2017 Maronites on Mission Australia, under the Patronage of His Excellency Dr Antoine-Charbel Tarabay, Maronite Catholic Bishop of Australia, held its annual charity dinner at the Lemnos Club Belmore, attended by more than 600 members and friends of the Australian Maronite Catholic community;

(b) those who attended as guests included:

(i) His Excellency Dr Antoine-Charbel Tarabay, Maronite Catholic Bishop of Australia;

(ii) Reverend Father Louis El Farkh, Rector Superior of St Charbel Church and Monastery;

(iii) Reverend Father Tanious Ghoussain;

(iv) Reverend Father Maroun El Kazzi;

(v) Reverend Father Lawrence Mendoza and Reverend Father Rowell Gumalay from the Philippines, representing the Order of Missionaries of the Poor;

(vi) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Gladys Berejiklian, MP, Premier, and Mrs Marisa Clarke;

(vii) Ms Sophie Cotsis, MP, member for Canterbury, and shadow Minister for Women, Ageing, Multiculturalism and Disability Services, representing Luke Foley, MP, member for Auburn, and Leader of the Opposition;

(viii) Mr Damien Tudehope, MP, member for Epping, and Mrs Diane Tudehope;

(ix) Councillor John Faker, Mayor of Burwood Council;

(x) Mr Khal Asfour, former Mayor of Bankstown City Council and currently advisor to Canterbury-Bankstown City Council, and Mrs Sally Asfour;

(xi) Mr George Coorey and Mr Arthur Coorey, representing the Board of Canterbury Leagues Club;

(xii) Mr Fred Frangie, master of ceremonies for the event; and

(xiii) representatives of numerous Maronite and Lebanese-Australian community, religious and professional organisations.

(c) those who comprise the Board of Directors of Maronites on Mission Australia are:

(i) Reverend Father Louis El Farkh, Rector Superior of St Charbel Church and Monastery, Chairman;

(ii) Charbel Azzi, legal counsel;

(iii) Reverend Father Maroun El Kazzi;

(iv) Ms Mary Ashkar;

(v) Mr Fares Hasrouny, Secretary;

(vi) Mr Charbel Azzi, Domestic Co-ordinator;

(vii) Mr Charles Charbel; and

(viii) Dr Michael Azzi.

(d) Maronites on Mission Australia was founded five years ago when nine volunteers from St Charbel's Maronite Catholic Parish Church were called to assist with humanitarian efforts in the Philippines and has since grown to encompass several hundred volunteers involved in projects in Australia, Lebanon, the Philippines, Iraq, Syria and India; and

(e) projects initiated by Maronites on Mission Australia include:

(i) the building of a sportsground, basketball court, and other facilities in Iraqi refugee camps;

(ii) building and operating fully equipped dental and medical clinics in the Philippines and the construction and renovation of school facilities and homes for those in need;

(iii) domestic and nursing home visits;

(iv) the provision of groceries and other necessities to families in need;

(v) operation of soup kitchens and food delivery runs to the homeless in several locations; and

(vi) specific Christmas activities including blood donations to the Red Cross and the provision of gifts and other supplies to families in need.

(2) That this House commends Maronites on Mission Australia for its charitable and humanitarian efforts, all of which are provided by voluntary effort.

(3) That this House extends greetings and best wishes to the Maronite Catholic community for its positive and ongoing contribution to the people of New South Wales and Australia.

Motion agreed to.

MS LORRAINE VASS AND FRIENDS OF THE KOALA

The Hon. PENNY SHARPE (11:07): I move:

(1) That this House notes that:

(a) after 15 years as the President of the Management Committee of Friends of the Koala, Ms Lorraine Vass will retire from her role on 30 June 2017;

(b) as a result of the work of Ms Vass and her committed staff and volunteers, Friends of the Koala is acknowledged as the peak koala conservation organisation in the Northern Rivers region of New South Wales, working to make a significant contribution to Australia's biodiversity by ensuring the protection and conservation of the iconic koala and the preservation and extension of koala habitat;

(c) Ms Vass has been pivotal to Friends of the Koala maintaining a 24/7 rescue hotline, operating a regional Koala Care Centre in East Lismore, and rescuing and rehabilitating koalas in order to release them back into the wild after they have recovered;

(d) under Ms Vass's leadership, Friends of the Koala has established a successful care, educational and research centre, and provides invaluable services through community education, advocacy and research assistance; and

(e) in 2015, Ms Vass deservedly received the Sustainable Environment Award at the Australia Day Awards ceremony in Lismore.

(2) That this House acknowledges Ms Vass's significant contribution toward the protection of the iconic koala, congratulates Ms Vass on the success of her 15 years as President of Friends of the Koala, and thanks Ms Vass for her exceptional leadership and advocacy to help safeguard the future of the koala in New South Wales.

Motion agreed to.

HONORARY CONSULATE OF BOSNIA AND HERZEGOVINA

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

(1) That this House notes that:

(a) on Friday 27 January 2017 a celebratory reception hosted by Mrs Demila Gabriel, the recently appointed Honorary Consul of Bosnia and Herzegovina in New South Wales, and Mr Chris Gabriel, was held to mark the formal opening of the new Honorary Consulate of Bosnia and Herzegovina in Sydney at 44 Market Street, Sydney;

(b) those who attended as guests included:

(i) His Excellency Mr Bakir Sadovic, Ambassador of Bosnia and Herzegovina to Australia;

(ii) Imam Salih Efendija Mujala;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(iv) Mr Eros Robiani, Deputy Consul-General for Switzerland in Sydney;

(v) Detective Superintendent Gavin Dengate, New South Wales Police Force;

(vi) Mr Jeremy Jones, prominent Jewish community leader;

(vii) Mr Mark Stariha, representing the Slovenian Australian Chamber of Commerce;

(viii) Mr Fahir Zecevic, SBS Radio journalist; and

(ix) representatives and members of numerous Bosnian Herzegovinian community organisations.

(2) That this House:

(a) congratulates Mrs Demila Gabriel on her recent appointment as the first Honorary Consul for Bosnia and Herzegovina in New South Wales;

(b) extends greetings and best wishes to the Bosnian Herzegovinian-Australian community on the opening of the first Honorary Consulate for Bosnia-Herzegovina in New South Wales; and

(c) commends the Bosnian Herzegovinian Australian community for its ongoing positive contribution to the State of New South Wales.

Motion agreed to.

TRANSPLANT AUSTRALIA

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

(1) That this House notes that:

(a) Transplant Australia is a national charity representing transplant recipients, donor families, living donors and all those touched by organ and tissue donation and transplantation;

(b) Transplant Australia originated as the Australian Transplant Sports Association in the late 1980s to provide transplant recipients the opportunity to take part in the World Transplant Games;

(c) growing out of the activities and the advocacy of the Australian Transplant Sports Association was the establishment of Transplant Australia in 1996 with Mark Cocks, AO, appointed as the first CEO; and

(d) Transplant Australia while being a national organisation has State committees that undertake a significant amount of work promoting organ donation and supporting those touched by donation.

(2) That this House notes that:

(a) the New South Wales Branch of Transplant Australia held its annual Miracle Dinner on Saturday 6 May 2017 at Dooley's Lidcombe Catholic Club;

(b) special guests who attended the dinner included:

(i) Mr Chris Thomas, CEO, of Transplant Australia;

(ii) Hon. Greg Donnelly, MLC, representing the Leader of the Opposition, the Hon. Luke Foley, MP;

(iii) Mr Robert Fitzgerald, Chief Inspector, Blacktown Local Area Command, NSW Police Force;

(iv) executive committee members, New South Wales Branch of Transplant Australia; and

(v) the president and board members of Dooley's Lidcombe Catholic Club.

(c) at the dinner the New South Wales annual trophies were presented, with the winners being:

(i) The Darby Ross Shield for a Recipient—Bob Kirkbride;

(ii) The Gary Lowe Shield for a Supporter—Chris Flood; and

(iii) The Ben Harrison Shield for a Donor Family—Bruce and Robyn Walker.

(3) That this House acknowledges and congratulates the New South Wales branch of Transplant Australia on its successful 2017 Miracle Dinner and offers its best wishes to the Australian team competing in the World Transplant Games in Malaga, Spain in June.

Motion agreed to.

DIONYSIOS SOLOMOS AWARDS

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

(1) That this House notes that:

(a) on Sunday 5 March 2017 at the MacLaurin Hall, University of Sydney, the Greek Orthodox community of New South Wales (Ltd), under the Presidency of Mr Harry Danalis, hosted the annual Dionysios Solomos Awards for students who achieved the highest marks in modern and classical Greek in the 2016 Higher School Certificate [HSC];

(b) the awards are named after Dionysios Solomos, a Greek poet from Zakanthos who wrote the *Hymn To Liberty*, which became the Greek National Anthem in 1865;

(c) those who attended as guests included:

(i) Dr Stavros Kyrimis, Consul General for Greece in Sydney;

(ii) Senator the Hon. Arthur Sinodinos, Federal Minister for Industry, Innovation and Science;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice representing the Government;

(iv) Ms Sophie Cotsis, MP, member for Canterbury, shadow Minister for Women; Ageing, Multiculturalism and Disability Services;

(v) Professor Vrasidas Karalis, Sir Nicholas Laurantus, Chair in Modern Greek and Byzantine Studies at the University of Sydney;

(vi) Councillor Angela Vithoulkas, City of Sydney representing the Lord Mayor of Sydney, Ms Clover Moore;

(vii) Dr Panayota Nazou, former lecturer at the University of Sydney; and

(viii) Mr Jim Ronis, event sponsor and Managing Director of Ronis Real Estate;

(d) those honoured in the awards ceremony were New South Wales HSC students who achieved the highest marks in Modern and Classical Greek as well as students of the Greek Orthodox community of New South Wales Afternoon and Saturday Schools who received the Minister's Award for Excellence in the Modern Greek language;

(e) those who received an award in the category for HSC Modern Greek—Beginners comprised:

(i) first, Stephanie Kritikos, Open High School;

(ii) second, Peter Zavvos, Newington College;

(iii) third, George Papasavvas, Newington College;

(iv) fourth, Evangelia Caldelis, Open High School;

(v) fifth, Lianne Koinis, Open High School;

(vi) sixth, Georgia Koutzoumis, Open High School;

(vii) seventh, Constantinos Costa Dantos, Blakehurst High School;

(viii) eighth, Georgios Reece Platias, Newington College;

(ix) ninth, William Papapetros, Newington College; and

(x) tenth, James Katakouzinos, Open High School.

(f) those who received an award in the category for HSC Modern Greek—Continuers comprised:

(i) first, Panagiota Damigou, Saturday School of Community Languages, St George Girls High School Centre;

(ii) second, Zografia Kanlis, St Spyridon College;

(iii) equal third, Catherine Stivaktas, All Saints Grammar;

(iv) equal third, Katholiki Tsirli, Blakehurst High School;

(v) fifth, Rothopi Nicolaou, St Spyridon College;

(vi) sixth, Marina Dionysiou, St Spyridon College;

(vii) equal seventh, Athanasia Maria Lafogianni, St Euphemia College;

(viii) equal seventh, Maria Kolivra, St Euphemia College;

(ix) ninth, Steffie Papadopoulos, St Spyridon College;

(x) equal tenth, Aikaterini Kapsali, Open High School; and

(xi) equal tenth, Fotini Bouranta, Saturday School of Community Languages, Ashfield Boys High School Centre.

(g) those who received an award in the category for HSC Modern Greek—Extension comprised:

(i) first, Fotini Bouranta, Saturday School of Community Languages, Ashfield Boys High School Centre;

(ii) second, Panagiota Damigou, Saturday School of Community Languages, St George Girls High School Centre;

(iii) third, Zoe Nikolaidou, Open High School;

(iv) fourth, Vasilis Kondilis, Kingsgrove High School;

(v) fifth, Marina Dionysiou, St Spyridon College;

(vi) sixth, Steffie Papadopoulos, St Spyridon College;

(vii) seventh, Katholiki Tsirli, Blakehurst High School;

(viii) eighth, Athanasia Maria Lafogianni, St Euphemia College;

(ix) ninth, Maria Kolivra, St Euphemia College; and

(x) tenth, Zografia Kanlis, St Spyridon College.

(h) those who received an award in the category for HSC Classical Greek—Continuers comprised:

(i) first, Maxwell Glanville, Sydney Grammar School;

(ii) second, Vaidehi Mahapatra, Baulkham Hills High School;

(iii) third, Henry Wu, Baulkham Hills High School;

(iv) fourth, Michael Taurian, Sydney Grammar School;

(v) fifth, Terry Agapitos, Sydney Grammar School;

(vi) sixth, Michael Xu, Sydney Grammar School;

(vii) seventh, William Karantanis, Sydney Grammar School;

(viii) eighth, Mark Henry Rothery, St Ignatius' College;

(ix) ninth, Anna Maxwell, Pymble Ladies' College; and

(x) tenth, Hannah Roux, Pymble Ladies' College.

(i) those who received an award in the category for HSC Classical Greek—Extension comprised:

(i) first, Mark Henry Rothery, St Ignatius' College;

(ii) second, Maxwell Glanville, Sydney Grammar School;

(iii) third, Michael Xu, Sydney Grammar School;

(iv) fourth, Anna Maxwell, Pymble Ladies' College;

(v) fifth, Hannah Roux, Pymble Ladies' College;

(vi) sixth, Henry Wu, Baulkham Hills High School;

(vii) seventh, Dominic Vincent Adamo, St Ignatius' College;

(viii) eighth, Terry Agapitos, Sydney Grammar School;

(ix) ninth, Vaidehi Mahapatra, Baulkham Hills High School; and

(x) tenth, Luke Gregory Jarmain, Baulkham Hills High School.

(j) those who received a Minister's Merit Award for Excellence in Modern Greek comprised:

(i) Alicia Abreu, Summer Hill Public School;

(ii) Zachary Firj, Beresford Road Public School;

(iii) Harris Kostanti, Clemton Park High School;

(iv) Katelyn Labrakis, Strathfield South Public School;

(v) Thomas Mantzios, Kyeemagh Public School;

(vi) George Papageorgiou, Clemton Park Primary School;

(vii) Joshua Perez, Panania Public School; and

(viii) Jean-Paul Taliai, Beresford Road Public School.

(k) the Minister's Award for Excellence in Modern Greek as a Commended Senior was received by Antonia Kousparis from Peakhurst Public School;

(l) those who received the Minister's Award for Excellence in Modern Greek as a Commended Junior comprised:

(i) Dionysia Dragonas, Coogee South Public School;

(ii) Anna-Maria Parissis, Connells Point Public School;

(iii) Zachary Sarigiannis, Bald Face Public School; and

(iv) Penelope Yakoumatos, Danebank Private Girls School.

(m) the Minister's Award for Excellence in Modern Greek as a Highly Commended—Senior was received by Victoria Prasoulas from Dulwich Hill Public School;

(n) the Minister's Award for Excellence in Modern Greek as a Highly Commended—Junior was received by Anastasia Krouklidis from Beverly Hills North Public School; and

(o) those students of the Greek Afternoon Schools of the Greek Orthodox Community who received the New South Wales 2016 High Achievers Award comprised:

(i) Despina Stamoulos;

(ii) Alexia Perdikaris;

(iii) Chloe Passas;

(iv) Petros Toskas;

(v) Anastasia Coull;

(vi) Marcus Martsoukos;

(vii) Evyenia Georgi;

(viii) Sophia Mihas;

(ix) Alexandros Poulikakos;

(x) Maria Kakali;

(xi) Agapi Miyakis; and

(xii) Marietta Tselika.

(2) That this House:

(a) commends the Greek Orthodox community of New South Wales (Ltd) and its President Mr Harry Danalis and other officer bearers for organising and hosting the 2017 Annual Dionysios Solomos Awards presentation; and

(b) congratulates those students who received an award at the 2017 Annual Dionysios Solomos Awards at the University of Sydney on Sunday 5 March 2017.

Motion agreed to.

FESTIVAL OF LAG BAOMER

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

(1) That this House notes that:

(a) on Sunday 14 May 2017 a parade and carnival attended by many hundreds of members of Sydney's Jewish community was held in Bondi to celebrate the Festival of Lag Baomer, a Jewish tradition that has a history extending back 17 centuries;

(b) those who attended as guests included:

(i) Rabbi Pinchus Feldman, OAM, Spiritual Leader of the Chabad Movement New South Wales, and his wife, Rebbitzin Pnina Feldman;

(ii) Rabbi Paul Lewin, President, Rabbinical Council of New South Wales;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(iv) Councillor Leon Goltsmann, Waverley Council; and

(v) members and friends of Sydney's Jewish community;

(c) the parade and carnival was organised by Rabbi Elimelech Levy, Director of Chabad Youth New South Wales, and his wife, Chana Levy, assisted by Mr Avremy Joseph, and included participation by students from a number of local schools, particularly Yeshiva College and Kesser Torah College; and

(d) the celebration of Lag Baomer commemorates the life of the second century Rabbi Shimon bar Yochai who is known for his study and amplification of the message of spirituality contained in the Torah, and is a time when the Jewish community celebrates its heritage, tradition and the greatness of God.

(2) That this House:

(a) congratulates Chabad Youth New South Wales for its organisation of the parade and festival of Lag Baomer, which has become a regular feature of Sydney's community life; and

(b) extends greetings to the State's Jewish community on the occasion of Lag Baomer 2017.

Motion agreed to.

FEMALE INDIGENOUS INCARCERATION RATES

The Hon. SHAOQUETT MOSELMANE (11:09): I move:

(1) That this House notes that on 15 May 2017 the Human Rights Law Centre and the Change the Record Coalition released a report entitled "Over-represented and overlooked: the crisis of Aboriginal and Torres Strait Islander women's growing over-imprisonment".

(2) That this House notes that:

(a) as with the rate of imprisonment of Aboriginal and Torres Strait Islander men in Australia, there has been a disastrous rise of 250 per cent in the imprisonment rate of Aboriginal and Torres Strait Islander women since the Royal Commission into Aboriginal Deaths in Custody from 1987-1991;

(b) although Aboriginal and Torres Strait Islander women represent only 2 per cent of the adult Australian female population, they make up around 34 per cent of the female prison population, and that while this represents approximately 1,100 women in established prisons, there are an unknown number of women languishing in police cells or otherwise cycling through the criminal justice system across Australia's jurisdictions; and

(c) Aboriginal and Torres Strait Islander women are 21 times more likely to be imprisoned than their non-Indigenous counterparts.

(3) That this House notes that the awful cycle of offending, imprisonment and reoffending can have devastating consequences for individuals, families and their communities, as in the tragic example of Ms Julieka Dhu, who died in police custody in South Hedland, Western Australia on Monday 4 August 2014.

(4) That this House notes that governments at all levels need to remove barriers to women accessing rehabilitative alternatives, and to invest in programs that have the support and involvement of Aboriginal and Torres Strait Islander women in order to tackle the root causes of offending such as family violence, homelessness, trauma, substance abuse and over-policing.

Motion agreed to.

SYDNEY CHITHIRAI FESTIVAL

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

(1) That this House notes that:

(a) on Sunday 7 May 2017 the sixth annual Sydney Chithirai Festival organised by the Tamil Arts and Culture Association was held at Rosehill Racecourse, attended by several thousand members and friends of the Tamil-Australian community;

(b) the Chithirai Festival celebrates the beginning of the Tamil New Year and is celebrated by the 80 million strong worldwide Tamil community;

(c) those who attended as guests included:

(i) the Hon. Ray Williams, MP, Minister for Multiculturalism and Minister for Disability Services, also representing the Hon. Gladys Berejiklian, MP; Premier;

(ii) the Hon. David Elliott, MP, Minister for Counter Terrorism, Minister for Corrections and Minister for Veteran Affairs;

(iii) Ms Jodi McKay, MP, shadow Minister for Transport and shadow Minister for Roads, Maritime and Freight, also representing Mr Luke Foley, MP, Leader of the Opposition;

(iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

(v) Dr Geoff Lee, MP, Parliamentary Secretary to the Premier, Western Sydney and Multiculturalism;

(vi) Dr Hugh McDermott, MP, member for Prospect;

(vii) Mr Mark Taylor, MP, member for Seven Hills;

(viii) Ms Julia Finn, MP, member for Granville;

(ix) Dr G. K. Harinath, Chairman of Multicultural NSW;

(x) Mr S. K. Verma, Vice Consul for India representing the Consul General of India;

(xi) Dr V. Manamohan;

(xii) Mr Jack Passaris, Co-Chairman of the Ethnic Communities Council of NSW;

(xiii) Melissa Monteiro, CEO of CMRC;

(xiv) folk musicians from Tamil Nadu India, Dr Pushpavanam Kuppusamy and Anitha Kuppusamy; and

(xv) representatives of various community organisations and members and friends of the Tamil-Australian community; and

(d) those who organised this year's Sydney Chithirai Festival on behalf of the Tamil Arts and Culture Association comprised:

(i) Anagan Babu Ramia Janardhanan, Secretary and Event Coordinator;

(ii) Muthu Ramachandirin, President; and

(iii) Karnan Chidambarabharathy, Treasurer and other committee members.

(2) That this House:

(a) congratulates the Tamil Arts and Culture Association on hosting and organising the successful 2017 Sydney Chithirai Festival; and

(b) extends greetings to the Tamil-Australian community on the occasion of the Tamil New Year Festival of Chithirai.

Motion agreed to.

NATIONAL INDIGENOUS HUMAN RIGHTS AWARDS—EDDIE MABO AWARD FOR ACHIEVEMENTS IN SOCIAL JUSTICE

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

(1) That this House notes that:

(a) the fourth annual National Indigenous Human Rights Awards [NIHRA] were held at Parliament House in Canberra on 10 May 2017;

(b) since its inception in 2014, NIHRA has become the premier event that recognises the significant work needed to improve the lives of Aboriginal and Torres Strait Islander peoples in the twenty-first century; and

(c) this year's event was especially significant because it also coincided with the twenty-fifth anniversary of the momentous *Mabo v Queensland (No 2)* decision handed down by the High Court recognising native title.

(2) That this House notes that those who attended the awards included Northern Territory Senator the Hon. Malarndirri McCarthy; Ms Linda Burney, MP, shadow Federal Minister for Human Services; Mr David Harris, MP, shadow Minister for Aboriginal Affairs; Ms Rachel Stephen-Smith, Australian Capital Territory Minister for Aboriginal and Torres Strait Islander Affairs; Mr John McKenzie, Legal Services Commissioner; Dr Helen Watchirs, Commissioner—ACT Human Rights Commission; Mrs Bonita Mabo; Ms Gail Mabo; Miss Maris Mabo; Miss Kyrstal West; Miss Maleta Mabo-Cornhill; Miss Hannah Duncan; Mr Tauto Sansbury, Garridja Aboriginal Cultural Consultancy; Mr Anthony Mundine; Mr Jeff McMullen, AM; Mr Gerry Georgatos, Indigenous suicide prevention; and many others from the diplomatic corps, the community, and the health and education sectors.

(3) That this House notes that:

(a) NIHRA include the Eddie Mabo Award for Achievements in Social Justice, recognising an Aboriginal and/or Torres Strait Islander person who has made a significant contribution to the advancement of social justice for Aboriginal and/or Torres Strait Islander peoples; and

(b) this year's finalists were:

(i) Noeletta McKenzie, who has dedicated her life to the East Arnhem region and in particular the Maningrida community where she works for the Malabam Aboriginal Health Service and leads the Great Recreation, Entertainment, Arts, Training and Sport program to reduce youth and community suicides;

(ii) Richard Weston, the Chief Executive Officer of the Healing Foundation, who has dedicated his work to building resilience amongst the vulnerable, to cultural reclamation and identity building, and to healing and trauma recovery;

(iii) Dr Kim Isaacs, a Yaruwu, Karajarri and Noongar woman, who works as a General Practice Registrar in rural and remote medicine throughout the Kimberley region and dreams of a future where every Aboriginal medical service has at least one Aboriginal doctor working within them; and

(iv) Gayili Marika Yunupingu, a suicide prevention campaigner credited with reducing suicides in her Arnhem community of Nhulunbuy, who also sits on the board of the Federal Government Aboriginal and Torres Strait Islander Mental Health and Suicide Prevention Advisory Group and is pushing forward Wesley Mission's One Life program.

(4) That this House congratulates Gayili Marika Yunupingu on winning the Eddie Mabo Social Justice Award 2017 and congratulates the wider NIHRA community on a successful night and wishes them the best in all future endeavours.

Motion agreed to.

NATIONAL DAY OF SERBIA RECEPTION

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

(1) That this House notes that:

(a) on Wednesday 15 February 2017 a reception hosted by the Consul-General of the Republic of Serbia, Mr Branko Radosevic, and Mrs Emilja Radosevic was held at the Serbian Consulate-General Woollahra to celebrate the National Day of Serbia;

(b) those who attended as special guests included:

(i) Reverend Father Miodrag Peric, representing His Grace Bishop Siluan, Serbian Orthodox Church in Australia;

(ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and Mrs Marisa Clarke;

(iii) Detective Superintendent Gavin Dengate, NSW Police Force;

(iv) Mrs Regina Jurkowska, Consul-General for Poland;

(v) Mr Nathapol Khantahira, Consul-General for Thailand;

(vi) Mr Anthony Tomazin, Honorary Consul for Slovenia;

(vii) Mr Lothar Freischlader, Consul-General for Germany, and Mrs Claudia Freischlader;

(viii) Mr Murat Smagulov, Consul-General for Kazakhstan, and Mrs Nailya Mukanova;

(ix) Mr Melih Karalar, Consul-General for Turkey, and Mrs Karalar;

(x) Mrs Anne Jalando-on Louis, Consul-General for the Philippines;

(xi) Mr Milan Neklapil, Honorary Consul for the Slovak Republic;

(xii) Professor Richard Miles;

(xiii) Rabbi Dr Dovid Slavin, prominent Jewish community leader;

(xiv) Mr Yair Miller, former President of the New South Wales Jewish Board of Deputies, and Mrs Sandra Miller;

(xv) Dr Megan Gu;

(xvi) Mr Frank Mamasioulas; and

(xvii) numerous representatives of Serbian community organisations and prominent Serbian-Australians including Mr Vaso Despotovic, OAM, and Mrs Suzana Despotovic, Dr M. Spasojevic, Dr Goran and Mrs Irena Pecanac, Dr Slobodan and Mrs Snezana Zivkovi and Dragana and Aleksandar Koncar.

(c) the National Day of Serbia occurs on 15 February each year and commemorates the first Serbian uprising against the Ottoman Empire in 1804 and the adoption of the Serbian Constitution in 1835.

(2) That this House:

(a) congratulates the people of Serbia and the Serbian-Australian community on the occasion of the National Day of the Republic of Serbia; and

(b) commends the Serbian-Australian community for its positive and ongoing contribution to the State of New South Wales.

Motion agreed to.

NATIONAL INDIGENOUS HUMAN RIGHTS AWARDS—DR YUNUPINGU HUMAN RIGHTS AWARD

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

(1) That this House notes that:

(a) the fourth annual National Indigenous Human Rights Awards [NIHRA] were held at Parliament House in Canberra on 10 May 2017;

(b) since its inception in 2014, NIHRA has become the premier event that recognises the significant work needed to improve the lives of Aboriginal and Torres Strait Islander peoples in the twenty-first century; and

(c) this year's event was especially significant because it also coincided with the twenty-fifth anniversary of the momentous *Mabo v Queensland (No 2)* decision handed down by the High Court recognising native title.

(2) That this House notes that those who attended the awards included Northern Territory Senator the Hon. Malarndirri McCarthy; Ms Linda Burney, MP, shadow Federal Minister for Human Services; Mr David Harris, MP, shadow Minister for Aboriginal Affairs; Ms Rachel Stephen-Smith, Australian Capital Territory Minister for Aboriginal and Torres Strait Islander Affairs; Mr John McKenzie, Legal Services Commissioner; Dr Helen Watchirs Commissioner—ACT Human Rights Commission; Mrs Bonita Mabo; Ms Gail Mabo; Miss Maris Mabo; Miss Kyrstal West; Miss Maleta Mabo-Cornhill; Miss Hannah Duncan; Mr Tauto Sansbury, Garridja Aboriginal Cultural Consultancy; Mr Anthony Mundine; Mr Jeff McMullen, AM; Mr Gerry Georgatos, Indigenous suicide prevention; and many others from the diplomatic corps, the community; and the health and education sectors.

(3) That this House notes that:

(a) NIHRA awards the Dr Yunupingu Award to an Aboriginal and/or Torres Strait Islander person who has made a significant contribution to the advancement of human rights for Aboriginal and/or Torres Strait Islander Peoples; and

(b) this year's finalists were:

(i) Rachel Perkins, a celebrated filmmaker and the founder of Blackfella Films, a production company responsible for many award-winning films, television shows and documentaries with a particular focus on Indigenous Australian stories;

(ii) Dr Mark Wenitong, a doctor who has dedicated his medical career to improving the health and welfare of Aboriginal and Torres Strait Islander peoples in Far North Queensland;

(iii) Kerry Arabena, a former social worker who has developed the Australian model of the "First 1000 Days", an Indigenous-led initiative which seeks to provide a coordinated, comprehensive intervention to address the health and nutritional needs of Aboriginal and Torres Strait Islander children; and

(iv) Mervyn Eades, a human rights campaigner who has dedicated his life towards "closing the gap" in the prison system by founding the Ngalla Maya program, which provides mentoring, training and education to help prisoners secure employment after release.

(4) That this House congratulates Mervyn Eades on winning the Dr Yunupingu Human Rights Award 2017 and congratulates the wider NIHRA community on a successful night and wishes them the best in all future endeavours.

Motion agreed to.

MARK HUGHES FOUNDATION

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

(1) That this House notes that:

(a) on Friday 19 May 2017 Mr Tim Gilbert of Channel 9's *The Today Show* and Mr Sam Alhaje, Mr Tyler Denawi and Miss Kat Hoyos of Channel 9's *Here Come the Habibs* attended Bronte Public School to raise awareness and raise funds for the Mark Hughes Foundation's Beanies for Brain Cancer Campaign;

(b) the Mark Hughes Foundation was formed to raise much-needed funds to promote research and heighten awareness of brain cancer and to support brain cancer patients, both children and adults, and their families within the community; and

(c) since it was formed in 2013 the Mark Hughes Foundation has already contributed to:

(i) a Brain Cancer Biobank;

(ii) various travel grants to allow brain cancer researchers to attend international conferences to present their work and establish important research collaborations;

(iii) a dedicated Brain Cancer Care Nurse at John Hunter Hospital, which has not only assisted many patients and their families in the Newcastle region, but is also part of a wider research project to quantify the cost-benefits of government funding of positions like these across the country; and

(iv) a communal brain cancer research register with Brain Cancer Biobanking Australia.

(2) That this House acknowledges and commends the Mark Hughes Foundation for its outstanding work in raising awareness of brain cancer and funds for brain cancer research, equipment and patients.

Motion agreed to.

NATIONAL INDIGENOUS HUMAN RIGHTS AWARDS—ANTHONY MUNDINE AWARD FOR COURAGE

The Hon. SHAOQUETT MOSELMANE (11:12): I move:

(1) That this House notes that:

(a) the fourth annual National Indigenous Human Rights Awards [NIHRA] were held at Parliament House in Canberra on 10 May 2017;

(b) since its inception in 2014, NIHRA has become the premier event that recognises the significant work needed to improve the lives of Aboriginal and Torres Strait Islander peoples in the twenty-first century; and

(c) this year's event was especially significant because it also coincided with the twenty-fifth anniversary of the momentous *Mabo v Queensland (No 2)* decision handed down by the High Court recognising native title.

(2) That this House notes that those who attended the awards included Northern Territory Senator, the Hon. Malarndirri McCarthy; Ms Linda Burney, MP, shadow Federal Minister for Human Services; Mr David Harris, MP, shadow Minister for Aboriginal Affairs; Ms Rachel Stephen-Smith, Australian Capital Territory Minister for Aboriginal and Torres Strait Islander Affairs; Mr John McKenzie, Legal Services Commissioner; Dr Helen Watchirs, Commissioner—ACT Human Rights Commission; Mrs Bonita Mabo; Ms Gail Mabo; Miss Maris Mabo; Miss Kyrstal West; Miss Maleta Mabo-Cornhill; Miss Hannah Duncan; Mr Tauto Sansbury, Garridja Aboriginal Cultural Consultancy; Mr Anthony Mundine; Mr Jeff McMullen, AM; Mr Gerry Georgatos, Indigenous suicide prevention; and many others from the diplomatic corps, the community; and the health and education sectors.

(3) That this House notes that:

(a) NIHRA includes the Anthony Mundine Award for Courage, which recognises an Aboriginal and/or Torres Strait Islander person who has displayed significant courage and determination in his or her advocacy of Aboriginal and/or Torres Strait Islander peoples; and

(b) this year's finalists were:

(i) Clinton Pryor, a community activist from Western Australia who has been walking across Australia from Perth to Canberra in order to raise hope among Aboriginal and Torres Strait Islander peoples in their ongoing struggle for rights;

(ii) Joe Williams, a former athlete, published author and passionate advocate for mental health issues, who has been recognised for his work in suicide prevention and breaking the stigma surrounding mental health problems;

(iii) Dr Meg Williams, a Senior Research Fellow at the Aboriginal Health and Wellbeing Research Team at Western Sydney University who has undertaken significant research into the reduction of imprisonment rates; and

(iv) Professor Chris Sarra, a teacher and academic who has dedicated his life to championing Indigenous education, and improving education methods and outcomes through his "Stronger Smarter" approach.

(4) That this House congratulates Professor Chris Sarra on winning the Anthony Mundine Courage Award 2017 and congratulates the wider NIHRA community on a successful night and wishes them the best in all future endeavours.

Motion agreed to.

Documents

TABLING OF PAPERS

The Hon. SCOTT FARLOW: I table the following reports:

(1) Annual Reports (Statutory Bodies) Act 1984 and Public Finance and Audit Act 1983—Report of Technical Education Trust Funds for the year ended 31 December 2016.

(2) Annual Reports (Statutory Bodies) Act 1984 and Public Finance and Audit Act 1983—Report of Wild Dog Destruction Board of New South Wales for the year ended 31 December 2016.

I move:

That the reports be printed.

Motion agreed to. [*During the giving of notices of motions*]

Notices

PRESENTATION

The PRESIDENT: Order! I remind members that when notices are being given members should be heard in silence.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DON HARWIN: I move:

That Government Business Notices of Motions Nos 1 and 2 be postponed until a later hour.

Disallowance

SERVICE NSW (ONE-STOP ACCESS TO GOVERNMENT SERVICES) AMENDMENT (APPROVED PERSONS) REGULATION 2017

The PRESIDENT: Pursuant to standing orders the question is: That the motion of the Hon. Adam Searle proceed as business of the House.

Question resolved in the affirmative.

The Hon. ADAM SEARLE: I move:

That the matter proceed forthwith.

Motion agreed to.

The Hon. ADAM SEARLE (11:26): I move:

That under section 41 of the Interpretation Act 1987 this House disallows the Service NSW (One-stop Access to Government Services) Amendment (Approved Persons) Regulation 2017 published on the NSW Legislation website on 19 May 2017.

Last Friday the Government enacted this regulation without fanfare. No attention was drawn to it and the Government did not tell anybody—it was just quietly, silently, buried deep in the *Government Gazette*. This is an example of a practice we have seen increase in the last several years where legislation is passed with important details missing, to be filled in afterwards by the government of the day. In the past those were incidental ancillary machinery provisions but now the substance of a lot of legislation that governs our daily life is the subject of these regulations. Without these regulations, the framework legislation would have no meaning or no work to do. This is approaching what are colloquially known as Henry VIII clauses, where the real business of government happens at the stroke of a pen, in Government House, with a handful of Ministers and the Governor, without telling the people of the State what is happening. Even a casual observation of this regulation should reveal that it is not satisfactory.

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

The Hon. ADAM SEARLE: The regulation which I have moved to disallow has implications for the delivery of core government services and for the privacy and confidentiality of the personal details of citizens of this State presently held by the Government. We think that, at its heart, this regulation reveals an intention by the Government to privatise Service NSW. This is no small step—it is a significant step.

The Government has extolled the virtues of Service NSW as one of its flagship policies, despite an Auditor-General's report that dismantled the business case and assumptions and despite its obvious failings. Those failings include the savage cut of 25 per cent of the operating hours of Service NSW late last year and recent reports that some 1,600 drivers licences had become lost—possibly stolen—in the mail because they are no longer printed on site. The Government has continued to ignore those failings and continued to talk about what a great success Service NSW has been. In establishing Service NSW the Government shut down or merged something

like 40 different government agencies. The model is based on the idea that all personal records, registration and licensing should be recorded through a single government source.

Examples of the services offered by Service NSW include the registration of births, deaths and marriages; licensing, including drivers, fishing, building, and firearms for security and private investigators; business registrations; the registration of vehicles; capacity assessment for drivers and riders and the disabled; quality assessment of vehicles that are used on our roads and waterways; and dealing with interstate registrations and licensing for increasingly transient communities. It does not take a great deal of imagination to understand the sheer breadth of private and personal information for every service provided by Service NSW. Service NSW will know more about individuals than the people with whom they are living. Protection of private information is at the core of this disallowance motion. The regulation lists seven new private companies that in the future—unless the regulation is disallowed—will have access to people's private and personal information and have the authority to operate under Service NSW.

There is a requirement for the holder of any driver licence to register with Service NSW a range of medical conditions including mental health, seizures, dizzy turns, prosthetic conditions and eyesight. Some of this private medical information is secured tightly by individuals and sometimes it is withheld from other family members. There is a requirement for driver licence holders to supply current up-to-date addresses. In domestic violence and broken family scenarios a person's address can be a tightly held secret. That information is trusted to the New South Wales Government because it needs to run information databases and it is used for regulatory purposes.

It is one thing to trust governments with the information and it is another thing to trust for-profit private operations. Those are just a couple of examples. Labor is concerned about for-profit private organisations having access to this information without the oversight of government agencies. Things such as the Government Information (Public Access) Act and oversight mechanisms do not apply to these companies even when they are undertaking government work—an important omission. The people of this State did not sign up for that. The Government did not come in through the front door and propose legislation to effect this change; it simply made a new regulation.

I will deal with three arguments that the Government might raise. First, there are already allowances for authorised persons and external operators to access information in Service NSW. The Government might say it is about increasing contestability in the market and that there is no intention to privatise the Service NSW operation. It is true that there is already an approved category of persons with access to the database—that is, Datacom Connect Pty Limited, which was listed as an authorised person by regulation about two years ago. That was to allow the upgrading of the online interface between customers and Service NSW. At the time Datacom Connect was allowed to access Service NSW as an authorised person.

It was important that an external agency with specialised skills be brought on board to build the information technology interface. That was something new and different that this company was able to offer the people of New South Wales and the Government. It could be argued, therefore, that the skills offered were new, separate and different. If we look at the other seven companies that are now on the list it cannot be argued that the skill sets they offer are unique or rare. What are they? They are call centre workers, marketing operations and the delivery of government services. There is no way that this Government could dress up those three functions as not presently being available through the activities of public servants.

For hundreds of years public servants have kept and maintained public records and delivered services. The people who work for Service NSW do that. No new specialised set of skills will be provided by the seven new companies. Therefore logic suggests that this step is to further hollow out and privatise the operation of Service NSW without having the courage to call it that and to legislate directly. The Government has a private offshore call centre, which it snuck through without telling anybody. In 2014 and 2015 it was the subject of interplay at budget estimates. The relevant Minister at the time did not do himself or the Government any favours by fencing and weaving around the question.

The point is that outsourcing already exists, so why the regulation? It can only be because the Government wants to do something fundamentally new and different. That leads to why Labor thinks the regulation should be disallowed. If the Government wishes to change course it should come in through the front door, put the legislation on the table, persuade people it is a good thing and not do it by regulation. Turning to the issue of market testing, naming a limited number of private operators is the antithesis of market testing and an open market. Anyone wanting to test the market for the provision of services would call for tenders and expressions of interest. The Government has not done that. It has proceeded to name individual companies, which I will come to in a moment.

None of the arguments that have been whispered around these corridors for the past few days really cuts the mustard. It is clear that the Government is hell-bent on a further privatisation agenda. It has sold the electricity distribution companies and the Land and Property Information operation. It has privatised the Newcastle transit system and it now proposes to privatise bus routes in the inner west. Not sated with this drunken privatisation spree it wants to privatise Service NSW. Which are the seven companies with which the Government wants to do business?

The Hon. Dr Peter Phelps: You wanted to do it. Remember you are right-wing Labor now.

The PRESIDENT: Order! I call the Hon. Dr Peter Phelps to order for the first time.

The Hon. ADAM SEARLE: I invite members to reflect on what these companies represent. If they do not support the disallowance motion they will be voting for the Government doing business with every one of these companies. Which are the seven companies? Concentrix Services Pty Limited incorrectly withdrew tax credits in the United Kingdom and is now having its government contract pulled from hundreds of centres. Employees in the United Kingdom will be transferred to a government department because of the misconduct of that company. Peakbound Holdings Pty Limited specialises in contact centres for the financial services sector. It is one of a number of companies known to use aggressive call centre techniques including calling members of the public a number of times a day and at night, and sending text messages.

The Probe Group specialises in outsourcing business services, including debt collection. It is part of the aggressive $2.9 million Centrelink repayment debacle that involves many individuals who are having collection action taken against them even though they were not aware they owed Centrelink a debt. As I said, it uses aggressive call centre techniques such as calling members of the public many times a day and at night, and sending text messages. Salmat Marketing Solutions was referred to by the *Sydney Morning Herald* as a junk mail company. Last year it was responsible for the leak of Australian Tertiary Admissions Rank results. It assists Australian companies offshore and reduces wage costs. Serco Citizen Services is not unknown in Australian political discourse. It is a British outsourcing company. The chief financial officer wrote a guide to outsourcing and states:

> Looking after your employees is the most difficult emotional hurdle to overcome. However, ensuring that employees are looked after will have implications to the cost for the outsourcer as they will often have to employ those staff on the same terms.

It is almost as though it thinks that is a bad thing. He further states:

> There is a possibility that the employee's length of tenure with their current employer may have to be recognised. But, if you plan ahead these issues can be avoided.

Is this a company with whom we want our State Government to be doing business? Research produced by the Community and Public Sector Union concerning Stellar Asia Pacific found that in the 2014-15 financial year it reported an income in this country of $122 million but paid only $2 million in tax. It obviously has very good accountants. Telco Services Australia provides outsource services, including inbound and outbound call centre support, telemarketing and a number of other like activities. In 2011 the Fair Work Ombudsman commenced litigation in the Federal Court against that company and another for incorrectly classifying 10,000 sales staff as independent contractors, instead of employees, costing workers their entitlements such as annual leave and a proper rate of pay. That was corrected, but 10,000 employees is more than a small oversight. That is another company that is said to be using aggressive marketing call centre techniques such as calling members of the public many times a day and at night, and sending text messages. This is just the tip of the iceberg. These are some of the features of the companies with which the Government wants to do business through Service NSW.

I ask members to reflect on the nature of those companies. If the Government wants to persuade the Parliament to do business with those companies it should do so through an open tender process or through open and proper debate in the Chamber. Let me park that issue to one side. Why list those seven companies if it does not want to transfer more operations conducted by Service NSW from the hands of government employees to the hands of private corporations? It is clear that it wants to transition to a private operation, otherwise it would not have produced this legislation. We think the case is unarguable. We urge members to disallow the regulation. If the Government wants honestly and openly to pursue this policy agenda it should do so in the proper way, which would be through legislation in the House or through an open tender process.

The Hon. SCOTT FARLOW (11:40): The people of New South Wales rightly expect to access New South Wales government services quickly, conveniently and simply, and they expect services to be delivered in ways and at times that suit their busy lives. We know people have busy lives and it must be frustrating for them to wait in long queues in a single siloed shopfront or to be put on hold while trying to phone for information because they cannot find government information on the internet. This Government has a strong commitment to putting the citizen at the heart of customer service delivery. We want residents and businesses to have the benefit of service improvements and technology that is commonplace in many other countries and cities.

That is why, in July 2013, we launched the government agency Service NSW. This agency has reshaped government to focus on the needs of citizens, not on the needs of government. Service NSW is delivering on the Government's commitment to make it easier for citizens to do business with government, no matter where they live. When Service NSW started, a fragmented and frustrating system had hundreds of generally single-service shopfronts, 100-plus call centres, hundreds of unique websites with at least 50 providing transactional capability, and thousands of government telephone numbers. Now customers have one place to go for all their transactional needs.

The Hon. Shayne Mallard: They love it.

The Hon. SCOTT FARLOW: They do; I note the interjection. Apart from the step change in customer service, evidenced by the high customer satisfaction scores and a highly engaged team of customer staff, Service NSW has simplified access to government services, improved the customer experience and empowered customers to self-select their service channel experience. The integrated and greater education of a variety of channels plus the one-stop service means the citizen has a greater awareness and greater opportunity to self-select a service channel. Service NSW also offers more digitised transactions and services. It has increased the digital take-up of transaction services by citizens, realised asset value through the sale of government properties and enhanced our analytical and customer insight, thus reducing costs and increasing efficiencies.

Service NSW has adopted cloud-based technology, spearheading the New South Wales Government ICT Strategy as a model for enabling technology for service delivery, improving compliance and data security yet adhering to principles of open government. This enables service channels for smaller scale agencies which are taking advantage of the Service NSW channel footprint to provide a greater reach of services. It also enables Service NSW to scale up, providing overflow services to other agencies such as the Rural Fire Service, the Office of Local Government and, most recently, the State Emergency Service, and sometimes with only hours of notice.

We have consolidated shopfronts and reduced duplicated shopfronts but we have expanded services through Service NSW. Those services are providing greater coverage than some agencies had before—such as Fair Trading—through the one-stop shop experience with extended trading hours and access to so many more transactions than siloed shopfronts. It allows customers to go to one location for many of their needs. I am confident that Service NSW is continuing to fill the promise set by this Government to improve customer services, respond to the growing appetite of customers for digital transactions while delivering a multi-channel experience to the citizens of New South Wales.

A key customer service platform is the Service NSW contact centre, which complements the one-stop shop and digital networks. The contact centre offers a single contact point for customers, providing services for more than 50 government agencies through one number—137788. Our two contact centres are based in Parramatta and Newcastle and are key employment hubs in Sydney's west and on the Central Coast, which I am sure the newest member in this Chamber, the Hon. Taylor Martin, will be happy to hear. Collectively, they employ more than 400 staff, with 270 being employed on a permanent full-time basis. Each year, the dedicated team at the contact centre serves more than five million customers, offering end-to-end transactions such as tolling, registration renewal, technical advice, as well as general advice.

When the contact centre was established in July 2013, it was set up under a blended model in which the majority of calls were answered by Service NSW staff and after-hours and overflow calls were handled by an outsourced provider. As mentioned, the blended model arrangement has been in place since 2013, so contrary to claims, it is not new. It has allowed Service NSW to scale up and down to suit customer and client demand. The model has enabled Service NSW to offer a wider range of services through its contact centre without compromising on customer service. It has also helped the Government to meet its commitment to customers to ensure that services and transactions are available for when customers require them most, such as during times of disaster.

Earlier this year, as parts of the State were experiencing their hottest days on record with temperatures approaching above 45 degrees, Service NSW was able to quickly deploy its contact centre to offer support for the NSW Rural Fire Service. The solution which was deployed meant that when customers called the bushfire information line, their call could have been answered by a team member from Service NSW. The calls were then triaged and escalated to the NSW Rural Fire Service on an as-needs basis. The assistance that the Service NSW contact centre provided on this day allowed emergency services to focus on their core business of supporting communities in fire-affected areas. On that day Service NSW responded to 710 calls over a 9½ hour period, achieving a service level of 96 per cent, and it had a maximum wait time average of a little more than three minutes. Through its blended model Service NSW was able to quickly offer emergency services with support and assistance without compromising the core services it offers to customers on a daily basis. Thank God it did.

What do the changes mean? Since 2013 Service NSW has retained the services of a sole provider, Datacom, because no other arrangement existed. The recent changes have been introduced to allow Service NSW to bring on other business partners to provide customer services on their behalf. The recent legislative change was required as part of a tender process to create a panel of outsourcers to achieve maximum value for taxpayers while continuing to ensure a greater quality of service. As part of the tender process, Service NSW leveraged the existing panel of suppliers to the Australian Taxation Office [ATO], drawing upon the best practice capability in the market. The Australian Tax Office has maintained outsource contact centre arrangements since 2006 and in 2012 it established the Outsource Labour for Service Delivery Panel as a whole-of-government initiative. The Australian Tax Office sought to enhance the contact centre arrangement to include a multi-supplier outsource model, including high utilisation of suppliers from the panel, driving economies of scale for the whole of government, and delivering value for money with significant efficiencies and savings. The ATO panel is a robust and tested solution.

As Service NSW scales up and increases the range of services it delivers for the citizens of New South Wales, it must have a delivery model that is efficient, scalable and responsive to change. Use of outsource providers as the need arises for answering simple calls is a solution that makes sense in respect of service delivery, and the panel arrangement makes sense in guaranteeing the best result for the New South Wales taxpayer. Contact centres have experienced significant growth in customer demand compared to previous years and will be required to cater to more customers. Service NSW is a success story of this Government, which is delivering a new era in customer service in New South Wales. Instead of having to go to multiple locations, websites or calling different phone numbers, customers can complete all transactions at one location using one digital platform and one phone number. Service NSW enables customers to undertake more than 970 transactions, and it is growing. Customers can do everything in the one visit—from applying for a birth certificate or seniors card, renewing a driver licence or a vehicle registration to paying Housing NSW rent or a fine. Since launching in July 2013, Service NSW has delivered exceptional services, with more than 70 million customer visits across our multiple channels.

The Hon. Dr PETER PHELPS: It has been a triumph.

The Hon. SCOTT FARLOW: I note the interjection from the Hon. Dr Peter Phelps that it is a triumph for this Government. I hear constantly from the citizens of New South Wales that they are glad the Government introduced it. The network is still growing and we are continuing to develop new solutions to meet the growing customer appetite to transact online. In less than four years the business has grown from a start-up to now serving more than one million customers per week either face to face, over the phone or of course online. Service NSW continues to make a difference to the way in which people deal with government. It has been recognised by other governments here and overseas as best practice. Service NSW one-stop shops have already received positive feedback from citizens. The Service NSW team is consistently receiving 97 per cent customer satisfaction scores, unchanged since its inception, which is an enviable result for any enterprise.

The Hon. ROBERT BROWN (11:50): On behalf of the Shooters, Fishers and Farmers Party, I support this disallowance motion. I listened carefully to the contribution of the Hon. Scott Farlow, who was full of glowing praise for Service NSW. But let me provide members with some history. Approximately two months ago the same organisation, and maybe its single provider, sent 3,000 pieces of mail containing highly secure information, which included 140 firearms licences, to the wrong addresses. Between 2008 and 2010 Sergeant David Good, a police whistleblower, brought to my attention the fact that a pencil-necked bureaucrat in the NSW Police Force decided it was a good idea to download the encrypted computerised operational policing system [COPS] on firearms licences into an open database at the police centre in Sydney so that bureaucrats could better check the progress of local area commands carrying out firearms safety security checks.

I told the Minister, who might have been the Hon. Tony Kelly at that time. He asked Dave Owen, a superintendent at the time, to look into the matter. Two days later I was told that I was imagining things but a week later I received an apology after it was established that the database had been downloaded for two years. At the same time the Roads and Traffic Authority discovered that its information technology department was employing the boss of one of Sydney's bikie gangs. Not long after the Government introduced the infamous Firearms Amendment (Ammunition Control) Bill 2012, which I am sure all members remember. During debate on the bill I was called to order and I had to apologise for calling members of The Nationals names over their conduct in the Legislative Assembly—they stood behind the Speaker's chair to avoid voting on the bill.

The Shooters, Fishers and Farmers Party has been consistent in its claims, which are supported by evidence, that those security breaches have caused issues for firearms owners. One of the great things about the firearms licensing regime is that the security of firearms in the distributed models is effective until such time as government departments screw up, as they did with the downloading of a secure database, which enabled anyone to access the database without having to log in. When the Government introduced this legislation it was warned that it would create problems for ordinary citizens.

After the firearms legislation was introduced the firearms register was stolen and the number of break and enters of homes targeting firearms safes increased. This week the Government will introduce the Firearms and Weapons Legislation Amendment Bill 2017 to amend ammunition regulations and hopefully increase security for those who hold firearms. At the same time as it is planning to increase security this Government is introducing a regulation that will only lead to a worsening in firearms security. Members will remember when 3,000 items disclosing confidential information relating to disability services were mailed all over New South Wales.

Does this Government seriously believe that by increasing the number of subcontractors who handle this data it will be providing a better level of security? I do not think that will be the result. The Shooters, Fishers and Farmers Party supports the disallowance motion, which will ensure that the 237,000 licensed shooters in this State—47,000 of whom are primary producers—know what is going on. The Government should think more carefully before taking steps in the name of efficiency. It might be good to increase the business of Service NSW but it cannot be said that this will be carried out without fault when citizens in New South Wales have already had their personal details mailed to the wrong people. For that reason alone the Shooters, Fishers and Farmers Party supports the disallowance motion.

Mr JUSTIN FIELD (11:56): On behalf of The Greens I support the disallowance motion moved by the Hon. Adam Searle. The Service NSW (One-stop Access to Government Services) Amendment (Approved Persons) Regulation 2017 makes reference to section 12 (1) of the Act, which states:

> (1) The CEO may enter into an agreement with an approved person for the person to act as an agent for the CEO in providing customer service functions on behalf of the CEO.

As outlined by the Opposition, the Government proposes to include seven businesses that will add to the services provided by Service NSW. I listened to the contribution of the Hon. Scott Farlow on behalf of the Government and I listened also to the contribution of the Hon. Robert Brown on behalf of the Shooters, Fishers and Farmers Party. The Hon. Scott Farlow said that Service NSW provides a great and improved customer service and that customers now have the ability to self-select their user experience. However, at the end of the day people just want to be able to obtain a licence, lodge a form or pay a bill.

The Hon. Scott Farlow: And they are happy with the system.

Mr JUSTIN FIELD: They might be happy with the system but we must take into account all the concerns that have been raised. Last year the media referred to a reduction in the opening hours of Service NSW and to a reduced number of outlets, which supposedly has led to improved user experience. Some elements have been shared for scalability but almost all the services provided by Service NSW have been delivered by the public service. What is the logic behind the Government's proposal to add seven businesses and what services will be provided? Earlier the Hon. Adam Searle asked the Government why it did not put the provision of these additional services out to tender. As was said earlier, these seven new entities will not just provide support services. Serco, for example, will provide whole-of-government services in places such as immigration detention centres and defence establishments, and it will also provide infrastructure, so it will be providing much more than support services.

What other aspects of Service NSW will be taken over by these bodies if this regulation is approved? I have a notice of motion on the *Notice Paper* that outlines the extent of the Government's privatisation agenda since 2011.This Government has sold off essential public services and assets totalling $53 billion, many of which were monopolies. This Government's objective is to sell off services wherever possible, but the community is asking what has been received in return for that $53 billion. We have some half-finished toll roads and some train lines but very little has been provided for the country.

The Hon.Walt Secord: Nothing for the country.

Mr JUSTIN FIELD: There has been very little for country and regional New South Wales. Communities are wondering what they have got from all this privatisation. Why does the Government continually pursue this approach when the community just wants to ensure that services are available and affordable? It comes back to the question: What is the Government's intention with this regulation? The Parliamentary Secretary did not spell that out. The Greens will support the Opposition's disallowance motion.

The Hon. PAUL GREEN (12:00): I have listened carefully to the contributions of members. Taking into consideration our long history in these types of votes, and given what the Parliamentary Secretary has said, we have confidence that the Government is on the right track. I acknowledge that the Hon. Adam Searle has real concerns and he raised them well, as the Opposition always does, but we will vote with the Government on this matter.

The Hon. ADAM SEARLE (12:01): In reply: I thank the Hon. Paul Green, Mr Justin Field, the Hon. Robert Brown and the Parliamentary Secretary for their contributions. In his contribution the Hon. Robert

Brown of the Shooters, Fishers and Farmers Party raised a matter that encapsulates the heart of our concern—that is, the security of personal and private information held by government agencies. It was revealing that in his contribution the Parliamentary Secretary did not answer any of those concerns. His contribution was full of glib statements about value for money and customer service. None of those things is at issue in this matter. What is at issue is why the Government is proposing to add seven new named companies to the list of authorised entities that can perform the operations of Service NSW.

The Hon. Robert Brown: I think the Privacy Commission would liked to have been consulted on this.

The Hon. ADAM SEARLE: I acknowledge the interjection. Also missing from the contribution of the Government speaker in this debate was any response to the concerns about those seven named companies to which we referred. I ask the Parliamentary Secretary and members to consider whether the Government has done its due diligence with regard to those companies. A vote against this disallowance is a vote to do business with every one of them. More than that, it is a vote to transfer personal and private information held by government to private corporations without the protection provided by the oversight and accountability mechanisms that operate in relation to government agencies. Make no mistake, outsourcing removes from oversight the activities that government currently performs. That is our concern and it is the issue the Government has not addressed. I urge members to vote to disallow this regulation so that the Government can reflect on these matters. If it still thinks this is a good policy agenda it can come through the front door with a bill and outline why it wants to do business with these seven named companies.

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

The House divided.

Ayes 18
Noes 18
Majority.....0

AYES

Borsak, Mr R	Brown, Mr R	Buckingham, Mr J
Donnelly, Mr G (teller)	Faruqi, Dr M	Field, Mr J
Graham, Mr J	Mookhey, Mr D	Moselmane, Mr S (teller)
Pearson, Mr M	Primrose, Mr P	Searle, Mr A
Secord, Mr W	Sharpe, Ms P	Shoebridge, Mr D
Veitch, Mr M	Walker, Ms D	Wong, Mr E

NOES

Amato, Mr L	Blair, Mr N	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Farlow, Mr S
Franklin, Mr B (teller)	Gay, Mr D	Green, Mr P
Harwin, Mr D	Khan, Mr T	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Martin, Mr T
Pearce, Mr G	Phelps, Dr P	Taylor, Ms B

PAIRS

Houssos, Ms C	Mason-Cox, Mr M
Voltz, Ms L	Mitchell, Ms S

The PRESIDENT: Order! The vote being equal, I refer honourable members to Standing Rules and Orders No. 116, which states:

> If the numbers voting for each side are equal, the Chair must give a casting vote. The Chair may give reasons for the casting vote and those reasons may be entered in the Minutes of Proceedings.

I have looked at past rulings of former Presidents, and two in particular. The first, a ruling of President Johnson in 1990, states:

> In relation to subordinate legislation the practice of the House is governed by the principle that no proposal to reject or amend a bill or instrument in the form in which it is before the House shall be agreed to unless there is a majority in favour of such rejection or amendment.

The second, a ruling of President Burgmann in 2001, states:

> When there is inequality of votes the Chair casts a vote so as to maintain the status quo.

Based on those rulings, I give my casting vote with the noes and declare the question to be resolved in the negative.

Motion negatived.

Bills

PROTECTION OF THE ENVIRONMENT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2017

First Reading

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

The Hon. DON HARWIN: I move:

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

Motion agreed to.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

FIREARMS AND WEAPONS LEGISLATION AMENDMENT BILL 2017

First Reading

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

Second Reading

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (12:16): I move:

That this bill be now read a second time.

The Firearms and Weapons Legislation Amendment Bill 2017 amends the Firearms Act 1996 and the Weapons Prohibition Act 1998, and the respective regulations, to provide for the updated National Firearms Agreement [NFA], National Firearms Amnesty and miscellaneous firearms and weapons amendments. In 1996 when all firearms were categorised and the original NFA was drafted, fundamental aspects of the regulation of firearms in this country were agreed. This put Australia in the enviable position of having one of the most effective firearms regimes in the world. The Joint Commonwealth-New South Wales review into the Martin Place siege recommended an update to the "technical" elements of the NFA.

Nothing in the "technical update" of this bill changes Australia's 20-year approach to firearms regulation: Firearm owners must still be licensed; individuals must still have a genuine reason to possess a firearm; personal protection is still not a genuine reason to acquire a firearm licence; firearms must still be registered; and permits to acquire are still needed for each additional firearm. The technical update to the NFA will: streamline the NFA so it is easier to follow; add an opening statement setting out the purpose of the agreement and firearms regulation more broadly; incorporate the 2002 national handgun agreement and other ministerial decisions so the NFA is now the single reference point for firearms regulation; and make machinery changes to its wording and structure. This bill updates the laws in New South Wales to reflect the new NFA and make other related changes.

At the same time as the technical update was occurring, concerns arose regarding the importation of a certain brand of lever-action shotgun. The Commonwealth placed a ban on the importation of lever-action shotguns of more than five rounds to allow time to consider whether lever-action shotguns were categorised correctly. The ban was not at the instigation of the New South Wales Government, nor did it prohibit lever-action shotguns from being possessed or used. Lever-action shotguns of five rounds and under have continued to be acquired in New South Wales. Significant debate and consultation has occurred at State and Commonwealth levels regarding lever-action shotguns.

As a result, the categorisation of lever-action shotguns has changed in the NFA, and amendments in this bill reflect the final, nationally endorsed, NFA. There will be some special provisions to "grandfather" those already licensed for these firearms, which I will come to later. The updated NFA re-categorises rimfire rifle/shotgun combinations as Category A firearms, which reflects the existing New South Wales provision. The bill provides for a transition period of three months so that the NSW Police Force can implement the changes.

Other amendments to the Firearms Act and the Weapons Prohibition Act address issues arising from court decisions, were recommended by the New South Wales Firearms Registry to improve operations, or were requested by stakeholders to improve the legislation. Amendments to the regulation are consequential and also provide for New South Wales' participation in the three-month National Firearm Amnesty, which commences on 1 July 2017. The amnesty is a key outcome of the Commonwealth and State review of the Lindt cafe siege. It is designed to encourage people with an unregistered firearm to surrender it, register it and/or get a licence for it.

I now turn to the details of the bill. Schedule 1 deals with amendments to the Firearms Act 1996. An amendment to the section 4 definitions will clarify that a disassembled firearm is still a firearm if, when re-assembled, it would be a firearm or prohibited firearm. This does not change the fundamental definition of a firearm, but provides clarity for the courts. An amendment to section 4D reduces red tape and simplifies processes by removing the requirement for a "Permit to Acquire" [PTA] for imitation firearms. A PTA is the commissioner's approval for an individual to purchase a firearm, and it facilitates the auditing and tracking of registered firearms. As imitation firearms do not have to be registered, a permit to acquire an imitation firearm serves no practical purpose. Permits to possess or use an imitation firearm will still be required, which provides the necessary safeguards for these firearms. This is supported by a consequential amendment to section 51.

Throughout the bill, including, first, at new section 40 (2), legislative notes will clarify that a "pistol" includes a "prohibited pistol". The 2009 Court of Criminal Appeal decision of *Thalari v Regina* held that the definition of "pistol" at section 4 already encompasses a "prohibited pistol" but, for abundant clarity, we are expressly noting this throughout the Act. Amendments to section 8 and schedule 1 to the Act provide for the re-categorisation of lever-action shotguns from Category A. Lever-action shotguns of five rounds or under will be Category B and those over five rounds will be Category D. Current legitimate lever-action licence holders have done no wrong. Their firearms have not significantly featured in crime. Accordingly, the bill creates a grandfathering provision, which will be in new part 10 of schedule 3 to the Firearms Act. Those currently with a Category A licence who own a lever-action shotgun may be issued with a Special Category B licence, at no cost, if they do not already have a Category B or Category D licence.

The grandfathering provisions apply only for the particular lever-action shotgun registered to the person, and only while that shotgun remains registered in their name. The provisions cease if the shotgun is supplied to another person or is lost, stolen or destroyed. Grandfathering applies to the firearm, not the person. I understand that only a few hundred licence holders will qualify for the Special Category B licence. If someone with the Special Category B licence wished to acquire another lever-action shotgun, they would need to apply for the Category B or D licence and meet those criteria. Grandfathering will apply only to current legitimate firearms licence holders, not to those with merely a Permit to Acquire for a lever-action shotgun. Part 10 also provides for New South Wales to recognise any transitional arrangements set up in other jurisdictions.

I now return to the details of the bill. Section 8 is also amended to give effect to one other significant change in the updated NFA. The 1996 NFA limited primary producers to only one Category D firearm for the genuine reason of pest control activity. The new NFA sets no limit on the number of these Category D firearms. This enables jurisdictions to determine what limits are appropriate. New South Wales supported this change to the NFA, but has decided to allow no more than three registered Category D firearms for pest control purposes. This recognises the legitimate needs of primary producers while maintaining robust regulation of Category D firearms. Allowing up to three Category D firearms, however, raises a potential issue about which firearm could be used on which property if, for example, a licensee is a primary producer or the owner/lessee/manager of land used for primary production, and the licensee is participating in a government-authorised pest eradication campaign. A further amendment to section 8 makes it even clearer that the licence holder is authorised to use the Category D firearm only on the rural property specified in the licence.

Firearms regulation in New South Wales provides an appropriately rigorous regime to manage legal firearms at the same time as minimising the chance of these legal firearms ending up in the illegal market. However, this regime is undeniably complex. The remainder of the bill includes amendments to the Act to provide clarity, address anomalies, further remove red tape or improve the management of legal firearms. This, in turn, ensures that law enforcement resources can be best used to focus on combating illegal firearms. New section 78 and amendments to sections 10 and 30 bring the Act into the electronic communication age by allowing for online licence and permit applications, and for electronic notifications by the commissioner. Section 11 and section 29

are amended to remove an inefficiency and to provide clarity to applicants and dealers about the impact of apprehended violence orders [AVOs].

New sections 11 (5) (c) and 29 (3) (c) of the Act will require the mandatory refusal of a firearms application, both licence and permit, where the applicant is subject to an AVO or interim AVO or where an applicant has, at any time within 10 years before the application was made, been subject to such an order. Section 23 (1) currently provides for the automatic suspension of a licence if the licensee is the subject of an interim AVO. However, there is no statutory ground to refuse a firearms application where a person is subject to an interim AVO until court proceedings have occurred. This can take several months and, in the meantime, the firearms application remains in limbo. The new sections will remove this anomaly so the application can be refused where the applicant is subject to an interim AVO. The applicant can reapply if the full AVO is not made and no further charges or orders apply. This would be a fresh application in line with usual processes. Section 44A will be extended so that those who are the subject of an interim AVO cannot be involved in a firearms dealing business.

Section 11 is also amended to restrict the issuing of licences to persons who are registrable persons under the Child Protection (Offenders Registration) Act 2000, including from other jurisdictions. This will be a strict prohibition, no longer requiring an exercise of the commissioner's discretion. In the event they are no longer a registrable person under that Act, they may apply for a firearms licence. Amendments to sections 6B, 16A and 32 of the Act will remove confusion about what constitutes "direct supervision" at shooting ranges for unlicensed persons, and the level of supervision required for those with probationary or minor's licences. Section 6B will now spell out clearly that, for unlicensed shooters, supervision must be one on one—that is, the person supervising the unlicensed shooter is supervising one unlicensed person only. Sections 16A and 32 deal with the supervision of those with probationary or minor's licences and will be supported by the creation of a new clause 133 in the regulation that sets out the factors to be considered by shooting range supervisors for deciding the appropriate level of supervision.

Some of these factors will include: the person being in the direct line of sight of the supervisor, who must at all times be ready and able to give directions and render immediate assistance to the shooter; the general competency of persons being supervised; the firearms proficiency of persons being supervised; the number of persons being supervised and the number who are actively engaged in shooting; and the effect of the landscape and range configuration on the supervisor's obligations with regard to line of sight and rendering assistance. An amendment to section 17A of the Act is designed to provide clarity to clubs and members about their participation requirement, to be consistent with the amendments to the regulation that create part 9A within the regulation. It does not change the current requirements in section 17A (6), but provides further explanation of the compliance period in which the requirements apply.

Section 29 is amended to clarify that a person must have a legitimate reason for possessing or using a firearm. This provides consistency with the regulation, which uses the "legitimate reason" terminology. The amendment does not alter what is expected of a person and the commissioner will continue to use the legislated discretion in determining if a person has a legitimate reason for the permit. Rather, consistent with the rest of the firearms scheme and the National Firearms Act [NFA], it makes it clear that an applicant for a permit must be a fit and proper person—as with a licence—and have a valid reason for wanting the permit and related firearm—again, as with a licence.

The amendment to section 36 is to tidy up the language. The Act currently provides that it is lawful for a dealer to acquire and take possession of a firearm if it is registered within 24 hours. The amendment makes it clear that a dealer can lawfully already have or retain possession of a firearm if it is so registered. Section 42 amendments arose out of the related provision to provide a more equitable system of dealing with safe storage breaches. They will reduce red tape, reduce court time for minor matters, and allow police and licence holders to better address breaches. This is supported by an amendment to schedule 1 of the Firearms Regulation that will allow police to issue penalty notices for safe storage offences. This does not remove police discretion for serious breaches that warrant seizure and court attendance, but gives police a less heavy-handed option if—and only if—the police officer is satisfied that the breach has been rectified or can be rectified immediately.

The bill amends section 45A to respond to an issue identified since the introduction of the Firearms Amendment (Ammunition Control) Bill 2012. That bill introduced a requirement for firearms dealers to record the name and address of persons purchasing ammunition. Security concerns have developed about the requirement for dealers to record addresses when selling ammunition. If this information is stolen from a firearms dealer or leaked, the homes of firearm owners could be targeted for the theft of firearms and ammunition. The NSW Police Force has no objection to removing this requirement, as a person buying ammunition will still be required to provide their name, firearms licence number and details of their registered firearms before purchasing ammunition.

Section 51I addresses a concern about emerging technology. The Civil Aviation Safety Authority [CASA] has regulations that require that an unmanned aerial vehicle drone must not have anything attached that may be dropped or that may threaten public safety. This could include a firearm or prohibited weapon. However, the CASA regulations do not cover the actual use of a firearm that is attached to a drone. With the growing use of aerial drones in both commercial businesses and privately, this amendment is a timely response to this technology. For abundant clarity, section 51I states that a person remotely controlling a device, vehicle, vessel or aircraft to which a firearm is attached is taken to be in possession of that firearm and using it. This will ensure that any remote use of firearms in the future will clearly fall within the firearms regime. To provide flexibility in the future, an exemption enables the Commissioner of Police to approve such possession and use.

The amendment to section 63 is a tidy-up, identified during drafting, to include that a person who may lawfully convert a firearm must only do so under a licence or a permit, which is already provided for in the Act. The note inserted into section 65 and related amendments to sections 65 (3), 67 and 74 arose out of an anomaly identified regarding power tool cartridges. These could be interpreted to fall under the definition of "ammunition, requiring a permit to possess and use", even though the regulation states that devices such as nail guns are not firearms. The amendment will address this inconsistency by including the words, "for any firearm" after the word "ammunition".

The remaining amendments to section 65 and the note in section 65A further clarify the requirements in relation to ammunition, to address an issue raised by stakeholders regarding the interchangeability of .38 calibre special ammunition with .357 magnum calibre ammunition for certain target pistols. The amendment clarifies that the ammunition that a firearm takes includes that which can be safely fired, regardless of the calibre. Section 78A is also a clarification that is designed to ensure that there is no uncertainty with regard to the new National Domestic Violence Order [DVO] Scheme. To remove any doubt, section 78A will now provide that a person subject to a DVO from another jurisdiction will be prohibited from holding a firearms licence or permit in New South Wales, whether or not the interstate DVO expressly prohibits them from having a firearms licence in their home jurisdiction.

Clause 33 is included in schedule 3 to the Act to address an anomaly raised by the Department of Primary Industries, Fisheries. Clause 55 (2) of the Fisheries Management (General) Regulation, prohibits a person from taking any fish in any waters by means of a spear gun that is fitted with an explosive device, that is, a "powerhead". Clause 63 of the Firearms Regulation provides for the issuing of permits for powerheads, but only for the purposes of underwater spearfishing. The two regulations are inconsistent. Clause 63 permits issued since 1 September 2010 are invalid because of the Fisheries Management (General) Regulation provisions. Following legal advice, we are addressing this inconsistency by back-validating the clause 63 powerhead permits. Clause 63 itself is also being amended by schedule 2 to the bill to clarify that a powerhead can only be used by persons engaged in underwater business or employment, and only for the limited purpose of protection from a shark. I turn now to the remainder of schedule 2 to the bill, which makes amendments to the Firearms Regulation.

The new part 9A provides clarity to clubs about the participation requirements of their members, without making these requirements any more onerous. To achieve this clarity, the part defines the compliance period, which has not changed from the current 12 months; clarifies for pistol sports and target shooters how the existing provisions operate, depending on how many pistols they possess and to which pistols these provisions apply; provides that, if the number of pistols changes, so do the compliance requirements; defines "competitive shooting match", "participation" and "shooting activity"; provides for the same requirements and definitions for long-arm sport or target shooters; provides the requirements for members of approved hunting clubs and defines hunting club events; provides the requirements for members of approved collectors clubs; provides the requirements for Category C clay target shooters; and restates the requirements for shooters who are members of more than one club. Participation requirements have been, and remain, designed to ensure that the possession and use of a firearm under the genuine reason of club membership cannot be abused by criminals as a backdoor means to acquire firearms.

Sporting shooters and club members are legitimate and dedicated sports people and collectors. They work to keep their clubs' activities clean. The requirements support this objective by ensuring active participation is maintained. In addition to the regulation amendment set out in this legislative package the Government will also look at making broader changes to the firearm regulation. It will circulate a consultation draft in due course. As part of that process the Government welcomes further comment from sporting shooters and their clubs regarding the new part 9A provisions.

Clause 98 is another red tape reduction amendment. Currently the commissioner may disclose information to a club but not an association. The change will enable the registry to send to an association a customer's identification number. This would assist the association in correctly identifying individuals and support an electronic transfer of member data from a club to the association and then to the registry. It should also remove

multiple manual data entries currently required by all organisations. The new part 12A provides for New South Wales' participation in the national firearms amnesty, which will be conducted from 1 July this year. All jurisdictions have agreed to participate in a national firearms amnesty, and jurisdictions with a permanent amnesty may undertake special conditions during that time. The key features of the amnesty include: national consistency for the greatest extent practicable, especially to reduce cross-border amnesty shopping; there will be no buyback; and, consistency of message allowing for jurisdictional difference in implementation of the amnesty.

The NSW Police Force is managing the media and communication, and will conduct consultations with firearms dealers about participation in the amnesty. In New South Wales dealers will opt in to ensure they are aware of their responsibilities and expectations. The amnesty will provide for three options: surrender the firearm for destruction with no compensation; have the firearm registered via a dealer; or, hand the firearm to a dealer to be registered and sold. Prohibited weapons may also be accepted if they are surrendered for destruction. In previous amnesties it was not unusual for people to seek to surrender prohibited weapons. Even though it is a firearms amnesty, prohibited weapons may be surrendered for destruction. It is logical to accept these weapons for destruction. There will be an outcomes report based on collected data. Surrender is on a no questions asked basis.

In New South Wales the $10 registration fee will be waived to encourage people to register their firearms. Licence fees will not be waived. To accommodate remote locations, the regulations provide that the commissioner may designate a remote police station as a participating police station. This provides the commissioner with adequate flexibility to implement the amnesty. Moving on from the amnesty provisions, schedule 1 to the regulation is amended to designate certain dealer record keeping and related offences as suitable for police to issue a penalty notice at the scene as well as to retain the option of taking a person to court. These are in addition to the safe storage offences already mentioned.

Schedules 3 and 4 to the bill amend the Weapons Prohibition Act 1998 and the Weapons Prohibition Regulation 2009 to ensure these instruments remain consistent with the amendments being made to the Firearms Act and the regulation. The amendment to clause 35B of the weapons prohibition regulation supports the national firearms amnesty by providing for prohibited weapons to be surrendered. The experience of all jurisdictions during past firearms amnesties is that people will bring prohibited weapons into a police station to be rid of them. All jurisdictions agree that there is value in providing for prohibited weapons surrender. There is no provision in the amnesty to retain the prohibited weapon by permit: it is for surrender only.

Schedule 5 to the bill amends the Criminal Procedure Act 1986 with consequential amendments to include offences relating to remote control devices and aerial drones to be included in the tables. I would like to mention, as strange as it may sound, a change not included in this bill. Concerns have been raised in the firearms community that a licence holder who lawfully borrows a firearm could not lawfully borrow or buy the ammunition needed for the borrowed firearm. Advice from Parliamentary Counsel is that, other than pistols, there is no legal bar on borrowing or buying ammunition from anyone other than a firearms dealer. In light of this legal advice we have not needed to make any amendments and the status quo remains.

These are important amendments that ensure New South Wales accords to a nationally harmonised approach to firearms, and that the firearms regime is responsive to the needs of shooters and the broader community while maintaining public safety. The bill retains the balance between not criminalising legitimate firearm owners and keeping the public safe from firearms that can do significant damage in the wrong hands. The bill provides clarity and corrects anomalies in a complex regime that the Government strives to improve. It must respond to the needs of the legal firearms community while maintaining control of the ever-changing criminal realm that exploits loopholes and engages with new technologies at a frightening pace.

I conclude my remarks by thanking the Minister's office for providing a detailed second reading speech that I am sure will assist all of those in this House to consider the bill in detail. It is of a high standard. For those who represent Ministers from the other House, a speech that clearly identifies the issues is of great assistance. I thank the Minister, his office and agency for the speech and commend the bill to the House.

Debate adjourned.

MINING AND PETROLEUM LEGISLATION AMENDMENT BILL 2017

First Reading

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

Second Reading

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (12:48): I move:

That this bill be now read a second time.

This Government is committed to the safe and sustainable development of the resources sector. It has continually demonstrated this. There is no clearer example of this commitment than the reforms this Government delivered in 2015 when it overhauled an outdated and inefficient framework that had been in place for too long in this State. This inefficient regulatory framework was not capitalising on the benefits to regional communities that come from hosting resources projects and was not giving communities certainty that the resources industry was being held to account. The introduced reforms were evidence based and relied on independent expert advice from a range of sources. They included: the New South Wales Chief Scientist and Engineer's "Independent review of coal seam gas"; the independently chaired Coal Exploration Steering Group; and examination of the land access arbitration framework by Mr Bret Walker, SC.

The Government did not rest following delivery of these reforms. This Government has continued to improve the regulatory framework to ensure delivery of the best outcomes for the people of New South Wales in terms of energy security, job opportunities and protection of the environment. This bill is an example of the Government's commitment to continuous improvement. This bill is about three things: enhancing environmental protections, strengthening compliance and enforcement powers, and improving the rigour of the titles administration framework. First, the bill is about ensuring the continuation of world-leading environmental protection requirements for mining projects, as well as for any activities that support these projects. Ancillary mining activities are the key activities, facilities and infrastructure used to directly facilitate primary mining operations.

Examples include tailings dams and stockpiles of displaced soil removed as a result of the mining process. These activities can occur within or outside the area of an existing mine lease, depending upon the project requirements. Where these activities occur in the immediate vicinity of the mining lease area, the bill will ensure that the environmental impacts of these areas are regulated to the same high standards as when they occur within a mining lease area. This means that we will collect security deposits, impose rehabilitation obligations and apply the full suite of compliance and enforcement powers to those designated ancillary activities. In addition, these activities will need to comply with other planning and environmental legislation, and seek the relevant approvals where necessary, such as development consents and environmental protection licences.

While ensuring that we are improving the environmental outcomes of resources projects, we are also ensuring we are not creating additional red tape for industry. That is why this bill introduces a streamlined approval process for ancillary mining activities in order to create a more fit-for-purpose regulatory framework. The new approval process allows mining operators to consolidate their rehabilitation obligations for multiple ancillary mining activities on to a single title. Under the current framework, mining operators may be required to hold and manage the administration of a separate title for each ancillary mining activity that they rely on. This may be anywhere up to 20 titles, each incurring its own administrative cost and requiring significant time to manage. Instead, this bill will allow mining operators to consolidate multiple ancillary mining activities on to a single title and therefore streamline the routine administrative requirements, and reduce costs and red tape for industry. However, the streamline process does not jeopardise environmental protections or rehabilitation requirements.

Regardless of the approval process that a mining company chooses to suit their operational needs, all applications for ancillary mining activities will be subject to a full environmental assessment by the division of resources and geoscience in my department. This assessment will include a number of components, including collecting a security deposit to provide assurances that the land and water impacted will be appropriately rehabilitated, and setting strict and enforceable conditions to ensure that a mining operator has a clear objective in respect of mitigating impacts on the environment. Any operator that fails to adhere to those terms could be subject to the full extent of the compliance and enforcement powers under the Mining Act, including facing a penalty of up to $1.1 million. In the same way that these reforms are protecting the environment, they are also ensuring that landholders and communities that host mining projects are afforded relevant protections under the Act, including general immunity and compensation.

This brings me to the second key element of the bill, which is about improving the current compliance and enforcement framework for mining and petroleum activities. Our legislative reforms in 2015 included enforceable undertakings, and harmonising compliance and enforcement provisions in the Mining Act 1992 and the Petroleum (Onshore) Act 1991. As part of our commitment to continuous regulatory improvement and transparency, the bill will address minor gaps in the enforceable undertakings framework and strengthen provisions for false or misleading information offences across both Acts. The bill will require enforceable undertakings to be published and will allow criminal proceedings for serious breaches of an enforceable undertaking to be commenced in the Land and Environment Court.

Providing false or misleading information is recognised in New South Wales environment and planning legislation as a serious offence. However, under the Mining Act and Petroleum (Onshore) Act, the maximum

penalties for this offence are currently lower than for the failure to lodge a report. They do not provide a strong deterrent. The bill will increase the maximum penalties for providing false or misleading information from $110,000 to $1.1 million for a corporation, and from $55,000 to $220,000 for an individual. These amounts are consistent with other serious offences under the Mining Act 1992 and Petroleum (Onshore) Act 1991. These amounts also broadly align with penalties for false or misleading information offences under the Protection of the Environment Operations Act 1997, the Environmental Planning and Assessment Act 1979 and the Biodiversity Conservation Act 2016.

The bill also clarifies the law of agency as it applies to false and misleading information offences by making it an offence for a titleholder to allow its agent to knowingly or recklessly give false or misleading information on its behalf unless the titleholder takes all reasonable steps to prevent this from occurring. The amendments are consistent with community expectations that providing false or misleading information relating to mining and gas activities is a serious offence. I emphasise that maximum penalties for all resources offences are only sought for the most egregious breaches of the law. The amendments do not impact the ability of the resources regulator to use a range of other compliance and enforcement measures where appropriate in the circumstances of the particular case.

Finally, the bill will make machinery and minor amendments to improve the rigour of the current system for administering mining and petroleum titles. This includes allowing an application to transfer a title to be refused if the proposed new titleholder does not provide adequate information in connection with the application. This Government is committed to a high-performance mining and gas industry, supported by strong, transparent regulation. I commend the bill to the House.

Debate adjourned.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I shall now leave the chair and cause the bells to be rung 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 (14:29): My question without notice is directed to the Minister for Energy and Utilities. Given that today's Federal Court decision will mean families and businesses across the State will pay up to $6.2 billion more on their electricity bills as a result of the Government's action in appealing the original decision of the Australian Energy Regulator, what steps is the Minister taking to ensure that New South Wales consumers will be able to pay their increased electricity bills?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30): The Hon. Adam Searle is wrong in virtually every aspect of his question. The three presumptions behind it are wrong, wrong and wrong. First of all, I emphasise that the Government did not appeal the Australian Energy Regulator [AER] determination; the Networks NSW board appealed the determination in 2015 through the Australian Competition Tribunal. The decision to appeal was at their discretion, not at the discretion of the New South Wales Government. In February 2016 the tribunal made a decision to set aside the Australian Energy Regulator determinations and the AER applied to the full Federal Court for a judicial review of the tribunal's decision. Today the full Federal Court handed down its decision on this matter. The judgement is detailed and it will take some time to analyse it and outline its implications. However, it appears that the court has found there is a need to correct errors made by the regulator. The court has asked the parties to come to an agreement that gives effect to the decision within 21 days.

While the precise implications of the decision are still unclear, I am monitoring the matter closely. However, the New South Wales Government price guarantee that network prices in 2019 will be lower than in 2014 remains. This is enshrined in law. My understanding is that there will be no price impacts from this decision for 2017-18 and that the electricity network component of customer bills will still go down. For example, in a mid-year release issued today Energy Networks Australia Chief Executive Officer John Bradley said that, while the decisions still need to be analysed, New South Wales electricity businesses do not expect a price shock or material impacts on customers' bills. Moreover, in a media release Endeavour Energy said that its average network charges for residential and small business customers would decrease by around 4.5 per cent in real terms from 1 July 2017. No doubt that is because of the downward pressure we are putting on electricity prices through our work to reform network businesses and bring down network charges.

What the Hon. Adam Searle said is completely wrong in every respect. Our price guarantee is in sharp contrast with what happened under Labor. Those opposite gold-plated the energy networks and sent prices absolutely soaring. We have ended the gold-plating and started moving our distribution network towards the sort of efficiency that is demonstrated interstate, which has put downward pressure on network charges. We have done the right thing. We have not made the mistakes Labor made. No doubt if those opposite ever got back to this side of the Chamber they would make them all over again.

SYDNEY CENTRAL BUSINESS DISTRICT SOLAR POWER

The Hon. CATHERINE CUSACK (14:34): My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on the potential for solar technology to be used in the Sydney central business district to help meet the State's energy needs?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:34): The Australian Photovoltaic Institute recently released an analysis of the solar potential in the Sydney central business district [CBD]. The Australian Photovoltaic Institute, which comprises companies, agencies, academics and the New South Wales Government, was pleased to commission that report. I am pleased to inform the House that I launched the findings of the analysis at the Sydney Theatre Company, which has an impressive solar array on its roof. I climbed up the ladder and inspected it myself. It is well known that New South Wales has a love affair with the sun. There are more than 350,000 installations, which equates to 15 per cent of homes having adopted rooftop solar. Western Sydney and regional areas have driven the uptake of the technology to date. In regional New South Wales, Lake Macquarie is currently leading the way. Strong contributions are also being made by local government areas such as Wyong, Gosford, Dubbo, Lismore and Byron.

The report analysed roof space in the Sydney CBD and local government area, and is an item being advanced in the Renewable Energy Action Plan. While New South Wales customers have embraced the solar revolution, the report identifies a solar goldmine right under our noses in this city that has not yet been tapped. It is another way to increase the supply of clean energy for the State. The study found that on a conservative estimate around one-quarter of the roof space in the City of Sydney local government area was suitable for solar panels. If that space was filled with photovoltaics it could generate about 500 gigawatt hours of electricity every year—enough to power more than 75,000 homes and save nearly 400,000 tonnes of carbon emissions. There is a real opportunity to harness the sun to power the Sydney CBD and to help businesses and families with their bills. The report estimated that the city could save more than $70 million on electricity bills by making use of solar power.

A few showstoppers were raised in the analysis, such as Central railway station. That is why we are finalising a standard agreement to roll out solar at no cost to taxpayers. The Government looks forward to working with businesses to tap some of this potential and help save energy and money. This is on top of the recent Independent Pricing and Regulatory Tribunal draft benchmark feed-in tariff, which doubles the amount that solar households are paid for feeding their excess power into the grid. That will be of great assistance to solar consumers in the coming year and is not subsidised by other consumers, unlike the failed system under the previous Government. New South Wales is the national leader in large-scale solar, with Broken Hill, Nyngan and Moree plants operating and soon to be joined by new, large solar plants at Glen Innes, Dubbo, Manildra, Parkes and Griffith.

LOGIE AWARDS

The Hon. WALT SECORD (14:38): My question without notice is directed to the Minister for the Arts. Given that following a period of uncertainty the Victorian Government recently confirmed that it would host the Logies for one more year, and given the Minister's answers on promoting and attracting film and television activity to New South Wales, will his Government consider launching a bid for the 2019 Logies?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:39): I thank the honourable member for his important question and for his interest in the Logie Awards. This question should have been directed to the Hon. Niall Blair, who represents the Minister for Tourism and Major Events in this Chamber, but I am happy to get the member an answer. This is an interesting opportunity. Destination NSW is the body that would be the principal funder of attracting an event like this to Sydney. Indeed, I would be very surprised if this had not already crossed the minds of the very competent Chief Executive Officer of Destination NSW, Sandra Chipchase, and the Minister. As I said, I am happy to get an answer for the Hon. Walt Secord.

ABORIGINAL CHILD REMOVALS

Mr DAVID SHOEBRIDGE (14:40): My question without notice is directed to the Minister for Aboriginal Affairs. With the coming twentieth anniversary of the "Bringing Them Home" report this Friday, what is the New South Wales Government doing to reduce the distressing rate of Aboriginal child removals in

New South Wales? Will the Government acknowledge that Aboriginal child removals are not an historic issue, but a current one?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:41): I thank the honourable member for his very important question and for raising the issue in the House today. This is primarily an issue for the Minister for Family and Community Services but, as the Minister for Aboriginal Affairs, I am deeply troubled by the high numbers of Aboriginal children who have been removed by their families because of care and protection concerns. We know that Aboriginal children and young people are over-represented in out-of-home care, making up one-third of all children entering out-of-home care. As of 30 June 2016, there were 6,968 Aboriginal children in care, representing 37.3 per cent of the total New South Wales out-of-home care population. When Aboriginal children come into care, every effort is made to place them with appropriate carers. In New South Wales 77.5 per cent of Aboriginal children and young people in out-of-home care are placed with either an Aboriginal or non-Aboriginal relative or with an Aboriginal foster carer, but we need to do more to stop these children from entering the care system in the first place.

Following an independent review of out-of-home care last year, the New South Wales Government will invest $90.5 million over the next four years on approximately 900 new evidence-based family preservation and restoration places. These are places in specialist programs that help keep children safely at home with their families or restore children to their families after risks to safety have been addressed. Some 50 per cent of all new places will be for Aboriginal children and families. Improving our focus at the front end to prevent children and families from escalating through the child protection system is critical. Family and Community Services-targeted earlier intervention reform will enable FACS districts to work collaboratively with local Aboriginal communities to redesign existing targeted early intervention services to improve outcomes for vulnerable Aboriginal children and families.

The Hon. Greg Donnelly: Point of order: I am trying to listen to the Minister's very comprehensive answer but the noise emanating from Government members is very annoying.

The PRESIDENT: Order! I thank the Hon. Greg Donnelly for his point of order. I was about to comment on that. I cannot hear the Minister because of the loud conversations of Government members. The Minister will be heard in silence.

The Hon. SARAH MITCHELL: I want to mention Grandmothers Against Removals, which Mr David Shoebridge has spoken about in this House before. It is my understanding that this group was established in Gunnedah—where I live—in 2014. They have advocated for greater Aboriginal community involvement in decision-making within the child protection system and for greater adherence to the Aboriginal child placement principles. Grandmothers Against Removal and FACS have agreed to a new approach to local child protection issues, and local advisory groups now advise the department on these issues.

This year the Government is also providing $15.2 million in funding over the next four years to Aboriginal child and family centres to deliver early childhood education and care; providing approximately $8 million per annum to fund 10 Aboriginal intensive family-based services across New South Wales; implementing a new cultural care plan for all Aboriginal children and young people in care; and conducting Aboriginal-specific research activities, with a focus on identification, Aboriginal child placement principles, out-of-home care support, preservation and restoration, and participation to ensure the best-informed policy and program development. I hope that information is helpful to the member, and I thank him once again for raising this very important issue.

NATIVE VEGETATION LEGISLATION

The Hon. DUNCAN GAY (14:45): 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 the Government's commitment to introduce a fairer system that allows farmers to manage their land and deliver biodiversity outcomes?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:45): I thank the honourable member for his question. This month we release for public comment the findings of the final stage of the New South Wales Government's land management and biodiversity conservation reforms. This simpler and fairer system is due to start on 25 August and Labor's unjust and out-dated native vegetation laws will end. The package includes draft land management codes, which set a framework allowing landholders to undertake sensible clearing and management of native vegetation. This is to ensure that they are as productive as possible, while also producing better outcomes for our environment.

The new approach will provide strong environmental safeguards and ensure that routine farm work is exempt from regulation.

The New South Wales Government will also provide farmers with incentives to conserve native plants and trees on their land. These reforms are backed by an unprecedented investment of $100 million in the Saving Our Species program, as well as $240 million over five years and $70 million each year after that for private land conservation. Farmers will not be alone in managing this new framework. They can book time with a Local Land Services [LLS] officer, outline what they want to achieve on farm and the officer will help them to develop a management plan in order to achieve their desired outcome. This will restore some much-needed balance for landowners. The process is dedicated to achieving the very best outcomes, financially and environmentally.

This week webinars will continue and a hotline has opened, where trained officers can answer questions from landholders. I am aware that some farmers are concerned about the level of detail in the draft package. I agree that there are still some issues to work through—these codes are not final. As I speak, LLS officers are working with landholders in select communities testing and refining the draft codes. The feedback from these farmers is positive. They believe the codes will work and will deliver improvements to productivity and biodiversity. We have all heard the usual scaremongering about these reforms pushed by some environmental groups and by those on the other side of the House—with some claiming they are already harming native wildlife. I say to those people that these reforms have not yet been implemented and therefore could not possibly be having any impact. Biodiversity went backwards, not forwards under the lopsided system introduced by Labor. We recognise the need to work together to protect the land and animals we value—

The Hon. Duncan Gay: Point of order: I am having trouble hearing the Minister because of the noise emanating from the Opposition and the crossbench.

Mr Jeremy Buckingham: To the point of order: I am also having considerable difficulty hearing the answer because there is also a lot of noise coming from the Government benches.

The PRESIDENT: Order! There is too much audible conversation in the Chamber. The Minister will be heard in silence. I will call to order those members who continue to interject.

The Hon. NIALL BLAIR: We recognise the need to work together to protect the land and animals we value while supporting our farmers so they can manage their land productively. The New South Wales Government recognises the koala as an iconic species and is committed to ensuring its survival and that of its key habitats. Over the three years to 2018-19, the New South Wales Government is investing $3.7 million in koala-related conservation, including more than $2 million to establish our four new flora reserves on the far South Coast to protect the last known koala population in the area, as well as a further $1.6 million for koala conservation activities across the State. I love koalas. This is in addition to committing an extra $10 million over five years for land acquisition to support koala habitat protection within our national parks system. We are committed to protecting this species, and any claims that we are not are just pure scare tactics. We are about getting the balance right. We recognise that landholders are our best environmentalists, and these reforms will give them the certainty to get on with the critical role of efficient and responsible farming.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time. I call the Hon. Bronnie Taylor to order for the first time. Members who wish to have private conversations will do so outside the Chamber.

KOALA STRATEGY

Ms DAWN WALKER (14:50): My question is directed to the Minister representing the Minister for the Environment, the Hon. Don Harwin. In December 2016 the Government announced it would develop a koala strategy for New South Wales. When will the Government release this koala strategy? Will the Government commit to public consultation on a draft strategy and, if so, when will that occur?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:51): I thank the Hon. Dawn Walker for her question. New South Wales has an estimated 36,000 koalas.

Ms Dawn Walker: And going down.

The Hon. DON HARWIN: Indeed. The New South Wales koala population is estimated to have declined by 26 per cent over the past 20 years, and it is estimated that it will continue declining at the same rate in the absence of additional conservation efforts. That is why the Government has committed significant funds to new actions to turn around the decline in koala numbers.

The PRESIDENT: Order! I remind the Hon. Penny Sharpe that she is on one call to order.

The Hon. DON HARWIN: The New South Wales Government recognises the koala as an iconic species and is committed to acting to ensure its survival. On 4 December 2016 the former Minister for the Environment released the Chief Scientist and Engineer's report into the decline of koala populations in key areas of New South Wales. The report outlines some of the major issues requiring attention if we are to reverse the decline in koala numbers. The New South Wales Government has endorsed the Chief Scientist and Engineer's recommendation that a whole-of-government New South Wales koala strategy be developed and is now actively seeking community and stakeholder feedback on what should be included in such a strategy.

We have also sought community and stakeholder feedback on the Saving our Species Iconic Koala Project. A three-month public engagement program seeking community input on what should be included in a New South Wales koala strategy closed on 3 March 2017. The NSW Office of Environment and Heritage is developing the strategy based on feedback from the public engagement and guidance from an advisory committee chaired by the NSW Chief Scientist and Engineer. Under the Government's Saving our Species [SoS] program—

The Hon. Niall Blair: Point of order: The Hon. Penny Sharpe will have the opportunity to ask a question later in question time, if the Hon. Walt Secord allows her to do so. Constantly interjecting when Minister is trying to give an answer is out of order and the Hon. Penny Sharpe should be called to order.

The PRESIDENT: Order! I remind members that interjections are disorderly at all times.

The Hon. DON HARWIN: As I was saying, under the Government's Saving our Species program a further $100 million has been committed over five years from 2016-17 to the protection of all threatened species in New South Wales, including the koala. The koala is identified as an iconic species under SoS because of its ecological, economic and social importance to New South Wales. Since SoS began in 2012-13, $837,000 has been invested in koala conservation activities, with another $800,000 allocated in 2016-17. This has involved support for several projects, many of which have been in partnership with local government.

Projects have included surveying koalas and mapping koala habitat in Richmond Valley, Nambucca, Palerang and Ballina local government areas; developing comprehensive koala plans of management to protect koala habitat in Ballina, Byron, Bellingen, Tweed and Campbelltown local government areas; and working with the Wingecarribee Shire Council and the local community to map koala habitat and corridors by tracking koalas and recording their movements. The Office of Environment and Heritage is continuing to work to further develop the Saving our Species Iconic Koala Project to understand how best to secure the species in the longer term. In addition, the Government has committed an extra $10 million over five years for land acquisition to support koala habitat protection within our national parks system.

The PRESIDENT: Before I call the Hon. Shaoquett Moselmane, I welcome into the public gallery a group of 24 female staff from the Solomon Islands who are here as part of a Sydney experience that today has involved a full day of briefings and meetings with our own parliamentary staff. On behalf of all members, I wish our visitors a warm welcome and ask that you take back our best wishes to Mr Speaker and all the members of the National Parliament of the Solomon Islands, with which we enjoy a very important twinning relationship. Welcome to our Chamber.

ELECTRICITY PRICES

The Hon. SHAOQUETT MOSELMANE (14:56): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. In light of the Minister's commitment on 2 May "towards ensuring that this State has a better approach to the use of energy that will inevitably lead to enormous savings for businesses and households", what steps did the Minister take to formally convey this view to electricity companies and what guarantees did he seek from them to lock in these "enormous savings"?

The Hon. Walt Secord: It's a direct quote from you, Donald Thomas Harwin.

The Hon. Ben Franklin: Point of order: The Hon. Walt Secord continues to refuse to refer to honourable members by their correct titles.

The Hon. Walt Secord: To the point of order: It is my fault—I do not emphasise the word "honourable" enough when I say "the Honourable Donald Thomas Harwin". In future I will emphasise "honourable".

The PRESIDENT: Order! The Minister has the call.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:58): I thank the Hon. Shaoquett Moselmane for his question. Last week I hosted a roundtable in Parliament House, in the Jubilee Room, for energy retailers, the Energy and Water Ombudsman, Energy Consumers Australia and the Public Interest Advocacy Centre to discuss concerns raised with me by consumers

in New South Wales. While consumers appreciate the opportunity to shop around and choose, we need to ensure that the sector builds trust with consumers. I was able to raise some of my priorities for retailers, to hear some of their programs and to discuss what the sector needs to focus on, particularly when it comes to customer service and communications.

It is fair to say, with pressure from wholesale prices due to national market issues in electricity and gas, that the focus was on hardship customers. We discussed the barriers to customers accessing help and advice about payment plans and hardship programs. I gave them a key piece to work on which was that they ensure that their customers on hardship programs are on the best possible market rate for their area, including access to standard discounts. But we need to work harder to connect those in hardship with help. Some people are too scared to reach out, but retailers now offer hardship programs and flexible payment plans.

We also discussed fees and charges, and I am glad to see that competition is offering a variety of options. For example—and I know the Hon. Greg Donnelly will be interested in this—some providers have plans with and without paper bill fees or fees for payment at Australia Post, while other providers have none and most exempt those who cannot access the internet. People often approach me complaining about fees and charges while there are retailers that offer products which are fee free and often fixed-price services. Energy has changed to a competitive market, so we need to encourage people to shop around. There is also more to be done on making bills easy to compare, so that offers make more sense. We need to get energy to where home loans are at now, where comparison rates are available. This is not an easy matter to arrange because there is so much variety among consumers and products, but it was agreed that it was worth working towards.

I was glad also to pass on the message—supported by evidence from the Ombudsman—about the need to improve the rollout of digital meters to those coming off the Solar Bonus Scheme. Communication must be improved as many consumers have struggled to get clarity about installation dates. I will continue to work with the retailers to highlight areas for their focus. It was a positive meeting, dealing with the sorts of matters raised in the honourable member's question. I look forward to following up with the retailers to ensure there is momentum behind ensuring hardship customers are best protected and that we make it easier to secure the best offers.

The Hon. SHAOQUETT MOSELMANE (15:01): I ask a supplementary question. Will the Minister elucidate his answer with regard to fees and charges and will he give a commitment to resign if electricity prices increase?

The Hon. Scott Farlow: Point of order: The honourable member was not seeking elucidation but was asking a new question and I ask that it be ruled out of order.

The PRESIDENT: Order! If the Opposition continues wasting valuable question time by asking questions that are clearly not supplementary questions, I will explain again what is a proper supplementary question. I will not do it this time but I will do it next time. The question is out of order.

START STRONG SECTOR SUPPORT PROGRAM

The Hon. BRONNIE TAYLOR (15:02): 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's $115 million Start Strong program is assisting community preschools in southern New South Wales?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:03): I thank the member for her question and for her sincere interest in early childhood education, especially in the southern regions of New South Wales. The Government understands the value of quality early childhood education in ensuring that all children, regardless of where they live, get the best start in life. The Start Strong program invested $115 million from 1 January this year to 30 June 2018 to ensure that all New South Wales families have access to affordable early childhood education.

As part of Start Strong, the Government introduced the important service safety net for small providers in rural and remote New South Wales. This is guaranteed funding to ensure that small providers in those communities can handle fluctuating enrolments caused by year-on-year population changes. The service safety net supports eligible services by guaranteeing a minimum funding amount of $132,000, which is equivalent to 20 enrolments of 600 hours. This is to ensure that children living in small rural and remote communities have access to 600 hours of quality early childhood education in their year before school. Last week, with the great local member and Deputy Premier, the Hon. John Barilaro, I had the opportunity to visit the Captains Flat Community Preschool in the Monaro. They told us, loud and clear, that if it was not for the Start Strong service safety net they would have had to shut their doors.

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

The Hon. SARAH MITCHELL: Parents would have needed to drive over 50 kilometres to the next service. In 2016 the service was facing closure after the provider had determined that it was no longer financially viable to operate the preschool. However, local community members valued the service so much that they took it upon themselves, through the Captains Flat Community Association, to continue the operation of the service. The association then applied for assistance from the New South Wales Government. They were delighted to hear that they were eligible to receive $132,000 per year in guaranteed funding under the Start Strong service safety net if they extended their hours of operation to deliver 600 hours of quality early childhood education. Ms Kerenza Brown, President of the Captains Flat Community Association management committee, volunteered to lead the group to get their preschool back up and running again. The preschool was renamed the Captains Flat Community Preschool and they have been working closely with Community Connections Solutions Australia to align their business operating model with Start Strong funding guidelines. Community Connections Solutions Australia is able to continue to provide business and operational support to this small preschool through the Start Strong sector support program.

The Start Strong sector support program is a package of business supports to help services such as that at Captains Flat to make the transition to Start Strong and is delivered by the peak organisations. Although it was originally thought that the preschool would not be able to align with the funding model, Captains Flat Community Preschool now has the majority of their children enrolled for 600 hours per year and has received payment under the service safety net. The preschool anticipates there will be another two enrolments in the next term. Wendy Hodgman, the Treasurer of Captains Flat Community Preschool, recently paid tribute to the importance of the safety net in helping them to establish the new service. She said that while it had taken a lot of hard work by everyone, the wonderful outcome for the children of Captains Flat the community preschool was well worth it. This is only one of 43 services receiving funding under the Start Strong service safety net. I cannot emphasise enough the widespread, positive impact this is having on children, their families and their local communities. The success of the implementation of these funding reforms to early childhood education means this Government is delivering more affordable child care to the families who need it most.

REGISTERED NURSES IN NURSING HOMES

The Hon. ROBERT BORSAK (15:07): My question is directed to the Hon. Niall Blair, representing the Minister for Health. Is the Minister aware that registered nurses are required to be on shift seven days per week in our State's prisons and 24-7 in the Long Bay Correctional Centre? Given that these minimum staffing standards are not required for aged-care facilities, why is the Government's policy to give incarcerated criminals regular access to a registered nurse but deny the same standard to elderly residents in nursing homes?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:07): I thank the honourable member for his question. I would be more than happy to refer the question to the Minister for Health for a detailed response. It is an issue that we have had some debate about in this Chamber in recent weeks and I think that the Minister will be able to provide an answer to the questions from the member in ample time.

GAS PIPELINES

The Hon. JOHN GRAHAM (15:08): My question is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given that in the 18 May edition of *The Land*, the Deputy Premier and Minister for Regional New South Wales, the Hon. John Barilaro, said the Government had planned to use funds from the sale of poles and wires to build new gas pipelines, where will these pipelines be built?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:08): I often read *The Land* but I did not see that particular article.

The PRESIDENT: Order! I remind the Hon. Walt Secord that he is on one call to order and there is still time remaining for questions.

The Hon. DON HARWIN: I will say hello to staff of the Solomon Islands Parliament who were present in the gallery. They do a fantastic job. I did not see the particular edition of *The Land* that the honourable member referred to in his question.

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

The Hon. DON HARWIN: The electricity and other asset recycling transactions that have taken place since the Government introduced the policy have provided enormous benefits to regional New South Wales. As

I was reminded recently, a minimum of 30 per cent of the proceeds of those transactions has been allocated to regional New South Wales.

The Hon. Duncan Gay: Point of order: It is an excellent answer and I cannot hear it over the interjections of the Hon. Penny Sharpe.

Mr Jeremy Buckingham: To the point of order: I too am finding it difficult to hear the Minister as he is staring at the wall and mumbling.

The PRESIDENT: Order! I call the Mr Jeremy Buckingham to order for the second time.

The Hon. DON HARWIN: I apologise for not facing the chair.

The PRESIDENT: There is no need to apologise.

The Hon. DON HARWIN: I am entitled to face Government members. I have not seen the particular edition of *The Land* that the Hon. John Graham was referring to in his question. I will look at the particular article and make inquiries. I will have to take that question on notice and get back to the member on a future occasion.

NEWCASTLE ARTS AND CULTURE

The Hon. TAYLOR MARTIN (15:11): I address a question to the Minister for the Arts. Will the Minister provide the House with an update on the Government's support for arts, screen and culture in the beautiful city of Newcastle?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:12): I thank the Hon. Taylor Martin for his undoubted interest in matters to do with the Hunter. On Friday I was delighted to visit Newcastle and experience the vibrant arts and culture that the city has to offer.

The Hon. Penny Sharpe: Did you invite Scot?

The Hon. DON HARWIN: The Hon. Penny Sharpe was obviously not listening yesterday when I spoke of the Hunter Water education centre that I visited with Mr Scot MacDonald. Whilst in Newcastle, I had the great pleasure of visiting Newcastle Art Gallery, a fantastic example of a facility owned and operated by the local council. It provides a significant contribution to the cultural fabric of New South Wales. The Newcastle Art Gallery has the second-most valuable and comprehensive collection in the State after the Art Gallery of New South Wales. It contains over 6,200 artworks as well as the most significant collection of Japanese ceramics outside of Japan. While in Newcastle I met with Lord Mayor Nuatali Nelmes and Newcastle City Council staff to discuss with them plans for an upgrade to the gallery.

The Hon. Walt Secord: Did you catch up with Jeff McCloy?

The Hon. DON HARWIN: I have never met him. I did meet with the member for Newcastle, the member for Charlestown and the member for Wallsend to discuss the project and listen to their representations on the importance of the gallery to the Hunter region. While the Newcastle City Council and the Newcastle Art Gallery have a fair bit more work to do before their project will get off the ground, they were made well aware of what is required and I look forward to working with the council. Liz Burcham, cultural director of the Newcastle City Council, is doing great work and deserves applause for being an exemplary champion of what arts and culture can do for the community.

Gallery manager Lauretta Morton runs a tight ship. She made it plain to me that facilities for storage and events at the gallery are lacking and in need of an upgrade. That said, their exhibitions continue to draw critical acclaim. The *Sydney Morning Herald* critic John McDonald described the current exhibit Magic Mike: Michael Zavros as a "perfect world of glamour and irony". Later, I attended a function at the gallery hosted by the gallery's foundation and society. Judy Hart, foundation chair, and Prue Viggers, society president, are spirited advocates for the gallery and their community. I look forward to working with them to further invigorate the philanthropy of the Hunter arts community. The gallery's patrons are making significant donations of historical and cultural collections to both the art gallery and the Newcastle Museum.

I was pleased to visit the Newcastle Museum in its award-winning premises in the former Honeysuckle Railway Workshops. It is an impressive re-use of these wonderful heritage buildings. The museum tells the story of Newcastle in a powerful interactive way. It has a constant rotation of important temporary exhibits. Museum manager Julie Baird is one of the most dynamic arts administrators I have met in my time as arts Minister. I would suggest that a large part of the critical praise received by the Newcastle Museum is due to Julie's professionalism and passion for her space. This Government is proud to have supported arts, screen and culture in Newcastle. That support includes $70,000 this financial year for the Newcastle Art Gallery's annual program. In these two

institutions we have people who are passionate about arts and culture and the future of creativity in Newcastle. These cultural institutions are in safe hands.

MOLONG EARLY LEARNING CENTRE

The Hon. ROBERT BROWN (15:16): I direct a question to the Minister for Early Childhood Education. This question is timely given the Minister's earlier answer regarding Captains Flat. Is the Minister aware that 83 children are currently on the waiting list to attend the Molong Early Learning Centre? The next closest early childhood education service is 30 kilometres away at Orange. Is the Minister aware that a recent application by the Molong Early Learning Centre for a grant under the Government's 2016 capital works grants program was rejected? This application included $104,000 of funds raised by the community itself and a further $70,000 interest-free loan offered by the Cabonne Council. Given recent requests for a meeting by Mr Phil Donato and Ms Kate Strahorn, committee coordinator for the Molong Early Learning Centre— [*Time expired*.]

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:17): I thank the honourable member for his question. Molong Early Learning Centre is a multi-purpose centre that provides long day care and preschool places. The centre applied for a grant as part of the Start Strong capital works grants, which provide funds to increase capacity to accommodate more children at new or existing community preschool services. In the centre's application it was indicated they proposed to increase service capacity by 30 places. However, only seven of those places would be for children to attend the preschool service while the remaining 23 would be for long day care places—which is outside the scope of the grant process.

The Government is determined to ensure more children attend a service for 600 hours in the year before school. The $8 million capital works program was oversubscribed and it was vital that funds were directed to services that had the greatest impact on creating capacity for community preschool places. The Government is acutely aware of capacity issues facing many regionally based services such as Molong Early Learning Centre. It will continue to explore all options to address waiting lists to ensure all children have access to these services. I believe the balance of the member's question referred to representations made by the member for Orange. I can indicate that the member for Orange has spoken to me and my office directly regarding Molong Early Learning Centre. My office has indicated to the member for Orange they will get back to him shortly regarding this issue—that has not changed.

JOHNSTONS CREEK CONTAMINATION

The Hon. PENNY SHARPE (15:19): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given that earlier this month a damaged wastewater pipe under Parramatta Road leaked raw sewage into Johnstons Creek, how much raw sewage was released and why was there a delay in Sydney Water repairing the damage?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:19): I thank the Hon. Penny Sharpe for her question. Obviously that was a most regrettable incident. No-one wants to see the discharge of raw sewage anywhere, and certainly not into our waterways. If that is in fact what happened, it is extremely regrettable. Obviously Sydney Water manages a large and complex network of approximately 21,000 kilometres of water mains, laid end to end. In fact, those pipes would extend to Los Angeles and halfway back again. It is a very extensive network. The Hon. Penny Sharpe has raised an important issue; I have said nothing that would suggest otherwise. I am happy to raise the matter with Sydney Water to obtain some information for her.

RECREATIONAL FISHING

The Hon. GREG PEARCE (15:21): 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 the initiatives the New South Wales Government is taking to improve recreational fishing opportunities for anglers in New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:21): I thank the member for his question. As many in this Chamber well know, I am rather fond of wetting a line, like thousands of other anglers across New South Wales. Fishing is one of this country's greatest pastimes and we are lucky in New South Wales to have some of the best angling spots anywhere in the world. The New South Wales Government is committed to working with fishers to ensure they have unique and diverse opportunities that take them as close to the action as possible and as far from the rat race as possible. The Department of Primary Industries, in conjunction with National Parks and Wildlife Service, has been working to establish remote eco fishing huts in national parks and other pristine locations across the State.

This is a unique initiative designed to produce access for anglers and their families so they can experience some of the finest fishing locations on offer in a relaxed setting.

Currently, we are trialling a hut located in the Kosciuszko National Park. A number of fishing groups have been involved in the trial, including the Fly Program. I make particular mention of this program, which was started by angler Matt Tripet and his wife, Amelia. Their vision was to take men who may be struggling with post-traumatic stress disorder, depression or anxiety away from their day-to-day environment and transport them to a place that provides support, respite and reprieve. It is all done through learning and attempting to master the skills of fly fishing. My fly fishing skills remain a work in progress, but Matt and Amelia's vision has very much become a reality, and I commend the Tripets for the important work they are doing in our communities.

I could not think of a better location for the Fly Program than an eco hut situated in the Snowy Mountains. The location of this hut means visitors have the opportunity to catch rainbow and brown trout from the Upper Murrumbidgee River and Tantangra Dam. While the eco hut is just a trial, we are excited by the opportunity to develop a network of eco huts through inland and coastal national parks. We will use existing huts where we can and we will create new huts in other locations where there is good quality fishing. Our goal is to have some huts that people can drive to and other huts that will require a short hike to reach. Those huts will have water tanks for fresh water, solar lights for the evening, a barbecue and a small fireplace. We want to have a range of huts in areas where people can either go beach fishing for bream and whiting, trout fishing in the high country, or chase cod and yellow belly in our western rivers.

The National Parks and Wildlife Service is helping us to find suitable locations within parks. We are also working with Lands and Forestry to pinpoint areas where new huts can be built for these wilderness opportunities. We have had enormous support for this style of recreational fishing. The huts go to the heart of the fishing experience—the prospect of a sensational catch in a picturesque setting far away from the hustle and bustle of the city. This is yet another example of recreational fishing fees being used to enhance opportunities for fishers. I look forward to visiting an eco hut in the near future. Mr President might even like to come with me. I extend the invitation to anyone else other than the Hon. Mark Pearson. Actually, we would make a good team. I do not eat fish; he does. I will hook them; he can cook them.

NATIVE WILDLIFE CONTROL

The Hon. MARK PEARSON (15:25): My question without notice is directed to the Minister for Resources, representing the Minister for the Environment, and Minister for Heritage. The Australian Capital Territory Government has ordered the killing of kangaroos at Googong Foreshores, including on land within the New South Wales jurisdiction, so New South Wales licences to kill wildlife are required. It is the policy of the New South Wales licensing authority to advocate for "viable non-destructive solutions as the initial, preferred and long-term management response" when dealing with native wild animals. Will the Minister advise what non-lethal methods of control such as fertility control, fencing or translocation have been used to reduce the perceived problem at the Googong Foreshores, for how long have they been trialled, and whether and why they were determined not to be viable?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:26): I thank the Hon. Mark Pearson for his question, which has quite a bit of detail. A number of other members in the House who are from the south-east will probably have more of an insight into that matter than I have. The situation is a very complex one, as I have heard in some of the discussions amongst members while that question was being asked, which made it a little difficult for me to hear all of the aspects of the member's question. Be that as it may, it is a very important question and I am sure the Minister for the Environment will be able to provide him with a reply.

BROKEN HILL LEAD POISONING

The Hon. DANIEL MOOKHEY (15:27): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts in his capacity as Leader of the Government, and Minister for Resources. Given that almost 80 per cent of Aboriginal children in Broken Hill have blood lead levels above national guidelines, and a recent atmospheric environmental study has confirmed that lead is emitted as dust every day by the city's mines, what steps has he taken to ensure that the Broken Hill community is protected from lead poisoning?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:28): The member has asked a question that is relevant to four Ministers, so it will make it a little difficult for me to give him a comprehensive answer. The Deputy Leader of the Government is suggesting that the lead on that would be the Minister for Health. I suspect that the Minister for the Environment has quite a bit to say about that issue because the member's question mentioned dust. As Minister for Resources, obviously a

sustainable resources industry is very important, not only to the State but in particular to regional communities. Broken Hill has been built on the back of the mining industry and, as a result, the community has enjoyed incredible prosperity for many years.

More recently, mining not far from Broken Hill in the Far West of the State is providing a capacity for that town to halt what obviously has been a considerable decline over a period of time. But the expectation by everyone in the resources industry is that not only must the industry be sustainable but also it must be safe for the people who work in it and the industry must manage the impact of its activities on its communities. Last Saturday I visited several open-cut mines in the Hunter, having just visited the Newcastle Art Gallery. Frankly, I was impressed by the efforts in relation to dust suppression that were being made at the particular mines that I visited. It was top of mind to the mine manager. I observed some of the activities that were taking place to make sure that dust was suppressed. I am glad that some mine operators are taking their obligation on these matters very seriously. I would like to see all in the mining industry take them seriously. In relation to the matter raised by the Hon. Daniel Mookhey, I will be very happy to refer his question to all Ministers who are concerned with the particular area of his inquiry and obtain an answer for him.

If members have further questions I suggest that they place them on notice.

Rulings

DISORDERLY CONDUCT

The PRESIDENT (15:31): During question time yesterday the Hon. Daniel Mookhey took a point of order that Minister Blair, while answering a question without notice, was addressing members on the opposite side of the Chamber inappropriately and not addressing his remarks through the Chair. In resolving the second part of the point of order I noted that there is no requirement for a Minister to look directly at the Chair, and that in that instance the Minister was clearly addressing the Chair. However, in relation to the manner in which the Minister was delivering his answer, I reserved my ruling. In a ruling on 17 November 2015, President Harwin stated:

> That if members wish to be taken seriously they would be well advised to behave in a professional and mature manner, worthy of the high office to which they have been elected. The making of a hand gesture of an offensive word or phrase, should that occur, would be disorderly and do nothing to enhance the reputation of a member making it or the Chamber as a whole. The same goes for other forms of disorderly behaviour.

Similarly, *House of Representatives Practice* states that the use of offensive hand gestures has been deprecated by the Speaker, and it would be open to the Speaker to direct a member to leave the Chamber or to name a member for such behaviour. In the circumstances of question time debate yesterday, I note that the Minister had to raise his voice to be heard over the constant interjections from other members in the Chamber. I do not find the conduct of Minister Blair, or his manner of delivery and his remarks yesterday to be inappropriate, and he was not making any offensive or disorderly gestures.

Bills

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2017

UNIVERSITIES LEGISLATION AMENDMENT (PLANNING AGREEMENTS) BILL 2017

Messages

The PRESIDENT: I report receipt of a message from the Legislative Assembly in relation to the abovementioned bills, which reads as follows:

> MR PRESIDENT
>
> The Legislative Assembly desires to acquaint the Legislative Council that in consideration of the Legislative Council's messages dated 10 and 23 May 2017 in relation to the Statute Law (Miscellaneous Provisions) Bill the Legislative Assembly:
>
> (1) Concurs with the division of the bill into two bills.
>
> (2) Agrees to the amendments in the Statute Law (Miscellaneous Provisions) Bill.
>
> (3) Agrees to the proposed Universities Legislation Amendment (Planning Agreements) Bill as consisting of those parts of the original bill indicated in the Legislative Council's messages.
>
> Further, the Legislative Assembly's concurrence on this occasion is not to be taken as a precedent.
>
> Legislative Assembly SHELLEY HANCOCK
> 24 May 2017 Speaker

ELECTRONIC TRANSACTIONS LEGISLATION AMENDMENT (GOVERNMENT TRANSACTIONS) BILL 2017

First Reading

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

Second Reading

The Hon. BRONNIE TAYLOR (15:36): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

I am pleased to introduce the Electronic Transactions Legislation Amendment (Government Transactions) Bill 2017. This bill is an important step forward in modernising the way the New South Wales Government operates. Its main purpose is to enable digital transactions between the Government and citizens, businesses or other organisations where they are not currently permitted or unclear. The bill, more simply known as the digital government bill, supports the Government's commitment to continually deliver faster, more convenient and more efficient services to the public through digital channels. It seeks to make sure that digital transactions and processes are an option across a wider range of government operations.

In New South Wales, residents and businesses conduct more than 40 million transactions each year. According to a 2015 Deloitte Access Economics report on digital government transformation, approximately 40 per cent of Australian government transactions—Commonwealth and State—are still being conducted by traditional, non-digital channels. Reducing this figure to 20 per cent over a 10-year period would realise productivity, efficiency and other benefits to government worth around $18 billion, with benefits to the public of around $9 billion, for up-front costs of approximately $6 billion.

The Government has a target for 70 per cent of government transactions to be conducted by digital channels by 2019. Accordingly, legislation governing government transactions and processes should be fit for purpose in a digital age, simple and easy to apply in a digital context. The digital government bill proposes action on two fronts. First, it will modernise 53 Acts and five regulations that currently contain requirements for traditional, outdated, or paper-based processes. These amendments will make it clear that interacting with the Government digitally is permitted. Secondly, it will amend the Road Transport Act 2013 to provide for a trial of the digital driver licence prototype. Delivering a digital driver licence is a longstanding commitment of the Government. This legislation will allow us to test the technology that will make it happen in a live environment. The bill will remove legislative constraints to digital government.

New South Wales has an existing legislative framework that allows many forms of digital transactions to take place even when the legislation does not specifically provide for them. Section 7 of the Electronic Transactions Act 2000 provides that a transaction is not invalid because it took place wholly or partly electronically. Under these provisions if a person is required under a New South Wales law to produce a document that is in paper form, this requirement can be met electronically provided that, among other things, the recipient consents and a reliable electronic method is used. However, there are a range of exemptions to the Electronic Transactions Act. The bill focuses on these areas of exemption, and makes specific provisions to allow digital transactions and processes to take place.

A range of legislation currently requires that documents and notices be served "personally or by post". Schedule 1 to the bill amends requirements for documents to be served only in this way, allowing for certain documents and notices to be sent electronically, for example by email, with the consent of the individual. Amendments to 39 Acts, and one regulation provides for electronic service delivery as another option in addition to serving documents personally or by post. The amendments are consistent with efforts across government to increase the channels of communication and service delivery available, such as amendments to the Fines Act 1996 that allow the option of issuing electronic penalty notices. I note that the amendments will not affect requirements for serving documents in relation to court proceedings and are focused on government transactions. A range of legislation requires that certain information is verified by statutory declaration. As a paper-based process, statutory declarations can be a barrier to an end-to-end digital process.

Schedule 2 to the bill amends requirements for information provided in forms, applications or communications with government to be verified by statutory declaration. The bill removes this potential barrier in eight Acts and three regulations by allowing for information, where appropriate, to be provided in an approved electronic form as an alternative option. I note that these amendments do not affect current laws governing the offence of providing false or misleading information or documents to a government official or in connection to compliance with a law of the State. The amendments will also not change any current provisions in relation to documents that affect the rights of multiple parties, such as the transfer of real property or the creation of a power

of attorney or a will. These amendments ensure that legislation does not constrain opportunities for government agencies to provide simpler, more convenient forms and application processes.

A range of legislation requires that the Government, or an authority of the State, publishes certain notices, statements and information, implying that this should occur in a printed format. Schedule 3 to the bill amends requirements for notices to be published in a newspaper to allow for accessible online formats. Amendments to four Acts clarify that information can be published in a newspaper, whether published in print or a publicly accessible website, or a publicly accessible website that is appropriate to cause the notice to come to the attention of the public or intended persons. While only four Acts are addressed in this bill, there are at least 70 more examples of this in legislation across government that will be addressed. The bill modernises legislation by allowing the option of advertising government notices online, allowing government to move away from traditional paper-based processes and reach out to the community through multiple channels in a comparable manner that can be more efficient. A range of legislation refers to outdated business practices, such as reliance on photocopies of records.

Schedule 4 to the bill amends explicit references to photocopied or paper records, or phrases that imply manual handling of documents. Amendments to three Acts and regulations will update miscellaneous provisions in line with contemporary business practices. This will ensure that legislation referring to business processes is simpler, clearer and relevant when describing electronic methods of signing and recording information. In addition to making small-scale legislative changes to more than 50 Acts, the bill also takes a major step towards delivering on the New South Wales Government's commitment to offer a digital driver licence [DDL] by 2019. Over the longer term, the DDL can provide a range of benefits for licence holders, from improved convenience and faster licence checks to reduced risks of identity theft. The legislative framework for driver licensing is complex, and when it was drafted there was no reason to consider a DDL.

Schedule 5 to the bill amends the Road Transport Act 2013 to enable the Department of Finance, Services and Innovation to conduct a trial of a prototype DDL. The amendment will insert a new part concerning a digital driver licence trial into chapter 3 of the Road Transport Act, which deals with driver licensing. Under this part, new section 61A defines a digital driver licence. The prototype will be an opt-in, digital representation of a person's driver licence that will be accessed via the Service NSW app on mobile devices. New section 61B sets out the purpose of a digital driver licence trial, and provides the Ministers responsible for police, finance, services and property, and roads, maritime and freight with the power to prescribe other purposes by regulation. New section 61C limits the duration of this initial digital driver licence trial.

New sections 61D and 61E provide for the use of the digital driver licence and participation in the trial. Terms and conditions of the trial will restrict the use of the digital driver licence, allow for only eligible licence holders to participate and enable the Department of Finance, Services and Property to revoke a participant's authorisation to participate in the trial. The relationship between the digital driver licence, relevant police powers, and a physical card driver licence under the Road Transport Act 2013 is also clarified.

New section 61F addresses restrictions in the Road Transport Act 2013 concerning the use and release of driver licence information and photographs. The amendment allows driver licensing information and photographs to be securely released by Roads and Maritime Services to the Department of Finance, Services and Innovation and Service NSW to create a digital driver licence and enable licence holders, via a Service NSW app, to display the digital driver licence. These amendments are required to enable licence holders to be provided with access to their own licensing information and photographs for the purposes of a digital driver licence prototype.

It is important to note that the trial will be designed to ensure that the privacy and security of personal information is strictly maintained. The New South Wales Privacy Commissioner has been consulted on these amendments and the Department of Finance, Services and Innovation will continue to work closely with the commissioner on this program. Trialling the digital driver licence first is intended to ensure that successive releases are guided by customer feedback and ongoing evaluation. This approach also reduces costs and mitigates risks by starting small, initially targeting a limited number of participants. A trial using "live" licensing data is critical to fully test the use, functionality and customer benefits of a digital driver licence before rolling it out across the State to ensure that the end product is fit for purpose, delivers value and meets customer needs.

The bill also makes a minor amendment to the Strata Schemes Management Act 2015 relating to the Strata Defects Scheme, postponing commencement of certain provisions in the Act and regulation from 1 July 2017 to 1 January 2018. This amendment acknowledges that a number of issues have arisen, which mean that it is prudent to delay commencement of the scheme. Since 2016 Standards Australia has been working with a group of industry experts to develop a new national standard known as AS4349.2–Group titled properties. The standard is important as it will form part of the defect inspection report that is applied by the scheme. Unfortunately, the standard is not complete and is unlikely to be finalised by Standards Australia until after July 2017.

Furthermore, over the past five months NSW Fair Trading has been engaging with peak bodies in the legal, strata and building sectors to prepare for the scheme. NSW Fair Trading acknowledges stakeholders' continued support for the scheme but also notes feedback that the July 2017 commencement date would not afford some participants sufficient time to develop their supporting processes and procedures. The amendments will mean that the scheme will only apply to construction contracts signed or work that commences from 1 January 2018. This bill will help the Government to achieve its vision for better government services that deliver value and benefits for the people of New South Wales. It will ensure that the public is better served through simpler, more efficient and modern government transactions. It reinforces the reputation of New South Wales as the centre for innovation. I commend the bill to the House.

Debate adjourned.

LIQUOR AMENDMENT (REVIEWS) BILL 2017

Second Reading

The Hon. DAVID CLARKE (15:49): On behalf of the Hon. Niall Blair: I move:

That this bill be now read a second time.

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

Leave granted.

In December last year this Government announced an important package of liquor reforms.

The package included, among other things, the Government's response to the recommendations of the Independent Liquor Law Review by former High Court Justice Ian Callinan, as well as to a number of Departmental reviews.

As recommended by the Callinan Review, for genuine "live entertainment venues" in the Kings Cross and central business district [CBD] precincts, lockouts were extended from 1.30 a.m. to 2.00 a.m. Last drinks moved from 3.00 a.m. to 3.30 a.m.

In addition, the 10pm statewide restriction on take-away alcohol sales was extended from 10pm to 11pm. For small bars, the patron capacity was increased from 60 to 100 persons to enhance the viability of the small bar licence and contribute to a more diverse and vibrant industry and night-time economy.

To ensure that venues and the community could benefit from the changes ahead of the busy Christmas and New Year holiday period, as many reforms as possible were implemented via Regulation on 16 December in the Liquor Amendment Regulation 2016.

Today the New South Wales Government is introducing a bill to implement the remaining measures in our publicly announced liquor reform package which were not able to be implemented through Regulation last year, but instead require legislative change.

The measures contained in this Liquor Amendment (Reviews) Bill 2017 will: improve the Three Strikes disciplinary scheme targeting those that repeatedly commit serious offences under the Liquor Act, and address some unintended consequences of the scheme; improve the Minors Sanctions scheme for venues that sell alcohol to under-18s and align it more closely with the Three Strikes scheme; modify the liquor licence freeze provisions and implement the Government's publicly-announced plans to extend the freeze in Kings Cross until 1 June 2018 consistent with the Sydney CBD freeze; and fix an anomaly whereby the Board of the Independent Liquor and Gaming Authority is held responsible for the collection, administration and reporting of fees payable under liquor and gaming legislation.

I now provide further detail on the reforms contained in Schedule 1to the bill.

The New South Wales Three Strikes scheme aims to encourage compliance with the most serious offence provisions under the Liquor Act.

The scheme uses a system of strikes targeting venues at which there are wilful—and continual—serious breaches of liquor laws. Not all offences will result in a strike against a venue's liquor licence—strikes are intended to only apply to serious breaches.

Strikes can lead to a range of escalating penalties including licence suspensions, cancellations and disqualifications. Indeed, licensed venues that repeatedly commit serious offences can lose their liquor licence under the Three Strikes scheme.

However there have been some unfortunate and unforeseen consequences flowing from the Three Strikes scheme.

Major financial providers have confirmed that the incurrence of strikes against a licence can jeopardise loan arrangements.

In their view, strikes impact negatively on the property value, cash flow and reputation of licensed premises.

In fact some lenders have suggested that first strikes could diminish the value of a property by around 20 per cent.

Some lenders have inserted provisions into loan agreements which specifically note that venues must notify them of a strike being incurred, and that this constitutes a 'review event' which may result in variations to loan conditions.

These loan agreements also indicate that either a second or third strike would constitute a default on the loan.

It is not surprising then that instances have been cited where contracts of sale have been rescinded due to venues incurring strikes, and more broadly industry stakeholders have indicated that selling a premise carrying a strike is very difficult.

While licensed venues must be held responsible for their actions, it is not intended that a strike on a licence should lead to a substantial loss in the value of the attached business, or an inability to sell, or the imposition of difficult loan conditions by financial institutions.

In particular, the Three Strikes scheme should not unfairly penalise new owners and operators of licensed venues who have been unable to remove strikes incurred by previous management.

To address these undesirable outcomes, the bill makes revisions so that strikes will in future be attached to individual licensees and approved managers, rather than against a venue's liquor licence.

Importantly, this will mean strikes will not have the same impact on financial loan arrangements or the potential sale of the venue.

At the same time, attaching strikes to licensees and managers, will continue to encourage these operators to drive positive changes in behaviour at their venues.

Where a licensee or manager continues to incur strikes at the same premises, the venues will still face the same range of escalating and serious penalties that can apply under the current scheme.

Due to some fundamental differences between registered clubs and other types of liquor licences, clubs will continue to incur strikes on their licence. This reflects the fact that clubs, as community-owned, not-for-profit entities, cannot be bought and sold in the same way as other types of licensed venues., and have therefore not suffered the same financial consequences of strikes.

To ensure that the Three Strikes scheme continues to target repeat offenders who wilfully commit the most serious offences under the Liquor Act, the bill will refine the offence types that can attract a strike.

Minor breaches of licence conditions imposed as part of precinct conditions, or under the Violent Venues or Three Strikes schemes, should not trigger a strike and will no longer do so under the bill.

For example, this will ensure that a CBD or Kings Cross venue that fails to maintain an "incident register" can no longer receive a strike for this type of offence.

The scheme will continue to target a range of serious offences, such as permitting intoxication or violent conduct on the premises, selling to minors, as well as more significant breaches of precinct licence conditions imposed to restrict trading hours or entry of patrons after certain times.

Further, the bill provides that the Independent Liquor and Gaming Authority Board will determine the application of a first strike, rather than the strike being automatically applied.

The Authority will also be the decision maker in respect to a second strike, rather than the Secretary of the Department.

There will be an appeals mechanism to the NSW Civil and Administrative Tribunal [NCAT].

Together, these changes transfer to an Independent Authority and a Tribunal responsibility for determining the application of strikes.

In determining a strike, the Authority may also impose any remedial action necessary to reduce the risks that led to the offence being committed.

While the type of remedial action that the Authority can impose as a condition of a venue's licence is not being changed, the bill introduces the ability for remedial action to be taken against an individual licensee or manager.

This can include: requiring the person to undertake further training after they incur a first strike; reprimanding the person or imposing a minor monetary penalty after incurring a second strike; or disqualifying the person from being a licensee or manager of a licensed premises, either permanently or for a specified period of time, after incurring a third strike.

Another key change to the scheme will enable licensees, managers and clubs to apply to the Authority for a strike to be revoked after it has been in place for six months.

However, the Authority will only be able to revoke a strike if there is evidence of improvement in management practices, so it must be satisfied that: any remedial action imposed with the strike has been complied with; the licensee or manager has implemented measures or undertaken training to manage or reduce the risks that led to the strike offence; and no other strike offence has been committed since the strike was incurred by the licensee, manager or club.

The bill also includes a mechanism that allows the Authority to respond to venues that "cycle through" licensees or managers in an attempt to frustrate regulatory action and avoid further sanctions under the scheme.

In this case, the Authority will be able to impose conditions relating to the employment of a new licensee or manager, for example requiring the employment of a person with a certain level of qualification or experience in managing licensed premises.

This action will be available where the Authority considers there has been no improvement in the management of a venue, despite other licensees or managers having been employed.

The bill will also improve the Minors Sanctions Scheme—the escalating sanctions scheme that imposes significant penalties on venues that sell liquor to minors.

As with the changes to the Three Strikes scheme, the reforms to the Minors Sanctions scheme transfer to the Independent Liquor and Gaming Authority Board certain decision-making responsibility—including for determining whether to suspend a venue's licence for up to 28 days for a first offence.

Currently, that sanction is determined by the Secretary of the Department of Industry, and is final and not reviewable.

This change reflects the Authority's primary role in determining high impact and contentious matters, noting the severe financial consequences a licence suspension can have on venues and staff.

As with Three Strikes, there will be an appeals mechanism to NCAT.

The bill modifies certain aspects of the existing liquor licence freeze.

The freeze was implemented in Sydney CBD and Kings Cross to curb the proliferation of higher risk venues and thereby help contain the risk of alcohol-related violence and crime.

For high impact venues such as hotels, clubs, and bottle shops in the precincts, the freeze prevents the granting of new liquor licences, and extended trading authorisations, and places restrictions on licence removals, change of boundary applications, and the grant of development consent by the City of Sydney.

However the Callinan Review found that the freeze may have prevented some venues from adapting or improving their premises.

The bill therefore modifies the operation of certain freeze provisions so they no longer inadvertently restrict existing venues from receiving consent to adapt or improve their facilities.

Importantly, these changes will mean that businesses in the precincts have greater opportunity to refurbish, and provide more diverse and sophisticated offerings, so they can better adapt to changes in their environment.

The bill will extend the modified freeze to the Kings Cross precinct until 1 June 2018, consistent with the Government's announced plans for the freeze, ensuring consistency with the current Sydney CBD freeze.

Further, the bill will remove current freeze restrictions in place for producer/wholesaler licences, given the lower risk profile of these operators.

The bill will also enable the Kings Cross precinct to be recognised as a "prescribed precinct", consistent with the Sydney CBD Entertainment precinct.

Specifically, it repeals legislative provisions relating to the Kings Cross precinct that are currently replicated under the 'prescribed precinct' framework in Division 4 of Part 6 of the Liquor Act.

This change will help to standardise and simplify the operation of the framework by ensuring there is a common mechanism, being the prescribed precinct framework, used to implement regulatory interventions at the precinct level.

In relation to ID Scanners, the bill will make the Secretary of the Department of Industry, rather than the Minister responsible for determining exemptions from the ID scanning requirements currently in place for high risk venues in Kings Cross.

This designation is considered appropriate given the Secretary has other comparable operational decision-making responsibilities under the liquor legislation.

I now wish to turn to Schedule 2 of the bill, which relates to the 2015 structural reforms to gaming and liquor regulatory framework.

Those reforms resulted in the establishment of Liquor & Gaming NSW as a "fit for purpose" regulator, and a shift in the role of the Independent Liquor & Gaming Authority.

In this regard, the Authority was refocused as an independent statutory board with eight part-time members responsible for determining contentious licensing and disciplinary matters.

Despite this change, the 2015 reforms did not relieve the Authority of its obligation to collect, and report on, fees and charges collected under the various pieces of gaming and liquor legislation.

This situation needs to be rectified so that the Authority, as a statutory decision-making body, can focus its efforts accordingly rather than undertaking these financial administration activities.

The bill therefore addresses this issue by amending relevant provisions under the Casino Control Act, the Gaming and Liquor Administration Act, the Gaming Machines Act and the Registered Clubs Act.

These amendments ensure that where any fees, taxes or costs are payable to the Authority, or it is implied that fees or costs are payable to the Authority, those monies will instead be payable to the Secretary of the Department.

This is a change that has been requested by the Chair of the Independent Liquor and Gaming Authority, Mr Philip Crawford.

Importantly, this change merely relates to the responsibility for the ongoing administration of the monies, and has no effect on the use of the revenue.

The package of reforms contained in this bill implements the Government's remaining liquor law reforms.

The reforms will further improve the regulation of the liquor industry, support business certainty and viability, while at the same time promoting effective measures to minimise risks of alcohol-related violence and harm in the community.

I commend the bill to the House.

The Hon. PETER PRIMROSE (15:49): I lead for the Opposition on the Liquor Amendment (Reviews) Bill 2017. I indicate from the outset that the Opposition, despite some concerns with the bill, will not oppose this legislation for the reasons outlined by the shadow Minister, Mr Michael Daley, in the other place. On a number of occasions in 2008 then Labor Premier Nathan Rees went on patrol with police in areas such as the cinema complex on southern George Street, Oxford Street and Kings Cross. What he saw shocked him and he made it a personal goal to do everything he could as Premier to reduce alcohol-fuelled violence. In October 2008 he commenced schedule 4—the top 48 licensed premises—and the Violent Venues Scheme in 2010. Prior to that there was also the establishment of the Alcohol Licensing Enforcement Command. At the same time efforts were undertaken to improve engagement with the industry, and this was the key to solving some of the problems in this area. The Labor Government said to the industry:

> We want the industry to take more responsibility for its actions, spend money on better security and greater vigilance and work with the Government, councils, liquor accords and all the bodies that take responsibility for combating this issue to reduce these unfortunate incidents.

Shortly after, in 2009, the Bureau of Crime Statistics and Research reported that for the first time since it had been recording the statistics for the State, there was a drop of around 30 per cent in incidents of alcohol-fuelled violence in and around premises. That was the first measurable drop, and we have seen progressive improvement in the statistics since then. There should not be a competition between political parties or governments about who has done the most. We should all be pleased that we have all contributed, through a combination of measures such as one-punch legislation, to making the streets of Sydney safer. We agree with most of the measures in this bill because they contribute to a fine-tuning of what has gone before.

The bill is largely in response to the Callinan review, which recommended a number of changes, including relaxing the Sydney central business district [CBD] and Kings Cross laws with later lockouts, introducing last drink times for low-risk entertainment venues and extending the 10.00 p.m. statewide restrictions on alcohol sales to 11.00 p.m. Those changes were introduced by regulation. This bill will modify the three strikes regime so that in the case of licensed premises being a hotel, not a club, a strike will be incurred—appropriately, Labor believes—by the licensee or manager of the licensed premises rather than be attached to the premises and the owner himself or herself.

The bill also provides that the board of the Independent Liquor and Gaming Authority [ILGA] will determine the application of a first strike, and it includes an appeals mechanism to the New South Wales Civil and Administrative Tribunal [NCAT]. When the authority is to determine the application or otherwise of the strike, it may also impose any remedial action it considers to be necessary to reduce the risks that led to the offence being committed. These may include requiring a manager or licensee to undergo further training, imposing a minor monetary penalty or disqualifying the person from being a licensee or manager of a licensed premises. If it attaches to the licensee they can simply keep flipping managers and moving them on their way. Labor is satisfied that there are mechanisms in place in this legislation, if they are properly administered, to make sure that does not occur.

Currently under the scheme the application of the first strike is automatically incurred upon a conviction for a single offence. The second strike is discretionary and can be incurred upon conviction for an offence committed when one strike is already in force. The decision that a second strike should be incurred is made by the secretary. The third strike is discretionary and can be incurred upon conviction for an offence committed where two strikes are already in force. The decision that a third strike should be incurred is made by ILGA. A third strike can lead to a licence cancellation. Each strike remains in force for three years from the date of the offence. We say that the existing legislation imposes unintended sanctions on hotels that incur only one strike, because a first strike can result in the imposition of a licence suspension of up to 12 months or a licence cancellation.

Significantly, action taken by the Independent Liquor and Gaming Authority after a third strike applies to the hotel itself—to the bricks and mortar—and a suspension or cancellation applies to the premises even if the licensee or manager responsible for incurring the strikes is removed or the premises is sold. That has had the consequence of attracting the attention of the banks and financiers. Financial institutions are critical to these businesses. The hotel industry employs about 70,000 people in New South Wales and the club industry employs even more. In the almost one decade since these regimes have been in place, hotels have invested heavily in their premises and they have improved their game, particularly with the revenue they have received from poker machines being allowed in hotels. To have a strike recorded on the hotel premises can lead to serious consequences, and in some cases can even constitute an act of default under a mortgage. We do not think that was ever intended, and it is right that it should be fine-tuned in this legislation.

Now minor breaches of licence conditions as part of precinct conditions, the Violent Venues Scheme or the three strikes scheme will no longer trigger a strike. ILGA will, with discretion, determine the application of first and second strikes instead of there being an automatic application in the first instance and to the secretary in the second instance. There will be an appeals mechanism to NCAT and licensees, managers and clubs can now apply to ILGA for a strike to be revoked after six months if there is evidence of improvement—and that is the key. The bill also contains a mechanism to respond to the "cycling through" of licensees or managers. If the venue changes its licensee or manager and continues to operate poorly, any new offence triggers the ability of the authority to take more than 20 disciplinary actions against the hotel under section 141 of the Act, including the ability to cancel or suspend the hotel's licence, disqualify the manager or impose strict new conditions on the hotel licence. These powers have been used recently and will remain in the legislation.

The bill makes amendments to the minors sanctions scheme. Like the three strikes scheme, the bill transfers to the ILGA board from the secretary responsibility for decision-making over sanctions, including licence suspensions. Decisions that were previously non-reviewable can now be appealed at NCAT. The existing

Sydney CBD entertainment precinct and Kings Cross precinct liquor freeze prevents the granting of new liquor licences and extended trading authorisations, and it places restrictions on licence removals, change of boundary applications and granting of development consent by the City of Sydney. The bill standardises the precinct framework, allowing Kings Cross to be classed as a prescribed precinct, in line with the Sydney CBD precinct. This simplifies the framework, ensuring a common mechanism across both areas.

The bill extends the modified freeze to the Kings Cross precinct until 1 June 2018 and modifies certain freeze provisions so they do not restrict existing venues from making improvements or modifications to their premises—that is a sensible amendment. They also no longer apply to low-risk venues such as producers and wholesalers. In relation to identification scanners, the bill transfers responsibility for determining exemptions from the ID scanner requirements for high-risk venues in Kings Cross from the Minister to the secretary. In relation to collection and reporting of fees, taxes and costs, the bill shifts the obligation to collect and report on fees, taxes and costs from ILGA to the secretary. In his second reading speech the Minister stated that this change will have no impact on revenues.

I note a recent article in the *Sydney Morning Herald* by Sean Nicholls expressing concern about one of the reports that purportedly underpins some of the responses embodied in this legislation. He noted that the report has not been released to the public. New South Wales Labor believes that there is no reason for this report not to be published. We disagreed with the Minister in the other House in his previous portfolio of Local Government when the Government chose to withhold a report that is the subject of ongoing public discussion and legal action, namely, the $400,000 KPMG report into the forced council mergers. These reports should not be withheld and we call upon the Minister to release them. Whilst I have indicated that we will support this legislation, this is an issue that we will keep a very close eye on. The Opposition does not oppose the bill.

Mr JUSTIN FIELD (15:59): On behalf of The Greens I make a contribution to debate on the Liquor Amendment (Reviews) Bill 2017. The Greens will oppose the bill, which contains a number of amendments to the Liquor Act 2007 including consolidating the Sydney central business district [CBD] and Kings Cross precinct; extending the licence freeze in the Kings Cross precinct to June 2018; allowing the department to exempt licences from the ID scanning requirement; transferring financial management responsibilities from the Independent Liquor and Gaming Authority [ILGA] to the department; transferring some compliance roles from the department to ILGA, such as licence suspensions when alcohol is sold to a minor and imposing strikes under the three strikes scheme; and changing the three strikes disciplinary scheme so that it applies to licensees and managers rather than to licence holders.

My colleague in the other House Jenny Leong outlined The Greens' position on a number of those measures and also, importantly, our position on the Government's lockout laws and our concern that those laws have only sought to target individuals who want to go out and enjoy themselves in the city. It is a top-down approach that targets individuals and their ability to enjoy themselves and have fun, as opposed to those venues that are doing the wrong thing. I will address most of my concerns to the three strikes rule. We have always supported the three strikes rule. It is important to acknowledge that all those strikes relate to serious incidents that have occurred through the actions of liquor licence holders. Those strikes are important both in giving an indication to a venue that it is doing the wrong thing and in giving the venue an opportunity to improve its actions. This bill fundamentally weakens the capacity of the three strikes scheme to act as a deterrent to licence holders to do the right thing.

The bill amends the three strikes disciplinary scheme contained in the Liquor Act, which was designed to target licensed venues that repeatedly commit serious offences in breach of the State's liquor laws and their licences. It proposes to transfer the burden of a strike from the licence holder to the licensee. The Government's justification for this is that there have been unintended impacts on owners. Owners have complained that a strike reduces the value of their property by up to 20 per cent and can jeopardise any loan arrangements they may have. I have heard in contributions to this debate in the other place and in this place that even the simple existence of a strike in some circumstances will lead to a bank or another financier reviewing the loan arrangements. I can understand that would be a concern for people who have a lot of money invested in a particular venue, but the fact that owners have a financial interest in doing the right thing in not allowing serious breaches of liquor laws in their venues and avoiding a strike against their licence seems to be a pretty good thing because the three strikes regime creates a primary deterrence factor.

Under this bill, the burden of a strike will be transferred to the licensees and managers of venues. These are employees who often have no financial interest in the venue and may be seen as expendable by the venue owner to avoid the strike being held against their business. What is to stop a venue owner firing a licensee as soon as they get a strike? I have asked those questions in the briefings we have had from the Government and I understand that arrangements will be in place where the board of ILGA will consider whether that is the intention of a licence holder in rotating their licensees or managers and will take action to address that. But the reverse

could be true. Why not simply provide some arrangements whereby a licence holder or an owner, if they felt that the strike had been incurred unfairly, has the opportunity to make that case? Simply transferring the burden of a strike across to licensees or managers removes that fundamental deterrence factor of the three strikes scheme, which is why it seems to be pretty well supported by community groups, health groups and groups that work in this space all the time.

It is grossly unfair to licensees and it is completely inconsistent with occupational health and safety, environmental protection, consumer and food safety legislation, where the compliance burden rests with the owner—the only person with a financial interest in ensuring compliance. At the end of the day, unless that burden falls on them, they have little motivation to ensure that the procedures and processes at the venue that they hold the licence for are sufficient to comply with the Liquor Act in New South Wales and their licence conditions. This bill will virtually eliminate all corporate responsibility that can only logically rest with an owner: the person with financial responsibility.

The NSW ACT Alcohol Policy Alliance—a leading alcohol policy coalition—has expressed serious concerns about the three strikes disciplinary scheme as it currently stands and has made submissions to the review of the scheme, which was started last year, highlighting serious loopholes and exemptions. The alliance identified that the most violent and well-connected clubs had not received any convictions or strikes since the beginning of the scheme in 2012. The National Alliance for Action on Alcohol echoes those concerns and believes it is becoming increasingly difficult for the community to have confidence in the effectiveness of liquor laws and their application in New South Wales. I have spoken to the alliance and it has confirmed that none of the concerns raised in its submission has been addressed in this bill. Despite those concerns about the current regime, the alliance has also expressed concerns that this bill seeks to further weaken the regime. It is not clear where its submission has gone or if the Government has even read it. Why do any of the results from the review process that the alliance made a submission to—a review that went out for consultation last year—not appear on the public record? There is no record of any decisions made in that review.

I echo some of the concerns raised by the Opposition. We have heard that advice was sought from Justice Callinan with regard to how the three strikes scheme operates at the same time as he was undertaking his review of the rest of the Liquor Act where changes have already been implemented by the Government. We have asked for that advice to be released publicly. I asked questions about this issue in this place yesterday, I gave notice of a Standing Order 52 with regard to the matter and I removed my motion from formal business this morning following an agreement with the Government that I would be able to view the advice that was provided by Justice Callinan. I gave an undertaking to the Minister's office that I would not outline what I read in that document, but I find it strange, after having read the document and seeing that the Government is relying on the advice—let us assume some of the advice—in that document for justification for this aspect of the bill, that it has not been released to the public. The public has a right to know.

Nothing I have read or heard in this place or in any of the public discussion about this seems to justify, in particular, the transfer of responsibility from licence holders and owners to licensees and managers. That advice from Justice Callinan and any other information the Government has relied on should be released as soon as possible. The public expects more from us. We come into this place to make decisions on legislation but how are we supposed to assess what the Government is putting before us when the information relied on by the Government is not made public? It is madness. The Government was required to conduct a statutory review of this scheme. It appears that the statutory review began and that submissions were made, but the review either has not been concluded or has been suspended. No report has been released. Justice Callinan was asked to undertake a review or at least to look into those matters. His report, which has been provided to the Government, forms the basis for the decisions that the Government made in preparing the bill. It is unacceptable that we have not seen that report.

I also raise concerns about transparency in the racing, liquor and gaming industries in this State. I have raised concerns before about transparency in the use of poker machines and electronic gaming machines but there has been a deliberate attempt by the Government to keep that information from the public. The Government has a memorandum of understanding with the clubs industry in New South Wales but it appears to be particularly challenged when it comes to providing information about how venues that are selling alcohol and that have gaming machines operate in this State.

Concerns have been raised by the health and community groups that follow these issues closely about the approval rates of ILGA. That organisation will play a greater role in determining whether there are grounds for these strikes to be removed. The Greens have serious concerns about the ability of ILGA to enforce compliance. In 2015 ILGA was restructured to transfer all staff to the department, leaving only the board in place. The board boasts an approval record of close to 100 per cent for liquor licence application approvals. It is an absurd record, given all the issues raised by community and health groups about alcohol-related violence.

Proposals are received by the board for changes to liquor licences, such as extended trading hours, or requests to allow more patrons.

My understanding is that since the board has been in place not one of those applications has been knocked back. I have been told that substantial concerns have been raised by police, health groups, doctors groups, the Department of Health and local community groups, yet the board's decisions fly in the face of their objections and not one application has been refused. What other independent agency can claim approving almost every application that comes before it? Even the Planning Assessment Commission takes into account the concerns raised by community groups on inappropriate planning matters. I again call on the Government to release to the public the advice it has received on these matters. We should not be considering this legislation until that advice has been provided and the community knows what the Government is doing.

Under the bill a licensee can apply to ILGA six months after incurring a strike in order to have the strike removed on the basis of good behaviour. I have mentioned the concerns I have about this concession, particularly in light of ILGA's approval history. I have also mentioned the fact that a good behaviour reduction cannot be sought for other infringements such as driving penalties that remain active for three years. In light of those matters, I have suggested to the Government that this appeal right could instead be given to venue owners who have incurred a strike. This would remove any issue of reduced property prices and be a great incentive for a venue to prove good behaviour after a strike.

The Government did not respond to my suggestion and was clearly not open to any logical solution. A liquor licence has value, particularly at a time when a licence holder may want to sell a venue or a licence. If a licence holder genuinely wanted to sell and not just rebirth a licence that contains a strike, an independent authority should be allowed to consider removing the strike. The deterrence mechanism in the three strikes policy should not be weakened. We should not throw the baby out with the bath water by providing good behaviour concessions that enable licensees to walk away from these strikes. Incidents such as selling alcohol to minors or to people who are clearly intoxicated and that lead to violence are serious. When we refer to the three strikes policy we are not speaking about minor matters.

It seems that the aim of this bill is to provide additional concessions to the liquor industry which will undermine the effectiveness of the three strikes scheme. People are playing politics in this place in relation to lockouts and exemptions for casinos and little consideration is given to evidence-based decision-making. There does not appear to have been reasonable consultation or any statutory review of this scheme. There has been no public reporting of the submissions that have been made and no advice has been received from the police, other authorities or departments about how this operates. There is no transparency and there is a complete disregard for the concerns voiced by the community. For those reasons The Greens oppose the Liquor Amendment (Reviews) Bill 2017.

The Hon. PAUL GREEN (16:16): On behalf of the Christian Democratic Party I speak in debate on the Liquor Amendment (Reviews) Bill 2017. The bill aims to implement the remaining measures from the Government's liquor law reform package arising from the Callinan review and various departmental reviews. The bill reviews the three strikes disciplinary scheme, the minor sanctions scheme, the liquor licence freeze in the Sydney CBD and Kings Cross and the collection and reporting of fees. I will briefly discuss each proposed review.

The three strikes disciplinary scheme is a system of strikes targeting venues when there are wilful and continual serious breaches of liquor laws. The Christian Democratic Party has always supported the taking of action against those providers. The three strikes scheme will continue to target serious offences. Changes will be made to ensure that the strikes are placed against the individual licensee and not the licensed premises. The impetus for this reform is that the Government found that strikes were being held against licensed premises even after the licensee who got the strike had moved on. The change will prevent diminishing the value of the venue property or negatively impacting on financial loan arrangements.

The bill also includes changes to the application of strikes. The Independent Liquor and Gaming Authority will now be responsible for applying the first strike, as opposed to it being applied automatically. It will also include the ability for remedial action to reduce the risks that led to the strike in the first place. Licensees, managers and clubs will be given the option to apply to the Independent Liquor and Gaming Authority to revoke a strike after six months if there is evidence of improvement and implementation of remedial action. Changes are proposed in regard to the liquor freeze, namely, removing freezes on producer wholesale licences, as they are seen as low-risk operators; modifying certain freeze provisions so as not to restrict venues from receiving consent to adapt or improve their facilities; and extending the Kings Cross freeze to 1 June 2018, consistent with the Sydney CBD freeze.

Identification scanners will be moved from the Minister's responsibility to the Secretary of the Department of Industry, as the secretary has greater operational decision-making responsibilities under the liquor

legislation. The bill also proposes changes to the collection and reporting of fees and charges and ensures that those are made to the secretary of the department, and not the authority. I received correspondence from one constituent concerned about the devastating impact on current and future generations with alcohol becoming a normalised consumer product. He stated:

> We don't want the Independent Liquor and Gaming Authority becoming nothing more than a "rubber stamp" where "consumer convenience" is preferred over public health and safety.

The example he used was the recent issuing of a liquor licence to Manly Fast Ferry, a passenger ferry service, to serve alcohol to passengers despite having families and children on board. The proposed changes endorse the Callinan review and aid in eliminating red tape. However, I encourage the Minister and the relevant authorities to listen to community concerns and to ensure that the regulation of alcohol service in New South Wales is not watered down.

The Christian Democratic Party wants to ensure that these changes do not result in unnecessary loopholes, concessions, complexities or exemptions for perpetrators. Parliament must be sensible in its approach to the supply, service and compliance of the alcohol industry and ensure it is managed objectively, transparently and fairly in New South Wales. Many of the accident and emergency departments have praised the Government's actions to date as having reduced admissions to city hospitals—a positive aspect of the actions that the Government has taken. Relaxation of those measures would not be wise, given that they have proven to reduce the multifaceted injuries facing accident and emergency department staff in the city. The Christian Democratic Party commends the bill to the House. I note that the Opposition is voting in favour of the bill.

The Hon. DAVID CLARKE (16:21): On behalf of the Hon. Niall Blair: In reply: I thank the Hon. Peter Primrose, Mr Justin Field and the Hon. Paul Green for their contributions to debate on the Liquor Amendment (Reviews) Bill 2017. This bill is an important step required to implement the Government's remaining liquor law reforms following the December 2016 response to the Callinan review and other reviews of the liquor laws last year. These new laws directly support the ongoing development of a safe and vibrant night life. It will improve business certainty for venues across the State and provide operators in the Sydney central business district and Kings Cross with more options to refurbish and refresh their premises.

The changes will build on earlier steps by the Government to ensure the community can enjoy a safe night out while encouraging diverse and vibrant entertainment options for the people of New South Wales. This included a targeted and sensible relaxation of trading hours for eligible live entertainment venues in the Sydney CBD and Kings Cross. That directly supports creative industries and provides related employment opportunities for a wide range of performers. The Government has welcomed the strong response to this reform. By mid-May a total of 12 CBD and Kings Cross venues were making use of the later 2.00 a.m. lockout and 3.30 a.m. last drinks trading times to put on live entertainment at night. More than 15 other applications are under active consideration with industry feedback suggesting that more could be eligible.

The reforms also follow the introduction of later trading times for takeaway alcohol outlets. That has provided more choice for consumers, particularly those in regional areas of our State where patrons at times need to travel long distances to attend the nearest hotel, club or bottle shop. The Government is closely monitoring the regulatory reforms to confirm that they are achieving their aims. The measures in the bill will build on these reforms and the Government's efforts to provide greater choice, vibrancy and diversity of night-time entertainment. The changes to the liquor licence freeze will mean that the CBD and Kings Cross venues will have greater ability to refurbish and refresh so they can diversify their operations, respond to the environment and provide sophisticated offerings to the public.

At the same time a continuation of the freeze until June 2018 means there will be no further increase in the density of venues that could increase the risk of alcohol-related violence and harm. Changes to the three strikes scheme will improve business certainty for venue owners and operators across New South Wales by addressing unforeseen and disproportionate financial impacts that have arisen from the scheme. Strikes recorded against a venue have led to the devaluation of licensed venues, including by as much as 20 per cent on a first strike, and caused difficulties with bank loans. Neither of these outcomes was intended by the scheme, which imposes escalating sanctions on repeat offenders. In addition, significant penalties apply for serious breaches of the liquor laws. The changes will mean that new owners and operators ready to comply with the liquor laws are no longer unfairly burdened by being unable to remove strikes incurred by previous management.

By attaching the strike to the licensee rather than the venue responsible, operators will no longer be penalised for the poor practices of previous management. The changes will ensure all decisions on strikes, as well as sanctions under the minors sanction scheme, are made by the independent decision-maker, the Independent Liquor and Gaming Authority. This is a commonsense change that will help to improve consistency and reflects that the authority's current role is to consider high impact and contentious disciplinary matters. Other

administrative change will mean fees and charges under gaming and liquor legislation become payable to the departmental secretary. The authority can better focus its efforts on these matters rather than having to collect and report on these venues.

Collectively, the changes demonstrate the Government's commitment to a safe and vibrant night life and reflect its approach to work with industry to produce the best outcomes for the community. These changes are important to support improvements to the way the industry is regulated, will provide business certainty and viability, and support venues in providing safe environments for patrons to enjoy themselves. I commend the bill to the House.

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

The House divided.

Ayes 28
Noes 6
Majority.....22

AYES

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

NOES

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

Motion agreed to.

Third Reading

The Hon. DAVID CLARKE: On behalf of the Hon. Niall Blair: I move:

That this bill be now read a third time.

Motion agreed to.

PROTECTION OF THE ENVIRONMENT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2017

Second Reading

The Hon. BEN FRANKLIN (16:34): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

The Protection of the Environment Legislation Miscellaneous Amendments Bill 2017 is an important part of the ongoing reforms of the New South Wales Government to improve and align environmental protection legislation. The amendments in the bill will improve the efficiency and effectiveness of environmental legislation and ensure that it reflects the community's expectations about the role of the Environment Protection Authority [EPA] and the responsibilities of the regulated community. The bill will also continue the process of aligning the various pieces of environmental legislation administered by the EPA to ensure consistency in regulatory tools to penalise non-compliance and in prosecution proceedings. This is a continuation of the reforms started by this Government in 2011 with the re-establishment of the EPA as an independent regulator that is robust and respected by the

community and industry. The bill includes amendments to the following Acts: the Contaminated Land Management Act 1997, the Protection of the Environment Operations Act 1997, the Protection of the Environment Administration Act 1991, and the Radiation Control Act 1990.

I will now speak to the specific provisions of the bill. First, the bill will amend the Contaminated Land Management Act to adopt the investigation powers available to the EPA under the Protection of the Environment Operations Act. This will ensure that the EPA officers have a consistent set of investigation powers, regardless of the piece of legislation that may apply to a potential offence. All provisions relating to authorised officer powers will now be available to those using those powers under the Contaminated Land Management Act, including the power to request assistance and for occupiers to provide all necessary information to an authorised officer. This amendment will also reduce inefficiencies associated with needing to amend the Contaminated Land Management Act if investigation powers are amended in the Protection of the Environment Operations Act.

Several amendments to the Protection of the Environment Operations Act are proposed to improve regulatory efficiency and effectiveness. The first set of amendments relates to notification of licence review requirements. The EPA is required by legislation to advertise licence reviews in a newspaper circulating throughout the State. Approximately 2,800 environment protection licences are issued and the cost of advertising licence reviews is around $200,000 annually. That money is diverted from other EPA programs. There is little evidence to suggest that those advertisements result in any community input. The EPA has received only five submissions on licence review from the public in the past two years. Changing technology means that the community is much more likely to access information on specific licensed activities from the public register on the EPA's website rather than via a newspaper advertisement. We must move with the times.

The EPA is also happy to accept comments on specific licensed activities and respond to those as appropriate outside of licensed review periods. Such comments are generally unsolicited and come in via mail, email or the environment line, which handles general inquiries about environmental issues and reports of pollution. This bill will amend the Protection of the Environment Operations Act to remove the requirement regarding newspaper advertising and, instead, will require the EPA to seek public input on licensed reviews via its website. The review date of each licence will also be added to the public register. The EPA will develop a comprehensive communication strategy to inform the community of this change and to monitor any change in the number of community submissions.

The second set of amendments to the Protection of the Environment Operations Act relates to licences to transport trackable waste. In an industry with a regular turnover of operators, especially small businesses, the current perpetual environment protection licence for the transport of trackable waste is no longer appropriate. Licensees who exit the industry are required to formally surrender their licence. Should they fail to do this, they are charged another annual administrative fee and begin to accrue punitive interest when they do not pay the fee. In such cases, the EPA attempts to contact the licensee and eventually revokes the licence, but the debt for the administrative fee plus punitive interest remains and must be cleared before a new licence is issued.

The bill will address this problem by changing licences to transport trackable waste from being issued on a perpetual basis to instead being issued for fixed terms of not more than five years. A licence can be renewed after five years. However, a licensee exiting the industry who does not surrender their licence will no longer accrue any debt. Their licence will simply lapse when it expires unless they choose to renew it. Some trackable wastes are also dangerous goods—for example, waste corrosives. At present, a transporter must hold both a dangerous goods vehicle licence and a trackable waste transport licence to transport these wastes. The amendments will align both these requirements and allow for an integrated licence that covers both the existing dangerous goods vehicle licence and the licence for the transport of trackable waste. Only one application will be required for a new licence, or to renew a licence, covering either or both activities. The EPA is working towards enabling applications for new licences, variations and renewals to be submitted online.

The third amendment to the Protection of the Environment Operations Act relates to the limitation period for prosecuting groundwater offences. The hidden nature of groundwater and possible seasonal changes to flows and chemistry makes the investigation of potential groundwater offences very complex. This can result in an investigation not progressing sufficiently to inform a decision to prosecute within the current water pollution limitation period of one year. Some delays can be managed by requiring the drilling of additional monitoring wells and taking and analysing water samples more frequently. However, this will significantly increase costs for both a licensee and the EPA without guaranteeing conclusive results within the limitation period. Extending the groundwater pollution limitation period in which a prosecution can be commenced from one year to three years will ensure that the EPA has sufficient time to complete groundwater investigations in all but the most exceptional cases. This time frame is consistent with limitation periods available for certain other matters regulated by the EPA, which are often complex matters. It is also consistent with the time frame for the commencement of

proceedings under the Water Management Act and with those under environmental legislation in South Australia, Tasmania and Western Australia.

The fourth set of amendments to the Protection of the Environment Operations Act relates to updating investigative powers. The Protection of the Environment Operations Act currently allows EPA authorised officers to enter premises by foot, by a motor vehicle or other vehicle, by an aircraft or in any other manner. Increasingly, the EPA, like other authorities, has been using unmanned aerial vehicles—or drones—to collect evidence. The bill will amend the Protection of the Environment Operations Act to explicitly provide for the use of unmanned aerial vehicles to collect evidence. EPA authorised officers will use these powers only for legitimate investigation purposes, and appropriate checks and balances will be implemented to ensure that people's privacy is protected. This power will not extend to residential premises unless covered by a search warrant.

The fifth amendment to the Protection of the Environment Operations Act relates to the limitation period for prosecuting repeat waste offences. The Government has a strong track record in tackling rogue elements in the waste industry. A number of new offences were introduced into the Protection of the Environment Operations Act in 2013, along with stronger powers for the EPA to tackle those seeking to subvert the State's laws on the appropriate disposal of waste. A new repeat waste offence was introduced to address and to deter serious and repeat waste offenders. Under that section, a person commits a repeat waste offence if they have been convicted of a waste offence and then commit a separate waste offence within five years after that conviction. The offence contains an additional deterrent: namely, that in addition to the normal financial penalty, repeat offenders can receive a custodial sentence of up to two years.

There is currently a limitation period of one year to commence any prosecution for a repeat waste offence. This is shorter than the limitation period for prescribed waste offences that are captured by the repeat waste offence provisions. For these prescribed offences there is an extended limitation period of three years. These waste offences relate to pollution of land, unlawful waste transport and operating an unlawful waste facility. The longer limitation period for these waste offences reflects the fact that waste investigations are very complex and resource intensive. It does not make sense that if a prescribed waste offence was committed once then a three-year limitation period applies, but if committed twice then a lesser limitation period of one year applies. This was a drafting oversight at the time the amendment was made. The EPA considers that the limitation period for the repeat waste offence should be aligned with the limitation period for prescribed waste offences, otherwise the additional deterrent intended by the repeat waste offence may be ineffectual.

The repeat waste offence, along with the most serious tier 1 offences under the Act, is also listed under the Protection of the Environment Administration Act 1991 as a "serious environment protection offence" for which the EPA board's approval is required before a prosecution can be commenced. This step also has the potential to extend the time required to prepare a case for prosecution. This also necessitates a longer limitation period. In summary, this amendment would address the issues associated with the complexity of investigating waste offences, the additional time required to seek the EPA board's approval to use the repeat waste offence, and the inconsistency between the limitation period for the individual waste offence and the respective repeat waste offence. The bill will extend the limitation period for repeat waste offences to three years.

The sixth set of amendments to the Protection of the Environment Operations Act relates to global positioning system [GPS] tracking devices on waste transporters. In addition to increasing penalties and providing for custodial sentencing for repeat waste offenders, in 2014 the Government also gave the EPA the power to require a transporter of waste, who it reasonably suspects is engaging in illegal dumping or other illegal activities in relation to waste, to have a GPS device fitted to their trucks. That provision specifically refers to motor vehicles. A motor vehicle is defined in the Road Transport Act 2013 as a vehicle propelled by a motor that forms part of the vehicle. The definition of motor vehicle therefore does not include trailers attached to prime movers or other types of trucks. The bill amends this provision to ensure GPS devices can be attached to trailers as well as trucks that are used to transport waste. This will ensure rogue waste operators cannot avoid the tracking of their illegal waste disposal operations by switching their trailers from a vehicle that has a GPS device fitted to a vehicle that does not have a GPS device installed. This change will remove this loophole and increase the strong deterrent effect that these GPS devices have.

The sixth set of amendments to the Protection of the Environment Operations Act relates to supervisory waste licences. Under the Protection of the Environment Operations Act, a public authority can hold a supervisory licence over a putrescible waste facility operated by another entity—in general, this is a private company. These licences were introduced when the Act was first drafted to address community concerns about environmental risks from the growth of private sector operated landfills. These licences are duplicative, given the waste facility operator itself also holds an environmental protection licence, and do not provide any regulatory powers to the public authority. The EPA regulates the waste facility through the environment protection licence. The bill will

remove this class of licence, thereby reducing red tape for public authorities who are required to hold a supervisory licence. The amendment will, however, not result in any lessening of oversight of these putrescible waste facilities.

The bill also amends the Protection of the Environment Administration Act 1991. That Act currently provides for the establishment of a number of consultation forums, an education council and advisory committees. Neither of the environment protection community consultation forums has met since 2003, and the education council was discontinued after 2009. In their place, the EPA has established the Newcastle Community Consultation Committees on the Environment, as well as specialist consultation committees in Rutherford, relating to odour; the Lower and Upper Hunter, relating to air quality; Lake Macquarie, relating to lead; and for the Williamtown RAAF Base contamination issue. The EPA has also established the Botany Industrial Park Community Consultation Committee and the Botany Community Information Group. It has supported industry liaison committees in the Botany area that facilitate interactions between industry and the local communities directly impacted by those industries. In the Illawarra it has established the Port Kembla Pollution Meeting, the Port Kembla Harbour Environment Group and several industry community consultative committees, including one for BlueScope Steel.

These committees have been formed in direct response to community concerns and are informed by a range of stakeholders, including independent experts where required. The current provisions in the Protection of the Environment Administration Act are too prescriptive in their membership requirements as well as too broad in the area they apply to—for example, four currently convened committees cover the area previously covered by the Hunter Community Consultation Forum. Similarly, education programs are more targeted, developed in consultation with appropriate community groups and consistent with the New South Wales education department's Environmental Education Policy for Schools. A broad range of material for teachers and primary and high school students is available on the website of the Office of Environment and Heritage, including modules on climate change, energy, stormwater, sustainability, waste and water quality.

Educational material is also available for biodiversity and threatened species, heritage and transport issues. The website includes information about sustainable schools and links to information on grants, including the Sustainable Schools Grants available under the Environmental Trust. The website also provides links to the Environmental Education Centres across the State that schools can visit or partner with. The bill will remove the provisions requiring the establishment of these particular forums. The EPA will continue to consult directly with affected communities in New South Wales and listen to their concerns but it will do so in forums that are more targeted to specific communities and issues and the EPA will make the best use of modern communication tools for the efficient exchange of information.

The bill will make various amendments to the Radiation Control Act, including to extend the limitation period in which prosecutions can be brought for an offence under the Act from 12 months to two years. Illegally disposing of or abandoning radioactive sources is a serious environmental crime. Handling of such sources to retrieve serial numbers and other identifiers requires the use of specialist facilities and forensic experts at the Australian Nuclear Science and Technology Organisation. This cannot be done in the EPA laboratories and requires more time than other types of testing. Tracing who owned a radiation source may also require interstate and international inquiries as these sources are only manufactured in Canada and the United States. Records have only recently been computerised and checking older paper records is very time consuming.

Therefore, the time needed to determine who disposed of a radioactive source illegally can take a lot longer than the current 12-month limitation period. Proceedings for offences under the Dangerous Goods (Road and Rail Transport) Act 2008 have a two-year statute of limitations period in which prosecutions can be commenced. It is therefore considered appropriate to align the limitation period for prosecutions brought under the Radiation Control Act. Despite their potential seriousness, currently the maximum penalty amounts that can be imposed by a Local Court or by way of penalty notice for radiation offences under both the Radiation Control Act and its regulation are extremely low in comparison with those available for other environmental offences. The maximum penalty that may be imposed by a Local Court is 100 penalty units or $11,000. The maximum penalty notice that can be imposed for offences under the Radiation Control Regulation is set in the Radiation Control Act as $1,500.

It is proposed to amend the Radiation Control Act to double the maximum penalty that can be imposed by a Local Court to 200 penalty units or $22,000. It is also proposed to amend the Radiation Control Act to remove the limit on penalty notice amounts. While the EPA does not currently intend to increase penalty notice amounts in the regulation, this proposed amendment will allow it to do so at an appropriate time in the future if it is deemed necessary. No other environmental legislation in New South Wales imposes a maximum penalty notice amount for offences under its accompanying regulation. Some other jurisdictions set maximum penalties for radiation offences in the primary Act, but these are considerably higher than in New South Wales.

The Land and Environment Court is a specialist environmental court that can hear cases and determine prosecutions brought under most environmental legislation in this State. However, prosecutions for offences under the Radiation Control Act are heard in the Local Court and Supreme Court in its summary jurisdiction. It is proposed to move radiation control prosecutions that can currently be heard in the Supreme Court to the Land and Environment Court for consistency. Further, it is also proposed to allow the Land and Environment Court to hear appeals against EPA decisions under the Radiation Control Act and its regulations. Finally, it is proposed to remove the requirement for the EPA to have the consent of the Minister in order to commence court proceedings. This last requirement is inconsistent with the prosecutorial independence of the EPA. These changes are not expected to increase the workload of that court in any appreciable manner.

In conclusion, the changes in this bill will better align the environmental legislation of the EPA, ensuring that it remains up to date and relevant and continues to meet the needs of the environment, the community and businesses in New South Wales. This bill provides the EPA with improved and more efficient regulatory tools to address a range of environmental issues by, for example, giving the EPA the time it needs to investigate complex environmental offences. This bill reduces red tape by removing unnecessary regulatory burdens and regulatory duplication for licensees. It also helps to ensure that the resources of the EPA are able to be better focused on addressing serious environmental issues and on programs most likely to deliver positive environmental outcomes. I commend the bill to the House.

The Hon. PENNY SHARPE (16:54): I thank the Hon. Ben Franklin for his comprehensive outline of the Protection of the Environment Legislation Miscellaneous Amendments Bill 2017. I note from the outset that the Opposition will be supporting this bill and my contribution will be far shorter. The bill makes miscellaneous amendments to legislation relating to environmental protection and particularly the compliance activities of the Environment Protection Authority [EPA]. The bill will bring the investigative powers of EPA officers under the Contaminated Management Act 1997 into line with powers under the Protection of the Environment Operations Act 1997 to result in a more streamlined process for activities such as evidence gathering. Essentially, the amendments in this bill are to do with consistency and they make sense.

The bill will repeal a number of now defunct community consultation forums established in the Hunter and the Illawarra. Some of them have not met since 2003 and the NSW Council on Environmental Education was discontinued in 2009. I note it was stated in here and in the other place that the EPA instead established a range of specialist consultation committees in Newcastle, Rutherford, the Lower and Upper Hunter, Lake Macquarie, Williamtown, Botany and Port Kembla. Those committees are welcome and needed but I place on record that the EPA was very slow to establish some of them. I think some of those communities believe the EPA was brought to the table kicking and screaming; however, the approach in this bill is a sensible one that responds in a much more efficient and timely way to contamination issues that communities raise.

I note that the power to establish other advisory committees is retained. Obviously, the Opposition will be watching and working with communities that seek to have an advisory committee put in place. We hope that will occur. In this regard, I have a question that I hope the Parliamentary Secretary will answer when he replies to the debate. It is my understanding that the work of some of those committees was reported on in the State of the Environment report. With the abolition of those committees, I am interested to know how the State of the Environment report will pick up the committees' work and whether it is intended that the report will continue to contain some discussion about it. The Opposition believes that is very important.

The bill makes a number of changes to the duration and duplication of environmental protection licences for the transport of trackable waste, particularly higher-risk hazardous waste. We support this and we think the limitation of licences to five years is far more appropriate. We have a significant problem with illegal waste. In my role as shadow Minister for the Environment the main concerns people discuss with me have to do with illegal dumping and what they consider to be dodgy operators not doing the right thing. The Government has had its own issues with fill contaminated with asbestos being used on sites such as at Windsor Bridge. This is an important issue and we support closing loopholes to make it easier to catch those doing the wrong thing.

The bill allows for global positioning system devices to be attached to trailers in addition to trucks used to transport waste to make sure that those who do the wrong thing cannot avoid being tracked by swapping trailers from vehicle to vehicle. I support the use of drones to collect evidence for suspected offences within the jurisdiction of the EPA. In his contribution the Parliamentary Secretary talked about privacy management and said that the use of drones will not apply to residential premises. I wonder how the EPA is planning to manage that. Will it be through publicly available guidelines or by regulation? I ask the Parliamentary Secretary to tell us in his reply where we can find out how that will be managed.

This bill also removes the need for supervisory licences requiring public authorities to hold a licence additional to the licensee of putrescible waste facilities. The Minister has clarified that the EPA oversees such licences as a matter of course and there is no resulting reduction in oversight. I repeat: Communities are relying

on the EPA to have the right amount of monitoring and oversight. The number of issues that come to me—for example, I have recently been perusing the Mangrove Mountain issue—suggest that communities have real concerns about the ability of the EPA to monitor and regulate those licences. These licences set the standard for how very difficult issues of waste are managed in this State. Although Labor is happy to support this change because it makes sense in relation to red tape, we remain concerned about the ability of the EPA to give the oversight required to give the community confidence that some of these licences are operating in the way in which they were intended.

Labor supports the increase in limitation periods for prosecuting groundwater pollution and repeat waste offences. This is a no-brainer. The Williamtown community has seen firsthand what it means to have groundwater contamination over a long period of time—they continue to struggle with that every day. What has happened to that community is nothing short of catastrophic. Other places in the State are also struggling with similar contaminations. Those who do the wrong thing should be prosecuted and Labor is happy to support the EPA having the time it needs to prosecute those cases. This time is necessary to not only prosecute those doing the wrong thing but also compensate communities into the future—I am looking at the Department of Defence.

The bill also proposes to increase penalties for radiation control offences, to reflect the seriousness of the offences. Radiation control prosecutions currently heard in the Supreme Court will be moved to the Land and Environment Court. This is consistent with prosecutions under other environmental legislation. Labor believes the Land and Environment Court has the expertise that is needed to deal with these very serious matters and this is the appropriate jurisdiction. In closing, Labor is happy to support this bill. I understand that The Greens will be moving an amendment in the Committee stage to deal with notification of licences. At this point Labor is reasonably happy to support that amendment, but we will be seeking some more information from The Greens as to how broad the amendment is intended to be.

Dr MEHREEN FARUQI (17:01): I speak on behalf of The Greens to the Protection of the Environment Legislation Miscellaneous Amendments Bill 2017. The bill seeks to make a number of miscellaneous amendments to six existing environmental Acts. It is a mix of the good, the indifferent and the concerning. The changes are broadly positive or neutral, but there are some with which we do not agree—those primarily related to the removal of the requirement to advertise licence renewals and the removal of some consultative bodies. I will now go through each component of the bill, beginning with the good and the indifferent.

The bill amends the Contaminated Land Management Act 1997 to ensure that Environment Protection Authority [EPA] officers under this Act have the same investigative and serving powers as under the Protection of the Environment Operations Act 1997. It is my understanding that this will not result in any expansion of powers; it is merely administrative. The bill also makes a range of amendments to the Protection of the Environment Operations Act 1997, including the removal of licences being issued on a perpetual basis for transporting trackable waste—for example, corrosive or clinical waste—so that they expire after five years, and to ensure that the dangerous goods vehicle licence and the trackable waste licence can be granted at the same time. The bill also extends the limitation period for prosecuting groundwater offences from one year to three years; allows the EPA to use drones as part of its investigative power; extends the limitation period for repeat waste offences; and extends the existing powers to fit GPS units on waste transporters to include trailers and other non-motorised devices or vehicles. These provisions are enthusiastically supported, particular those in relation to protecting our groundwater.

The bill also amends the Radiation Control Act 1990 to extend the limitation period for commencing proceedings from one year to two years; moves proceedings taken under this Act from the Local Court to the Land and Environment Court; and removes the requirement for consent from the Minister for the EPA to launch proceedings and doubles the maximum penalties to $22,000. That is also supported. However, some provisions in the bill concern me. This bill amends the Protection of the Environment Operations Act 1997 to remove the requirement for the EPA to advertise licence reviews in a newspaper circulating within the State and simply requires the EPA to advertise on its website. Although I accept that the requirement to advertise in a newspaper is perhaps somewhat anachronistic and inflexible, I do not agree that publishing just on the EPA website is sufficient. I do not think we can accept that people spend their day monitoring the EPA website for something that might be relevant to them.

The Hon. Penny Sharpe: Some of us do.

Dr MEHREEN FARUQI: I acknowledge that interjection. Not too many, Penny. The EPA should have to advertise the licence renewal, but perhaps the "how" needs to be updated. If money is an issue, let the applicant for the licence renewal pay for the advertisement. I will be moving an amendment to retain the requirement to advertise in addition to the requirement to list the licence review on the EPA website. This will give the EPA more latitude in how to do this. The bill also amends the Protection of the Environment Administration Act 1997 to abolish the Environmental Protection Community Consultation forums and the New South Wales Council on

Environmental Education. While I understand that the forums have not met since 2003, and the council since 2009, that is not enough justification to abolish them. Why not use them? Some of the forums that have replaced the consultative forums mentioned by the Minister in her second reading speech have been criticised severely by stakeholders—for example, the parliamentary inquiry into the performance of the NSW Environment Protection Authority and the Newcastle Community Consultative Committees on the Environment were criticised by stakeholders.

We need to improve community consultation and engagement, not simply replace one forum with another. I remind members that community interaction with the EPA has been progressively stripped away by this Government—for example, following the serious pollution incident at the Orica ammonium nitrate plant on Kooragang Island in August 2011, the Government commissioned the O'Reilly report. That report recommended that "an independent board be established whose membership be drawn from people with regulatory expertise as well as representatives from community interests". The Government did not accept that advice and removed community and local government representatives from the board of the EPA. The Government has said that the Council on Environmental Education is not required. It is trying to make education programs more targeted and developed in consultation with appropriate community groups to be consistent with the New South Wales Department of Education environmental education policy for schools.

That is great, but there is no reason why a council could not be involved in this. A functioning council on environmental education is a very good idea, especially if it could educate the Government on some environmental matters. The Government could commit to reactivating these functions. Before I finish, I will comment on the history of this Government in waste issues and its ability to use the waste powers granted to it by this Parliament. This bill grants additional waste powers. It is all well and good to grant powers to investigate and extend limitation periods for prosecutions, as we are being asked to do today, but we need to ensure they are utilised to protect the environment.

NSW 2021—A Plan to Make NSW Number One, was the New South Wales Government's 10-year strategic plan. It was launched soon after the Liberal-Nationals came to office. That plan included several detailed measures on dealing with illegal dumping, but most of the measures actually got worse and the plan was eventually scrapped. I refer to two measures in particular. One is Measure 22.2.1.1—number of waste compliance campaigns conducted by the EPA to combat illegal dumping. The number of campaigns declined from 20 in 2012-2013 to 12 in 2013-2014—50 per cent. That is four below the original baseline. The other is Measure 22.2.1.2—number of illegal dumping investigations conducted by the EPA and Regional Illegal Dumping Squads. The number of investigations declined from 77 in 2012-2013 to 39 in 2013-2014—around 65 per cent. These indicators have now been scrapped and there is now only one indicator on "litter reduction" in the new strategic plan NSW—Making it Happen in the Premier's Priorities. There are no more targets on illegal waste dumping. I think it is fair to say that illegal dumping and waste issues have been put in the too-hard basket. Rather than dealing with dumpers, the Government has dumped its performance targets.

This legislation also includes some increases in penalties, some expansion of powers and increases in the limitation period for which several offences can be prosecuted. This is, of course, welcome. But it is only as good as the EPA's willingness to use them. In August 2013, the New South Wales Government was given the power to seize motor vehicles, and to prosecute repeat waste offenders and those knowingly supplying false and misleading information in a bid to cut down on so-called "phoenix operators" who allowed their waste dumps to exceed their licences, declared bankruptcy to avoid any consequences and began a new waste dump with the same business model. The powers are contained in the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013, which was passed with unanimous support, including from The Greens and Labor. In her second reading speech the then Minister for the Environment, Robyn Parker, MP, stated:

> The bill makes it clear that this Government will not tolerate serial waste dumpers—those who flout the laws that are there to protect the health of our communities and the health of our environment.

In a media release at the time, the then environment Minister stated:

> The community rightly expects criminals and serial offenders who illegally dump waste to be heavily penalised. Illegal dumping is an environmental crime that costs the community millions of dollars each year and causes harm to people and the environment. This legislation will help us to stamp out rogue waste operators and put those who flout the law behind bars.

In 2015 it was revealed that in the two years that the power had been available to the Government, no penalties had been issued for knowingly supplying false or misleading information about waste, or for repeat waste offenders, and that no vehicles had been seized either. Only last year did we get some more information. Since the additional powers were granted, three penalties have been issued under the Protection of the Environment Operations [POEO] Act in relation to waste disposal, three penalties have been issued for knowingly supplying false or misleading information about waste, no penalties have been issued for repeat waste offences under the

POEO Act, and no vehicles or vessels have been seized by the Environment Protection Authority. In that time we have seen three environment Ministers come and go.

Whilst I would love to think that waste and illegal dumping in Sydney has suddenly come to a halt, the more likely situation is that the New South Wales Government has failed to use effectively these new powers the Parliament has granted. The new powers that will be granted to the Government today must be used to protect the environment. As I indicated earlier, I will be moving an amendment to improve the public advertising of the notice of the review of licences.

The Hon. LOU AMATO (17:12): I am pleased to speak in support of the Protection of the Environment Legislation Miscellaneous Amendments Bill 2017, and in particular those reforms to regulation of components of the waste industry. Illegal dumping and pollution of our waterways and land have real impacts on our environment, on the health of our citizens, on the value of property and on economic growth. These impacts cost this State millions of dollars, paid for by taxpayers, businesses and families. Some illegal polluters take the attitude that fines are just a cost of doing business. Thousands of tonnes of waste are illegally dumped every year. Illegal dumping often occurs in remote areas or on rural properties where it is difficult to detect. Those engaged in this illegal activity believe they will not be caught and will never have to pay for the environmental damage they cause.

In 2014, as part of a package to stem the tide of illegal waste disposal, the New South Wales Government introduced an amendment to enable the Environment Protection Authority [EPA] to require certain transporters that the EPA reasonably suspects are engaging in illegal dumping or other illegal waste activity, to install global positioning system [GPS] tracking devices to motor vehicles used in the transporting of waste. In the Road Transport Act 2013, a motor vehicle is defined as a vehicle propelled by means of a motor. The definition of motor vehicles excludes trailers that are attached to a prime mover or to other types of trucks. This means that if a trailer full of waste is separated from a prime mover or from another type of truck that has a GPS device and is re-attached to a prime mover or truck that does not have a GPS device installed, the waste that had been tracked suddenly stops being tracked. Unscrupulous operators may be able to avoid detection of their illegal activities by doing just that.

It is proposed to close this loophole by amending the provision to ensure GPS devices can also be installed on trailers that are used to transport waste. This will enable the EPA to track the movements of not only a waste truck but also trailers where the EPA reasonably suspects the transporter is engaging in illegal dumping or other illegal waste activity. In other amendments contained in this bill the EPA will cut red tape in other areas of waste management, in particular for some local councils. When the Protection of the Environment Operations [POEO] Act 1997 was first introduced, there was concern about the private sector adequately managing putrescible waste facilities. In order to address this concern the EPA introduced a separate class of supervisory licences simply for putrescible waste facilities. This means that local councils held a licence over any such facility in addition to the facility's private operator. The aim of that was to provide additional regulatory oversight of the facility.

In reality, the current supervisory licences provide only cursory additional oversight. This occurs through the requirement for the public authority to submit to the EPA a second annual return reporting on licence compliance, in addition to the annual return submitted to the EPA by the private operator. Experience has demonstrated that this additional layer of regulation is obsolete because the EPA exercises direct regulatory control of the activity through the environment protection licence held by the private operator. In addition, a waste facility for putrescible waste is also subject to controls under planning legislation that are enforced through the consent authority, which is often the same local council that holds a supervisory licence for the facility.

The supervisory licence does not provide any regulatory powers to the public authority to direct or achieve environmental outcomes at the site. This bill removes the supervisory licence provisions in the POEO Act. That will not result in any less effective regulation, as the operator of a putrescible waste facility will still require an environment protection licence. However, regulatory duplication will be removed, red tape will be cut and local councils will save on the resources they previously allocated to these licences.

As defined in national agreements, the movement of hazardous waste must be tracked, and transporters of such "trackable waste" must be licensed under State or Territory legislation. These measures play an essential role in preventing potential harm to human health and the environment that might otherwise be presented by such waste. In New South Wales, the licensing requirement is required under the Protection of the Environment Operations Act 1997. This bill proposes amendments to the POEO Act that will significantly streamline the current administrative arrangements for regulated transporters without any reduction in the protections the licensing function provides.

Currently, environment protection licences for the transport of trackable waste are issued on a perpetual basis. This has led to problems because of the regular turnover in the industry, in particular among small business operators who may require licences only for a short period of time. Licensees who exit the industry are required to formally surrender their licence, but around half of those exiting the industry fail to submit a licence surrender application. As a result, they are charged another annual administrative fee and begin accruing punitive interest and a debt to government. Members will agree that chasing up such matters is not the best use of the EPA's time.

The amendments in the bill will fix this. Licences will be issued for a fixed duration of no more than five years. A licensee exiting the industry who does not surrender their licence will no longer accrue any debt. Their licence will simply lapse when it expires, unless they choose to renew it. The amendments will also bring better alignment between the Environment Protection Authority [EPA] licensing system for the transport of intractable waste and the EPA's licensing system for dangerous goods vehicles. A proportion of licence holders transport both hazardous waste and dangerous goods, and these operators will have the opportunity for a simpler one-stop shop experience. Licence holders currently need to apply for and hold two separate licences with different fees and administrative arrangements. The amendments in the bill will allow fees to be brought into alignment and only one application will be required for an integrated licence, or for a renewed licence, covering either or both activities. The EPA is working to enable future licensees to submit applications for new licences, variations and renewals online.

Consequential regulation amendments will introduce a fairer fee structure for environment protection licence holders by setting risk-based fees for intractable waste transport. The risk-based licence fee will take into account the number and class of vehicles a licensee operates. This will enable better equity for smaller businesses with fewer vehicles, as currently the same flat fee is applied, regardless of how many vehicles are covered by the licence. I welcome this bill. It will deliver commonsense improvements to the licensing of the transport of intractable waste and will benefit both businesses and the community. I commend the Protection of the Environment Legislation Miscellaneous Amendments Bill 2017 to the House.

The Hon. PAUL GREEN (17:21): I speak today on the Protection of the Environment Legislation Miscellaneous Amendments Bill 2017. We must be very careful when legislating the powers of authorised officers to enter and search premises. As I have previously remarked in this House, we must not pit farmers and environmentalists—or, in this case, landowners and environmentalists—against one another. It is to no-one's advantage to do that. While we do our best to ensure legislation broadly provides access to properties to ensure landowners are doing the right thing, we must not use such legislation as a rod on a landowner's back. We must work constructively with landowners, residents, farmers and environmentalists to ensure that the right thing is done for our environment. We must act to ensure the safety of the residents of this State and to deliver longevity to our environment so that future generations have clean and useable resources into the future.

The bill is a continuation of reforms begun by this Government in 2011. Through this bill the Government seeks to improve and align environmental protection legislation, increase the efficiency and effectiveness of the Environmental Protection Agency [EPA] and ensure that changes reflect community expectations. First, this bill will amend the Protection of the Environment Operations Act 1997. It will replace the requirement for newspaper advertising with a requirement for the EPA to publish details of licence reviews on the EPA website. The Government argues that these changes will allow faster and better access to information, as well as saving costs of newspaper advertising, costs they claim do not result in increased community participation in licence review processes. The bill will extend the limitation period for groundwater offences and repeat waste offences from one year to three, to allow a good amount of time to collect information and evidence pertaining to these complex investigations.

The bill also provides for the use of unmanned aerial vehicles to be used for investigative purposes that are regulated by the EPA. This updates legislation to bring it into line with modern advances in technology. I am concerned about the potential use of technology such as drones that may be used to collect evidence, unknown to a landowner or to the tenants of a property. The Government has advised me that drones and other unmanned vehicles can only be employed when the authorised officers have advised the resident that they will enter the property to collect evidence for a prosecution. I have requested that the Government acknowledge in reply that that will be done. This is twenty-first century technology and we are not yet familiar with its use. Mothers with children could be at their residence unaware of being surveilled because nobody has knocked on the door or requested permission to enter their property. It is wise to ensure that the landowner is told first when there is no warrant for further investigation.

It is a different matter if somebody has crossed the line and evidence needs to be gathered; I am not speaking about that. I am concerned about the EPA taking the opportunity to investigate or collect evidence over properties without the knowledge of the owners, who would not be alerted to the fact that they might have done something wrong or of the tenants who may have no knowledge that a drone is in the air. Sometimes drones can

be 500 metres up and people do not know they are being surveilled; their children may be caught up in the footage. Residents do not know what will be done with such footage or who has access to it. Such surveillance was once done using aeroplanes or helicopters, but drones are in a different category. Drones can fly down to grass level to film things; aeroplanes cannot do that. And when a helicopter arrives at one's property, one tends to know about it. Drones are quiet and are able to collect a lot of information, but such information collecting must be done using technology appropriately. I am very concerned about this issue. I understand the Government has noted my concerns and I hope the parliamentary secretary has a response to them in his reply.

This bill also removes a class of supervisory licences, which are held by local councils for privately owned and operated putrescible waste facilities. Effectively the Government is arguing that this licence is ineffectual and unnecessary, and an administrative cost and burden on local councils because they cannot exercise regulatory oversight at these facilities. The bill introduces a change in licences for transporting intractable waste. Currently licences are issued on a perpetual basis. Under this bill they will now be issued for terms no longer than five years, bringing the licences into alignment with the Dangerous Goods (Road and Rail Transport) Act 2008. Transporters will now be able to lodge a single application for a licence under both Acts, where appropriate. This bill will also extend the installation of global positioning system [GPS] devices to include trailers, as currently they only need to be installed on trucks. This closes a loophole for waste transporters, due to the definition of "vehicle" under the Road Transport Act 2013.

I had to laugh last night watching "War on Waste" where a GPS system was placed in a recycled plastic bag to track where it went. It first went to Visy and then to China. Who would have thought that little GPS system would travel so far in a plastic bag? It was very effective tracking. Secondly, the bill will amend the Protection of the Environment Administration Act 1991. This amendment will remove the Hunter and the Illawarra Region Environment Protection Community Consultation Forum and the New South Wales Council on Environment Education. The Government argues that these forums have been superseded by forums that are more targeted to specific communities, the issues they face and approaches that utilise more modern communication tools.

Thirdly, this bill amends the Radiation Control Act 1990. Under this bill prosecutions can now be heard in the Land and Environment Court, rather than the Supreme Court. The Government argues that this is consistent with other environmental protection legislation. The Land and Environment Court will now hear appeals against NSW Environment Protection Authority [EPA] decisions under the Radiation Control Act and associated regulations. The requirement for the Minister's approval to commence proceedings will also be removed. This bill will increase the maximum penalties that can be imposed by a Local Court to bring penalties in line with similar offences under the Pesticides Act. The bill will also remove the statutory cap on penalty notice amounts in the Act. The Government again argues that this is about making it consistent with other environmental legislation.

Under the new legislation the limitation period for offences under the Act will be extended from one year to two years, given the complexities of gathering evidence to support offences under the Radiation Control Act. Finally, this bill amends the Contaminated Land Management Act 1997. This bill will update the investigation powers available to EPA officers. These were discussed previously. These new powers must also be reflected in the Contaminated Land Management Act to ensure consistency across both Acts. It includes the ability to enter and search premises, to require information or records, and to question and identify persons.

As I have previously stated, the Government must work constructively with landowners, residents, farmers and environmentalists—everyone—with regard to the environment. It must ensure the safety of residents of this State and deliver practices that secure environmental longevity for future generations to have clean and useable resources. Future generations deserve a clean, green and pristine environment. The Christian Democratic Party commends the bill to the House.

The Hon. BEN FRANKLIN (17:31): On behalf of the Hon. Niall Blair: In reply: I thank the Hon. Penny Sharpe, Dr Mehreen Faruqi, the Hon. Lou Amato and the Hon. Paul Green for their contributions to debate on the Protection of the Environment Legislation Miscellaneous Amendments Bill 2017. The bill will amend a range of environmental protection legislation to improve efficiency and provide the NSW Environment Protection Authority [EPA] with appropriate and up-to-date enforcement tools. The bill will continue the process of aligning the various pieces of environmental legislation administered by the EPA to ensure consistency in regulatory tools and in prosecution proceedings.

I will now address the matters that were raised by members. The first matter related to drones. The EPA's powers do not extend to people's homes, unless a warrant is obtained. The EPA would generally seek the occupier's or owner's permission to use an unmanned aerial vehicle for its investigations on all premises. For residential premises, if the owner or occupier does not agree the EPA will need a search warrant, generally from a magistrate, to enter the premises, whether physically or by drone. This is no different to existing requirements. In non-residential situations where the EPA needs to investigate offences and preserve the evidence, it may use a drone without obtaining the landowner's or occupier's consent. Examples of where this power is important include

an investigation into illegal dumping of waste on a remote property where there is a risk that evidence may be destroyed or concealed, or where there is an emergency or significant pollution incident and there is a need to protect human health or the environment.

The EPA's existing powers already allow it to enter premises and collect evidence without the owner's or occupier's consent for illegal waste dumping and other environmental enforcement purposes. Therefore, this does not represent an expansion of the EPA's existing powers and EPA officers will continue to adhere to work health and safety requirements and privacy considerations when undertaking all investigations or inspections, including when using unmanned aerial vehicles. It will most likely engage commercial operators who have the required licences and will have to adhere to strict privacy requirements. Unmanned aerial vehicles are increasingly being used by regulatory agencies to gather evidence or investigate incidents. For example, when the site is difficult to access, or it is necessary in order to gather information on the quantity or volume of waste or other material stored on a site in an efficient manner.

The NSW Department of Industry can use drones under the Biosecurity Act 2015 and for marine surveys and forest resource surveys. Roads and Maritime Services uses drones for land surveys. Amending the Act to explicitly give the EPA the ability to use unmanned aerial vehicles to collect evidence will update the Act in response to changes in technology and give the EPA more effective tools to undertake its role as a modern environmental regulator. The EPA is developing guidance for authorised officers regarding the use of drones to ensure that they are used appropriately. This guidance will include when it may be necessary not to seek landholder consent, when a search warrant may be required, or there are safety and privacy considerations, including any necessary civil aviation safety requirements. The EPA will make this guidance publicly available on the EPA website and will consult with key stakeholders before finalising the document.

I will now address the issue of the New South Wales Council for Environmental Education. This council has not been functional for eight years. It was dissolved by the Labor Government as it had achieved its purpose. It delivered the NSW Government Environmental Education Plan: Learning for Sustainability 2007-2010, which sought to achieve effective and integrated environmental education that builds the capacity of the people of New South Wales to be informed and active participants in moving society towards sustainability. Evidently the Labor Government formed the view that the council had served its purpose.

Education programs in New South Wales are consistent with the education department's environmental education policy for schools, which provides guidelines on the management of school resources in accordance with ecological sustainability. It is a starting point for addressing global environmental issues. The Office of Environment and Heritage provides a broad range of education resources for schools and communities, including teachers' kits and student activities that align with key learning areas. Information on sustainability, stormwater, climate change, energy, waste and water are readily available online.

A key initiative is Sustainable Schools NSW—a joint initiative of the Office of Environment and Heritage and the Department of Education to support schools to protect their local environment and to make useful environmental and sustainability resources available to school communities. The EPA will continue to consult directly with affected communities in New South Wales and listen to their concerns. This will be targeted to specific communities and issues, and will make the best use of modern communication tools for the exchange of information.

The Protection of the Environment Administration Act states that the State of the Environment report is to include a statement on the performance of environmental education programs prepared by the New South Wales Council for Environmental Education. However, the council has not been in existence since 2009 and, therefore, no such statement is available. Other state of the environment reporting on the performance of environmental programs is summarised below. The 2009 State of the Environment report included a short statement of the performance of environmental education programs. Under "People and the Environment" it noted that the first annual review of the New South Wales Environmental Education Plan 2007-10: Learning for Sustainability had occurred.

It listed six dot points on the preliminary findings of that review. The 2012 State of the Environment report did not include a statement of the performance of environmental education programs. Instead it included a short section—half a page—under the heading "People and the Environment" and noted that in late 2010 research commenced to review the current status and uptake of sustainability education and engagement strategies across New South Wales. It included key responses to a survey on attitudes and opinions on learning for sustainability. The reporting requirement in the State of the Environment report relates solely to the New South Wales Council for Environmental Education.

Over the years there have been 26 successful tier 1 charges for environmental offences. Over the past two years alone there have been two tier 1 prosecutions—one against Caltex Australia Petroleum Pty Limited and

the other against Clarence Colliery Pty Limited. In 2015-16, the EPA completed 40 prosecutions with a 98 per cent success rate, securing $702,350 in financial penalties. Environmental service orders, which directed more than half of the total financial penalties imposed towards environmental improvement, were secured in six of those cases. Successful prosecutions provide a specific and a general deterrent against future harm.

The EPA accepted two enforceable undertakings, requiring private industry and government agencies to pay $330,000 for environmental work. In relation to Dr Mehreen Faruqi's comments regarding the lack of repeat waste prosecutions, I can advise that the EPA is currently prosecuting Mr Dib Hanna for eight repeat waste offences. The maximum monetary penalty for a repeat waste offence for an individual is the same penalty as for the original waste offence or imprisonment for two years, or both. Although repeat waste offences are not tier 1 offences, the EPA treats them as having the same level of seriousness. EPA board approval is required to commence those types of prosecutions. 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.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole.

Dr MEHREEN FARUQI (17:41): I move The Greens amendment No.1 on sheet C2017-038A:

No. 1 **Notice of review of licences**

Page 8, schedule 3 [3], proposed section 78 (2) (a), line 14. Insert "and in such other places that ensures, to a reasonable extent, that persons that may be affected by activities carried on under the licence are likely to be notified of the review" after "the EPA".

The Greens amendment is simple and straightforward. Its purpose is to strike a balance between flexibility for the Environment Protection Authority [EPA] and ensuring that people affected by licence reviews are made aware of them. As mentioned in my contribution to debate on the second reading, the requirement for the EPA to advertise in a statewide newspaper should be updated; there is no question about that. There should be a requirement to advertise more publicly and more widely. As I said earlier, most people do not watch the EPA website for updates. The Greens amendment allows the EPA to advertise on its website, but it also makes it broader by adding "and in such other places that ensures, to a reasonable extent, that persons that may be affected by activities carried on under the licence are likely to be notified by the review".

This amendment gives the EPA the flexibility and the power to decide the most appropriate way to advertise for the licence. It could be a statewide newspaper, it could be in print or online for a large project, or it could be a local paper or local online news website for a more geographically specific project, or any other tool. I believe this amendment strikes the right balance between the importance of ensuring that people have a good likelihood of receiving notification of licence reviews while providing the EPA with a variety of ways to notify them. I commend the amendment to the Committee.

The Hon. BEN FRANKLIN (17:43): This amendment is not supported. The changes proposed in the Protection of the Environment Legislation Miscellaneous Amendments Bill 2017 will considerably improve the way in which the community can access information about environment protection licence reviews. Whilst I appreciate the motivation of Dr Mehreen Faruqi, the current newspaper advertisements have been ineffective in inviting public submissions and are no longer in line with the expectations of stakeholders who expect comprehensive, ready and immediate access to information about environmental issues of concern. This Government is committed to developing the New South Wales ICT Strategy. The primary goal is to extend how communications technology can provide information to support government service delivery. The bill meets this goal by allowing the Environment Protection Authority [EPA] to provide information to the community and other stakeholders on upcoming licence reviews via the EPA website rather than being required to place advertisements in newspapers, which have been ineffective in inviting public submissions.

As I mentioned in my second reading speech, only five submissions on licences have been received by the EPA since November 2014. There did not appear to be any direct correlation between the submissions and the advertising of licence reviews. In addition, the EPA is developing a new website, which will make it more user friendly, easier to gain access to information, easier to navigate and easier to access on mobile platforms. Specifically, the website will include a dedicated licence review page on its public register which will include clear detail of licences that are due for review. This will ensure that the community can easily find in one handy location comprehensive and current information about the activities of EPA licences, including copies of environment protection licences and details of the EPA's regulation on those activities. Interested parties can make

informed contributions to the licence reviews without having to refer to newspaper advertisements as well as the EPA's website for additional information.

The EPA has commenced a major project to transform its regulatory support systems. A key element of this is a new stakeholder relationship management system to help the EPA to engage, communicate and consult with stakeholders more effectively, including identifying people who have an interest in various matters—in this instance, an interest in informing the review of an environment protection licence. The EPA will also continue to make communities aware of reviews of licences in their area by fit-for-purpose approaches, including via relevant community forums and specific mail-outs, where appropriate. This will ensure that people already engaged in environmental issues understand that there are opportunities to raise concerns about specific licensed activities with the knowledge that they will be considered as part of a formal licence review.

Recent examples where the EPA provided information to communities directly include the last review of Sydney Water licences—23 in total—where the EPA distributed a mail-out to nine interested community groups, non-government organisations, State agencies, and local councils to inform them of the review and to invite their submissions. Another example is the West Cliff Colliery licence and the Centennial Coal licence where the EPA specifically engaged local community representatives to hear and consider their views. It should be noted that the EPA responds to issues raised by the public at any time, whether they are raised via community consultation forums, the environment line, email, or letter, and it does not wait until the licence review to investigate and consider those issues, and it is free to continue to do so. The EPA can vary conditions on a licence at any time. Once the amendment is made, the EPA will inform stakeholders of the change in the way that information or licence reviews will be made available. This will be done through a comprehensive stakeholder mail-out as well as in a last advertisement in the *Sydney Morning Herald* and the *Daily Telegraph*. I hope that addresses the concerns of Dr Mehreen Faruqi.

The Hon. PENNY SHARPE (17:47): I listened carefully to the contribution of the Hon. Ben Franklin and I still do not understand why the Government cannot support this amendment. If it is the case that the Environment Protection Authority [EPA] will distribute mail-outs to those stakeholders who are affected surely this amendment covers that. My real concern is the idea that people are looking at the EPA website and are waiting for a licence to appear. Someone who has been living somewhere for a period may be aware that there has been a problem with an existing environment protection licence. However, if someone has just moved to an area where there have not been particularly big problems, he or she would have no reason to believe that there was a licence, or that perhaps a licence was coming up for renewal. I doubt very much that people would be looking at the EPA website, no matter how good it will be. I acknowledge that changes will be made to the website, which will be welcome because at the moment it is quite unwieldy.

As I said, I do not understand why the Government is opposing this amendment. In my contribution to debate on the second reading I indicated that Labor was going to hear from The Greens about their amendment. I was concerned that The Greens were seeking to make all notices appear in the newspaper. That is clearly not what this amendment does, which The Greens acknowledged. If there are stakeholder lists and it is the intention of the EPA to distribute mail-outs to people who are affected by licences, I do not understand why the Government cannot support the amendment. It basically says that, aside from the website, the Government will advertise in other places to a reasonable extent so that persons who may be affected by activities carried out under the licence are likely to be notified of the review. It seems to me that the Government has already acknowledged it will do that. As a result it should support the amendment.

Dr MEHREEN FARUQI (14:49): I want to clarify that this amendment does not force the NSW Environment Protection Authority to publish anything in newspapers if it does not have to. As the Hon. Penny Sharpe said, it will provide flexibility. If the Government's intention is to ensure that the EPA informs the community of licence reviews through targeted mail-outs or community forums, why not have that flexibility in the legislation? This simple and straightforward amendment is completely in line with what the Government intends for the EPA. I urge the Government to support the amendment.

The CHAIR (The Hon. Trevor Khan): The question is that The Greens amendment No. 1 on sheet C2017-038A be agreed to.

The Committee divided.

Ayes 15
Noes 18
Majority.....3

AYES

Buckingham, Mr J (teller)	Donnelly, Mr G	Faruqi, Dr M
Graham, Mr J	Mookhey, Mr D	Moselmane, Mr S
Pearson, Mr M	Primrose, Mr P	Searle, Mr A
Secord, Mr W	Sharpe, Ms P	Shoebridge, Mr D (teller)
Veitch, Mr M	Walker, Ms D	Wong, Mr E

NOES

Ajaka, Mr J	Amato, Mr L	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Farlow, Mr S
Franklin, Mr B (teller)	Gay, Mr D	Green, Mr P
Harwin, Mr D	MacDonald, Mr S	Maclaren-Jones, Ms N (teller)
Mallard, Mr S	Martin, Mr T	Mitchell, Ms S
Pearce, Mr G	Phelps, Dr P	Taylor, Ms B

PAIRS

Houssos, Ms C	Mason-Cox, Mr M
Voltz, Ms L	Blair, Mr N

Amendment negatived.

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

Motion agreed to.

The Hon. BEN FRANKLIN: 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. BEN FRANKLIN: On behalf of the Hon. Don Harwin: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. BEN FRANKLIN: On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Motion agreed to.

Motions

TRIBUTE TO THE HON. MIKE GALLACHER

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:59): I move:

That this House:

(1) Notes the retirement of the Hon. Mike Gallacher from the Legislative Council of New South Wales after nearly 21 years of service.

(2) Congratulates the Hon. Mike Gallacher on his contribution in various roles as a member of the Legislative Council.

I pay tribute to the Hon. Mike Gallacher, who retired from this place on 6 April 2017 after almost 21 years of hard work for the people of New South Wales. I think I first met Mike Gallacher in 1986, when the Hon. Catherine

Cusack was President of the Young Liberals and I was a member of its State Executive. We had travelled to the Central Coast for the inaugural meeting of the Central Coast Young Liberals.

The Hon. Catherine Cusack: At Matcham-Holgate.

The Hon. DON HARWIN: It was at Matcham-Holgate. That was the night we met Mike Gallacher. My recollection is he was elected president of the branch that night and had a rapid rise through the Young Liberals movement. As many members know, at the time he was a police officer and in all he spent 16 years in the police force working in a variety of roles. Mike's first outing in electoral politics was in 1993 as the Liberal candidate for Robertson in what some people mistakenly thought was an unlosable election. For a whole lot of Liberal and Nationals candidates that proved not to be so. Sadly, one person caught up in that was Mike Gallacher. In my view he would have been a superb member for Robertson and no doubt a Minister on the return of the Liberal Party to government. Instead, as the 1996 Federal election approached a vacancy was created in this House when Stephen Mutch was preselected as the Federal Liberal candidate for Cook after being a member of the Legislative Council from 1988 to 1995. He was subsequently elected to the House of Representatives.

Mike Gallacher contested the casual vacancy preselection, as did the Hon. Catherine Cusack and I. That was a memorable preselection in the Liberal Party. We candidates sat nervously in a room just outside the chamber at the Masonic Centre where the preselection was held, waiting for our opportunity to speak. As the Hon. Mike Gallacher was giving his speech we heard a huge roar and loud round of applause. We all began getting a bit more nervous. He wowed the crowd and was the successful candidate on that occasion by a wide margin. He then came to this House and served in many roles throughout his 21 years.

After taking his seat on the red benches in 1996, the Hon. Mike Gallacher became the Leader of the Opposition in this place in 1999. In that role and later as the Leader of the Government he was the parliamentary leader of the Liberal Party in this House for 15 years. As members know, the Leader of the Opposition plays a vital role in holding the government of the day to account. But, as he frequently said to us, he took no pleasure whatsoever in becoming the longest-serving Leader of the Opposition in the Legislative Council. I hope some of my younger colleagues who might one day have the opportunity to lead will never equal Mike Gallacher's record. It would not be a good thing.

Mike served in the role of Leader of the Opposition for almost 12 years until the Liberal-Nationals came to government under the leadership of Barry O'Farrell. In 2011 he became the Leader of the Government in the Legislative Council, Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council. He later also served as the Minister for the Central Coast, and Minister for Industrial Relations. He can be proud of many achievements during his time as a Minister but I will mention just two important ones that had practical results for the people of New South Wales.

Mike created the Police Transport Command that dedicates police officers to patrol trains, buses and ferries. This has allowed the police to work more closely with the community to target areas within the public transport system where antisocial and criminal behaviour occurs. His work on that initiative is a key reason that the people of Sydney and New South Wales feel they now have a much better public transport service. Secondly, as police Minister, he gave police officers the ability to issue on-the-spot apprehended domestic violence orders. That increased protection for victims of domestic violence and was an extremely important change in sensitive situations.

While in government and in opposition in this place it was my observation that Mike always worked constructively with members, particularly those on the crossbench with whom he developed strong relationships and especially during our first term in government. He also had tremendous presence in the Chamber. In my 18 years in this place I would say only Michael Egan, Doug Moppett and one or two others could come anywhere near achieving the command with which Mike held this Chamber when he was at his best. Perhaps only Michael Egan exceeded his wicked sense of humour and exquisite timing in delivering a line. On more than a few occasions it was impossible for me to keep a straight face in the chair while Mike was on his feet.

I must also say that I never expected to be giving this speech. I expected to stay sitting in the President's chair and for Mike to stay as the leader of my party for many years into the future. I am on the record already expressing my regret about the limbo that he and his family were left in for far too long. I thank the Hon. Mike Gallacher for his extensive service to the Legislative Council, the New South Wales Government and the Liberal Party. I wish him and his family all the best for the future and express my hope that there are happier years ahead for all of them.

The Hon. RICK COLLESS (18:09): Tonight I place my appreciation of Mike Gallacher on the record. I also endorse the comments of the Leader of the Government in this place. When I first came to this place—which only seems a few years ago but it is now almost 17—George Souris was the Leader of the National Party

in the other place and Duncan Gay was the new Leader of the National Party in this place. Kerry Chikarovski was the Liberal leader and Leader of the Opposition in the other place, and a smart, eloquent and very capable young man by the name of Mike Gallacher was the Liberal leader and Leader of the Opposition in this place.

Mike Gallacher was a very impressive leader. Indeed, he impressed me as a leader from the first joint party meeting that I attended in 2000. Mike was always full of encouragement. He never appeared to get frustrated or angry. When he was under pressure he kept his cool; his thinking remained clear and his focus never wavered. Even when we, as the Opposition, were being bruised by the likes of Michael Egan and John Della Bosca, Mike always had a response that seemed to defuse the bruising and apply the pressure back on the Government benches. He was a very capable and effective Opposition leader. Post the era of Egan and Della Bosca, capably aided by his also very effective deputy leader, Duncan Gay, Mike methodically dismembered a series of Labor leaders and Ministers.

The Liberal-Nationals Government was elected in March 2011. It was in government that Mike really hit his straps. It was evident that he could reduce the now Labor Opposition to a quivering mess when it was so bold as to try to attack Government members. Mike always played the ball, not the man. He was an effective and strong debater and if personal attacks came across the Chamber he would return serve, with interest. This Parliament is a much better place because of Mike Gallacher. I enjoyed Mike's leadership, friendship and enormous sense of humour, which he had the ability to incorporate into even the most intense debates. I join all members of this Parliament in thanking Mike for his extraordinary public service and commitment to the people of New South Wales. We all wish Mike and Judy all the success for their future, and a fruitful, prosperous and healthy lifestyle post-politics in the New South Wales Parliament.

Mr SCOT MacDONALD (18:12): I welcome this opportunity to acknowledge and express my gratitude to the Hon. Mike Gallacher. I first met Mike not long after he was elected. He was in politics but studying at the University of New England. He stayed at the home of Edgar and Bea Bradley, who have since passed on. From his early days, those of us in the Armidale branch had a connection with Mike; he was a frequent visitor. In 2011 when the Coalition came to office I was a newbie and Mike was the leader. I had not been through the rigours of opposition—I happily acknowledge that. My introduction to Parliament were the late-night sittings in 2011, 2012 and 2013—sitting to 2.00 a.m. and 4.00 a.m. and doing a lot of good work. It was an absolute privilege to serve under Mike. It was a team effort: the Mike and Dunc show. They were a very powerful leadership team. It was difficult. Many times the Government only just had the numbers so there were lots of negotiations about legislation behind the scenes. I will never forget watching Mike and the leadership team in action.

Mike's legacy in the Hunter should not be forgotten. As a Minister, he was instrumental in the establishment of the $350 million Hunter Infrastructure and Investment Fund. It was later topped up with another $100 million. I think even the most one-eyed, dyed-in-the-wool red from the other side of politics would acknowledge that not much happened in the Hunter until the change of government. The area had been passed over in too many ways. Mike used to say that tumbleweeds were blowing down the main street of Newcastle—and he was right. There was a lot of degradation and decay, and buildings were in a very poor state of repair. I had the good fortune of announcing on behalf of Mike and the Government many of the projects that were funded with that $450 million.

The list is extensive—indeed, it is too long—but I will list a few projects. There was $20 million for the Wine Region Roads Upgrade, Cessnock; $20 million for the main road between Raymond Terrace and Dungog; $45 million for the Nelson Bay Road; $15 million for the Pennant Hills Road-Glendale interchange; $11 million for the Newcastle Airport terminal expansion; $8 million for the Mater hospital land acquisition; $20 million for the new Hunter Valley hospital land acquisition, and later a further $25 million; $18 million for the John Hunter intensive care unit development; $25 million for the Newcastle city campus called NeW Space in Hunter Street; $60 million for the renewal strategy; $10 million for the Newcastle International Hockey Centre; and $9.6 million for the Muswellbrook sewage treatment plant. The list goes on. Some $450 million in projects are part of Mike Gallacher's legacy.

Mike Gallacher should be remembered for a long time not only for the Hunter Infrastructure and Investment Fund strategy but also for the many other Restart NSW projects of which he was a part. In the Hunter and on the Central Coast he has made an incredible contribution to improving the lives of so many people. I regard Mike Gallacher as a friend; he is certainly someone I looked up to. Mike will be sorely missed in this place.

The Hon. GREG PEARCE (18:17): I wish the Hon. Mike Gallacher and his family a wonderful, contented and successful future. I had the privilege of serving in Cabinet with Mike Gallacher and our other great friend, the Hon. Duncan Gay—about whom we will have a few words to say on another occasion. It was a formidable team. Michael was an effective and diligent Leader of the Opposition in this House, shadow Minister and then Minister for Police and Emergency Services, and Leader of the Government in this House. Mike and I were not always close. Indeed, in opposition I opposed him on several occasions for the leader's position. But

he was a far superior politician. He won on each occasion, mainly by garnering most of the votes of the faction of which I was a member—and supposedly a senior member. Mike did an excellent job as leader in this Chamber.

Others have mentioned Mike's 1996 preselection. That was one of the very first preselections that I attended as an observer. Mike gave an incredibly evocative speech in which he put himself in the position of someone with an operational role in the police force. He was just unbeatable—Don, you did not have a chance on that occasion, notwithstanding factional support. Mike was a key part of the team that delivered the Liberals and The Nationals into government in 2011. As one former member of this House noted, those who currently drink from the well should not forget those who dug the well.

The treatment Mike received in recent years was harsh and unsubstantiated. It severely punished him, his family and his friends. I always found Mike to be honest and honourable. I am very pleased that Mike has moved on to an important role in which he can continue to contribute to the progress of public and private life in this State. I wish Mike the best for the future and I thank Judy, Kurt and Caitlin for allowing the Hon. Mike Gallacher to make such a contribution to this Parliament and to the government of New South Wales.

The Hon. DAVID CLARKE (18:20): I add my support to this very fine motion, and the speech of the Hon. Duncan Gay, paying tribute to the Hon. Mike Gallacher. Mike has been a friend of mine for many years—certainly well before I became a member of this House. His public service to the people of New South Wales speaks for itself. His 16 years of exemplary service in the NSW Police Force is a testament to the integrity, honesty and bravery of this man. Joining the force as a very young man, he served in many capacities—for example, as an undercover officer targeting the sleazy drug barons and drug pushers who, for profit, are happy to infect and destroy our youth. He served as an undercover officer exposing and bringing to justice that small group of corrupt officers so that they would not contaminate our State's police force and its well-deserved reputation as one of the world's finest.

When he first came into this House 21 years ago, he came with a proud record—a spotless record. He was a man of heroic virtue. When he resigned from this House recently he left with that record unblemished and intact. For many years he was in this House as Leader of the Opposition and then Leader of the Government. In those roles he gave confidence to those of us who sat behind him. He was, and is, a unifier—a natural leader.

He is a motivating speaker. The Hon. Don Harwin, in moving this motion, referred to Mike's "sharp wit and killer one-liners". How right the Hon. Don Harwin is. But Mike was never malicious. He was never small-minded. He was never vindictive. He would never hit below the belt. He has always had a nice manner about him. When he used his sharp wit and killer one-liners against parliamentary opponents, as referred to by the Hon. Don Harwin, he did so good naturedly and with good humour. That is part of the reason he was so well liked by all sides in this House. It was Mike, who, as Leader of the Opposition, initiated and put into practice the idea of the Coalition's Legislative Council election candidates assisting in general elections by running a separate and distinct campaign of its own in order to strengthen the Coalition's overall impact.

Mike was a successful Minister for Police and Emergency Services. He served with distinction and style. He served confidently and effortlessly and was always on top of his brief. When he had to make hard decisions in his portfolio for the greater community good he was able to navigate his way better than anyone else could have, had they been in his shoes. When I look back on his time as Minister for Police and Emergency Services I cannot recall any instances that resulted in his suffering embarrassment or allegations against him of underperformance. In fact, his time as Minister is highly regarded.

I can truthfully attest to the fact that the Hon. Mike Gallacher remains highly respected and liked within police ranks. Frankly, I have lost count of the times that serving or retired police officers have come up to me at official functions which I have attended in my capacity as Parliamentary Secretary for Justice, to speak positively about him either as a Minister or as a former police officer. In the past couple of years or so Mike has gone through some dark and trying times. He came through those times unscathed, with his reputation totally intact. He was wrongly targeted. He was the recipient of loose, ill-considered words, which, even if untrue, can tarnish reputations. His bitter experience has led to a reform process which should ensure that others do not have to suffer unjustly.

Mike moves on to a new chapter in his life, holding great responsibilities as Chief Executive Officer of Ports Australia. Hopefully, his new role will give him more time with his beloved family: his wife, Judy, his daughter, Caitlin, and his son, Kurt. They are all high achievers and a close family. Together they make a wonderful family; they live family life as family life is meant to be lived. The Hon. Mike Gallacher will be deeply missed in this House.

The Hon. TREVOR KHAN (18:24): I speak as perhaps the longest-serving and most permanent backbencher in this place, and it will remain forever thus.

The Hon.Walt Secord: You never know how the planets line up.

The Hon. TREVOR KHAN: Never! In 2007, when I came into this place, the one person I was most frightened of was Mike Gallacher. He was that typical copper who one experienced when one was in practice in the Tamworth traffic court and who one knew had a capacity to extract confessions from one's clients. One always knew that he always believed that he was doing the right thing. The reality is—and Mike would not expect anything different from me now—that Mike and I had a variety of differing views on policy issues.

The Hon. Dr Peter Phelps: No! I'm shocked.

The Hon. TREVOR KHAN: You may be shocked, I am not. But he always treated me with a degree of decency, and I will return to that a bit later. There were a number of policy issues on which he had a position and I thought he was profoundly wrong. The strange thing is, he always won and I always lost. But even when I had had my little whinge and I had had my little protest, we would leave the joint party room and he would always wink at me. I think it was the nature of the man that he liked the fight and he liked to win but he had a decency about it in that he would give you that little bit at the end of the day to say, "Well run, chump, but chump you are."

He was the consummate person at budget estimates, on any committee. He had a mastery of the occasion. Whereas other Ministers had a variety of ways of dealing with the questioning—that is, referring to their notes or having various members of their departments answer the questions—Mike knew everything and could answer all the questions. He had a charm about him that would disarm anyone on the Opposition or on the crossbench. He knew his stuff. He had a capacity to concede when he needed to concede; he had a capacity to control the room, and that is something that so few of us have in this place. It was an intellectual charm. In a sense, we were the lesser for the loss of that person when he left. Such a person is not replaced too easily. Mike should be credited for that mastery, which is, in my view, irreplaceable.

There are only two other things I want to speak about. One is his relationship with me. I went through a pretty tough time in this place at one stage. Even though he was at such a different level in this place from me, he treated me well through that tough time. He treated me with respect and with courtesy and he gave me the support that I needed. You do not get that from everyone in this place. He was not in my party, he was not a friend at that stage, he was just one of the leaders on my side of the Chamber, yet he treated me with a decency that is rare. Since that time he has continued to treat me with that same decency—the same wink, the same nod, that same irrepressible element of, "Look, you're all right. You're different from me; I'll never agree you, but you do your job and I know you do your job well". That was the nature of Mike.

The last few years were tough for him—and they were tough times—he was a lonely man. I do not want to go into whether it was right or wrong. Other people will flap their hands around about that, but I have had my go in the Independent Commission Against Corruption [ICAC] and the like. In those tough years I hope I gave to him an element of friendship and decency and communication. I think a lot of people did not show him those sentiments. He deserved to be treated as a human being and he deserved to be treated well for the capacity that he had. In a sense, he deserved to be given a hug when he was going through a tough time. I hope I at least gave him that. I wish him well. He is a good man. Like all of us, perhaps he has feet of clay, but he is a decent man who deserves our respect.

The Hon. ADAM SEARLE (18:30): On behalf of Labor members of the House I make a contribution to the debate on this motion that notes the retirement of the Hon. Michael Gallacher from this place after nearly 21 years of service. I was in this Chamber when a joint sitting occurred and Michael Gallacher was elected to replace Stephen Mutch in 1996. At that time I was the chief of staff to the Attorney General. Even from his earliest times, then on the Opposition benches, it was quite clear that Michael Gallacher was a person to be reckoned with. When he was elected leader of his party in this place in 1999, I think it came as a surprise to a number of people in and around State politics at that time, but not to those who had been watching Michael and his careful attendance to his fellow members in this place.

As previous contributors to this debate have noted, Michael Gallacher was a very capable person. I believe he would have been successful in any walk of life. He came to this place after a good career in the NSW Police Force, as a highway patrol officer, a detective and an undercover police officer targeting corrupt police. He had a substantial professional background in a field other than politics when he came here, but when you met him you could only pick him as being a cop. He had a certain essential way about him that is familiar to those who know law enforcement officers. He was a very capable and powerful speaker, and he had the dominance of his own forces and of this Chamber. He was a very formidable opponent, both in opposition and in government. Labor Party members always respected his skills and his capability. I note that he was the longest-serving Opposition leader in this place. I place on the record that I have no desire to emulate that record or his record of service of nearly 21 years. I can make the fearless prediction that I will not equal him on either count.

The Hon.Walt Secord: Today is our sixth anniversary.

The Hon. ADAM SEARLE: I acknowledge that interjection; it is. I note that during the time that Michael Gallacher was in this place as a shadow Minister, he had various portfolios including industrial relations, ports and transport as well as police. I know that one of his regrets in terms of his ministerial career was that he was never the Minister for Roads and Ports—I note that the Hon. Duncan Gay had that honour. Michael Gallacher played a very important role as Leader of the Opposition in this place, an office, as noted by the Leader of the Government, that is very important in the functioning of this place. He was a key member of the Liberal frontbench in opposition and a key architect of the Coalition's victory at the 2011 State election. That has to be acknowledged. He was a key operator in the Central Coast and Hunter region for his party.

He played a key role not just in the return to office in 2011 but possibly in the magnitude of that win. On taking office he was not only the Leader of the Government in this place but also the Minister for Police and Emergency Services, and variously held the regional portfolios—that the Government has since abandoned—of being the Minister for the Hunter and the Minister for the Central Coast, as well as briefly the Minister for Industrial Relations. All those thing should be acknowledged. I note that one of his achievements, which has not been discussed here in terms of his ministerial career, was the reforming of the Crime Commission which, whether or not you agree with what the Government did—and I have mixed views about it—was a substantial piece of reform work.

[*Interjection*]

I acknowledge the interjection. Removing a politician from an important law enforcement role such as that is probably not a bad idea. That was a good thing. A couple of speakers have alluded to the difficult time that Michael Gallagher has had in recent years. It is a matter of record that he had to resign from the Cabinet as a result of the Independent Commission Against Corruption's [ICAC] investigation Operation Spicer, which led to, I think, 10 Liberal members going to the crossbench and most of them leaving Parliament at the last State election. Michael Gallagher was the last one. I will not canvass the rights and wrongs of that matter. It is a matter of public record, as are the ICAC reports. But the Hon. Trevor Khan is right to acknowledge that we are all human and that these things—and public life generally—take a toll, not just on the individual who chooses to seek public office, but also on the family, which largely does not consent to that or make that decision.

I know that those years led to a very heavy burden on Michael's family and that is something that should be acknowledged and should be regretted, because even if it were utterly unavoidable, we should acknowledge the human element. The Hon. Trevor Khan also noted his personal interactions with Michael Gallagher. I am not casting aspersions on any member of the House, but it was my observation that when he was having a very difficult time—and, yes, he was a very lonely figure in this place—there were probably more people on my side of the House than the people he once led in this place who reached out to him and sought to ascertain this welfare. We are all human, we are all imperfect. This is a very small Chamber and acknowledging the human element is important.

Moving on and noting his previous interest in the Ports portfolio, I was surprised but happy to see that he had become the Chief Executive Officer with Ports Australia. I have had a brief conversation with Michael about that and he is certainly relishing the new challenge and the new role. For myself and on behalf of the Labor Party Opposition, I extend to him, Judy and their family our best wishes for a very happy and fulfilling future out of politics. I hope that Michael is able to leave behind the difficult times that he experienced in the past few years and enjoy the balance of his professional career and life, reflecting on his many achievements as a member of this House, of which he can be proud and of which his party can be proud as well. With those few words, our side of the House certainly wishes Michael Gallagher all the best for the future.

The Hon. ROBERT BROWN (18:38): I thank the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council for moving this motion. First of all I put on record that Robert Borsak and I tried terribly hard to suborn Mike once the Liberals kicked him out. We wanted him on the crossbenches with us, firstly, for political reasons and, secondly, because both of us knew—and know—that Mike has no clay on his shoes or his feet. When I first came into this place in 2006, John Tingle took me aside and told me the secrets of what was going on. He pointed out who I could trust and who I should not trust on both sides of the House. Two people stood out, and they happened to be the Leader of the Opposition, Mike Gallacher, and the Deputy Leader of the Opposition, Duncan Gay.

Mr David Shoebridge: For what reason? They stood out, you said.

The Hon. ROBERT BROWN: Yes, they stood out. Tingle was right—he was right about a lot of things. Trevor Khan said a lot of good things about Mike. Anybody in here who stood by Mike during that time knows who they are, and they are good people. I note the comments by the Leader of the Opposition about where

Mike found friends and supporters and where he did not. I will not go there. It is in the past. However, I will say that I got pretty angry at times on behalf of Mike, not so much at his treatment, because he is a politician, but at the effect it had on his family. It was visible and it was not good.

He is a great guy and he was a good politician. Most of the speakers tonight have talked about what he was, but I put it on the record that I think he should still be here. I said that to the new Premier when I told her what I thought about her changes to portfolios. I engineer a lot of things behind the scenes in this place—members all know that. I made sure that Mike got onto General Purpose Standing Committee No. 3. He agreed that it might be a good way to demonstrate to people that he was not a spent force. Month after month, Robert Borsak and I sweated on him. He did not even waver, such was his dedication and his loyalty to the Government. Our loss; their gain.

He is now in a job where I think he will absolutely kill it—a very important role in a very big and powerful organisation, and he is just the man to make a meal of it. I am going to miss him. I wish he was back here in this place. I wish he was in a Government position, leading, or in a ministerial position, because his talent was the kind that should not be wasted by political parties. I have seen talent like that on both sides of the House. I am going to miss him but I am damn glad that it is all over and he has got on with life. He conducted himself as a man—a man of honour.

The Hon. PAUL GREEN (18:43): I speak on behalf of the Christian Democratic Party on the motion regarding Michael Gallacher, and I acknowledge that Reverend the Hon. Fred Nile, who is absent on leave, would dearly love to be giving this speech today. In 2011 I was appointed as a member of this House. I had the great honour of meeting and working with the Leader of the Government in the Legislative Council, the Hon. Mike Gallacher. At that time, Mike was also the Minister for Police and Emergency Services, Minister for the Hunter and Vice President of the Executive Council. That came with a heavy workload that Mike carried out very well.

As a policeman he was awarded an Integrity Medal and the Police Service Medal in 1995 after 15 years on the force. The Christian Democratic Party worked quite successfully with Mike and the Government. That is evident today in the prosperity of New South Wales. It is the leading State economy in Australia, with new infrastructure and employment growth throughout the State—all of which is a legacy of Mike Gallacher. Mike contributed to reform of the police death and disability insurance scheme. It will be his legacy. It required hard yakka, and very few Ministers would have had the guts to bring the stakeholders into the room when considerable reform was proposed. They knew they would have to walk a fine line and that they would be asked to give more than they had been told to give. The Shooters, Fishers and Farmers Party and the Christian Democratic Party, together with Mike, sat and debated the issues with the Police Association. He was not afraid to debate what was fair to ensure no police person would be compromised regarding death and disability issues. It was tough reform and he led it. Others have worked with Mike longer than I have and they all say he was very good at negotiation. That is a legacy Mike can be proud of.

I expected to get a smashing from police officers about the legislation but lots of people said thank you, as they had witnessed colleagues taking advantage of the system. It was brave for Mike, as the then Minister, to take that on. The Hon. Mike Gallacher always gave his utmost to fulfil the roles and duties entrusted to him by the community of New South Wales. He served with distinction and determination no matter how challenging the issue. The measure of a person is not when things are going well but when we are tested. I know it was an incredibly tough time for Mike and his wife, Judy, prior to his resignation. Judy, his wife of 34 years, was diagnosed with breast cancer one month after the Independent Commission Against Corruption named Mike in its investigation.

One can only imagine the torment of defending one's name, looking after one's wife and keeping the family together under those circumstances. It is a measure of the person who can undergo that and stand tall at the end. When Judy was at home recovering from surgery Mike's mother developed a serious health condition after reading a story about her son in the newspaper. Her blood pressure shot through the roof and she was rushed to hospital with renal failure. I will not mention that further. These are the real impacts and the price paid by politicians and their family members and friends. Following the Independent Commission Against Corruption hearings Mike was questioned about why he stayed on as a parliamentarian. He stated:

> I am often asked after being forced to resign as a leader and Minister of the House on 2 May 2014 why I want to stay in Parliament. The reason is simple, it is a honour to be here. Besides that, I like my job.

Further:

> Despite the occasional challenges some days just come along where it just cannot get any better. Let me tell you that is exactly how I feel about today.

The Christian Democratic Party acknowledges his important 21-year contribution to the State and wish Mike, Judy, Caitlin and Kurt all the best. The Christian Democratic Party commends the motion to the House.

The Hon. BRONNIE TAYLOR (18:48): I will make a brief contribution to debate on the motion. It is obvious that I probably knew the Hon. Michael Gallacher the least of any member in this House. Speaking for myself, I found it daunting as a new member of Parliament. I entered the House as a middle aged person believing that I had had a successful career. But I knew nothing about this place and I was like a deer in the headlights. Mike Gallagher was there to give a helping hand and he made time for people. I really appreciated that. When I first came to this place I had an issue with someone in the Chamber. He helped me with how to handle the situation and afterwards he wrote me a card, which is still on my pin board. I am extremely and utterly grateful to him for that. It is the mark of the man because he would take time to help new members in this place. For me, he always represented decency and offered wise counsel. I will really miss him.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (18:50): I am thankful that we are able to pay our respects to Mike Gallacher and the contribution that he made not only to this place but also to the people of New South Wales. Mike Gallacher is a good man who took a lot of time to mentor and provide guidance to me when I first joined this place in 2011. When I made my inaugural speech in 2011, I finished with a quote from the Hawkesbury Agricultural College sportsman's creed, "For when the One Great Scorer comes to write against your name, he writes not that you won or lost, but how you played the game." When I think about Mike Gallacher, that is applicable to him.

When he was in full flight, he was the best parliamentary performer I have seen here, particularly in question time. By saying that, I do not mean any disrespect to anyone else. He was able to command the attention of everyone within the Chamber and he did it with a smile. It was his greatest attribute, but it was also the scariest thing that he possessed because he could do a member over slowly, gently, firmly, but all the while smiling. We used to see that a lot in this Chamber. Quite often he would turn to members on the backbench, he would wink, smile and then turn his attention back to those opposite. If I use the term "operational" in question time now, I think about Mike Gallacher, because it was one of his go-to points when he was asked a question, particularly about policing matters—it was always "operational."

Mr David Shoebridge: Tell me about it.

The Hon. NIALL BLAIR: I acknowledge that interjection. He knew the answer and he gave the answer, but his response was also "operational" when he did not need to give the answer, and that is a testament to the wit of the man. Mike was very good to me. Mike and I have maintained contact since 2011. One thing that Mike and I shared, which we identified early on, was that we both like supporting football teams in Scotland. His team is Celtic and mine is Rangers, and we always had some banter about them. More importantly, Mike is a great family man.

Some of the best conversations I had with Mike were about his interest in horses and the events that my family participated in because his wife and daughter also had an interest in horses at one time. He shone the most when he was talking about his son Kurt, how proud he was of him and the man he would grow into. Knowing that I have a son of whom I am equally or more proud, he would share his experiences. He also gave me advice on how to deal with the impact of being a member of this place and being away from family constantly, which is what I will cherish the most and miss the most about Mike. I know his family has been through a tough time, which has been mentioned previously.

I am glad that in his new role he can enjoy the next chapter of his life. Those of us who watched him from the backbench are indebted to him for the example he set for us to follow. More importantly, we are indebted to him for his friendship, for taking the time to understand what makes us tick and for understanding our concerns, which is a sign of a true leader. He understood his team, which he led admirably. I will miss Mike Gallacher. The people of New South Wales owe him a lot; he was an outstanding Minister for Police and Emergency Services. I am glad we have been given an opportunity to pay him respect but that will not end with this speech; it will continue with an occasional text message or when I bump into him in the foyer or on the street and have a 20-minute or 30-minute conversation with him. I look forward to that and I wish Mike Gallacher all the best.

Mr Scot MacDonald: It's operational, David.

Mr DAVID SHOEBRIDGE (18:55): I could just say it is operational and sit down. On behalf of The Greens I make a brief contribution to debate on this motion. Mike Gallacher and my party rarely agreed on legislation in this Chamber. When he was Leader of the Opposition and I became a member of the Legislative Council at the end of 2010 we tended to agree a little more. I have a list of the legislation for which he had carriage in the three short years he was Minister for Police and Emergency Services—which seemed a long time, from The Greens perspective. The first piece of legislation related to the mandatory sentencing of those who murdered

police officers. We disagreed from the outset. In his role as police Minister and as Leader of the Government in this Chamber we got off to a bad trot as we disagreed on mandatory sentencing.

Mike Gallacher was passionate about a number of issues for which he argued in opposition and for which he legislated when he became police Minister. As the Hon. Trevor Khan said earlier, we had a ding-dong disagreement on principles but he always dealt with us as human beings. I can think of only one occasion when he was grossly disrespectful but I will not labour that point. As Minister he was respectful and he would listen to arguments and debate the issues. We had a ding-dong battle on the death and disability legislation. He is the only police Minister I am aware of who had 5,000 police officers on the street taking industrial action while The Greens supported those 5,000 police officers and disagreed with the police Minister. We could still debate the merits of that reform. I do not agree with its direction but as police Minister he pushed through that legislation in the face of significant opposition.

He introduced the Law Enforcement (Powers and Responsibilities) Amendment (Move On Directions) Bill 2011, increased the number of drug dogs on our public transport system, introduced consorting laws, made changes to the Bail Act, which The Greens say went in the wrong direction, and introduced the Crimes Amendment (Intoxication) Bill 2014. On each of those bills The Greens maintained strong arguments of principle. The Hon. Trevor Khan said earlier that Mike Gallacher would engage in debate, that members would remain his political opponents but they were never his bitter enemies. Mike Gallacher engaged with members but always dealt with them as human beings.

I can say a lot about the Independent Commission Against Corruption. As the Leader of the Opposition said earlier, it is a matter of record that Mike left office as a result of Operation Spicer. The Greens did not agree with the action that the Government took and we are deeply troubled by what happened to ICAC as a result. We all acknowledge the deep personal toll on Mike. Politics is a brutal and tough business. When members are on the wrong side of any public debate it impacts not only on them but also on their family. We should all take a moment to acknowledge that. Mike is the only Minister that my office took to the NSW Civil and Administrative Tribunal [NCAT] over the Government Information (Public Access) Act 2009. We cross-examined one of his staff members and it would be fair to say we were not popular as a result of that action and the decision that was handed down. We have the dispute or the argument, we make the in-principle point, and then we move on and deal with each other as human beings in a polite and decent fashion.

I cannot conclude my contribution to this debate without noting that it was Mike Gallacher who objected to my cross-examination about Operation Prospect in the budget estimates hearings. The discussion I was having with the then senior police officers about the police bugging was shut down in horror by the then Minister for Police, Mike Gallacher. If we had been allowed to explore that issue in the budget estimate hearings in our usual way, and if we had been able to question those police officers in a robust and rugged fashion without being shut down, we may have saved years and years of heartache. This Chamber should be allowed to undertake its role of investigating the Executive with courage, with independence and with bravery without being shut down. Much more could be said about Operation Prospect, but I will not do that now.

I would see Mike in the Chamber and I would picture the former police officer wearing mirrored glasses and a smile. I would imagine winding down my car window and having to explain myself to him. That was his approach as a Minister. He would sit in this place—with his mirrored glasses and the window would be wound down—and we would have to explain ourselves to him. He had a certain presence and charm. For those reasons, many of us in this Chamber will miss Mike Gallacher.

The Hon. LOU AMATO (19:01): In the short time that I have been in this place, I have been honoured and privileged to get to know the Hon. Mike Gallacher. Like the Hon. Bronnie Taylor, I found being a new member of the Legislative Council a daunting experience. The learning curve was steep and I had had little previous exposure to upper House protocol or procedure. Many people offered much-appreciated kindness and support in those early days. However, one person in particular not only guided me through upper House protocol and procedure but also treated me with respect. That person was Mike Gallacher. Mike's friendship was one of the first I established in this place. His door was always open and he spent a lot of his time making me feel welcome and at ease. He spoke to me as a mate, and our friendship quickly grew to one of trust and mutual respect.

I know that during Mike's 21 years of service to New South Wales he achieved many great things. We could all write many pages praising his noteworthy achievements in this place—and noteworthy they are. However, the one thing that is more important than all his political achievements is the man himself. I believe Mike to be a truly genuine person who believed in the greater good for New South Wales. His motivations were truly drawn from his compassionate and selfless desire to make New South Wales great. Mike is a friend and his retirement has left a void that all of us no doubt will feel for a long time. I wish him health, happiness and peace in all his future endeavours. I thank Mike for his help and friendship, and for the great contribution he made to this State. His service to New South Wales has made a difference.

The Hon. SCOTT FARLOW (19:03): I first met Mike Gallacher when I became the president of the Strathfield State Election Committee. I am sure the Leader of the House will remember that that was not with acclamation. Mike was the first guest speaker, and it was not an easy meeting to attend. He used all of his skills as an old copper to defuse the situation and to maintain the peace. He did not know me from a bar of soap; despite that, he offered me a great deal of kindness. As somebody who now drinks from the well I certainly remember those who dug it. Having worked in opposition, I saw firsthand Mike's work to dig the well. He was always one of the standout Opposition performers. Many times people spoke about what Mike could have done had he been Leader of the Opposition.

Maybe we would not have found ourselves in opposition for 16 years. Unfortunately, in my time in this place I only got to see Mike in flight in this Chamber four or five times. Each time he had a commanding presence. I regret that I did not get to see him in his previous role as Leader of the Government, because the contributions I saw were astounding. During the depths of his despair I saw Mike at Gordon Moyes's funeral and said hello to him. To compare how he was at that time with how he is now that he and his family have been able to move on from that challenge and reach a new point in their lives is very pleasing. I wish him all the best and thank him for his contribution to the State and the Liberal Party as one of those who drinks from the well.

The Hon. Dr PETER PHELPS (19:05): My father knew Mike Gallacher before I did. Those who listened to my inaugural speech may remember that my father was a police officer, who, in 1989, took up the role of commander at Wyong. At the same time Mike was a detective at Gosford. My father was something of a dinosaur. He did not have a great deal of time for detectives. He did not like them and did not trust them. Having lived through the 1960s to the early 1980s as a member of the NSW Police Force his opinion of detectives was very low. But he had a very high opinion of Mike Gallacher. They worked together for at least five years while Mike was at Gosford and my father was at Wyong. That is why I find it incredibly hard to believe that Mike could have been corrupt in any way in his official dealings.

A British member of Parliament once wrote that the perfect Tory whip was a six-foot-two former guardsman and the perfect Labour whip was a five-foot-eight pugnacious former pugilist from Glasgow. I do not know how far Paisley is from Glasgow, but it was fairly close in terms of where Mike stood. He could have been a Labor whip, if you think about it. He was an immigrant who moved to Western Sydney and went to public school in Shalvey. He became an official trade unionist and proudly displayed the trade union accreditation certificates he had achieved during his time representing members of the Police Association. He could have been a Labor member of Parliament, but he chose to be a Liberal. Amongst Liberal Party members, that famous preselection where he gave his speech about being an undercover officer is legendry.

I will not go into Mike's time in Parliament and his achievements as a Minister. They have been well covered. I will not speak too much about the companionship he offered me and other new members of Parliament who were trying to fit in with this place. It will suffice to say that one of my first official dealings with him was in the presence of the Hon. Duncan Gay when they both told me to stop acting like an idiot and pull my head in, which is advice that I have listened to with varying degrees of consistency over the past six years. But then along came ICAC. I will be frank on this. Do I believe Chris Hartcher could have done something dodgy? Yes, I do. I do believe he could have been a dodgy character. Do I believe Mike Gallacher could have been a dodgy character? Not for one second. Gallacher was not a branch stacker and he was not a money man. Hartcher was a branch stacker and a money man.

Mike fulfils a position similar to my own—that is, if you like, as the barristers of certain sections within the Liberal Party. We are the front people, the people who make arguments, the people who rally the troops without actually conscripting the troops or levying the gold. But then the Independent Commission Against Corruption came along and led us to believe that in some way Mike was corrupt. I intend to go through those four elements and assess them for their validity or otherwise. What is the first thing that ICAC levelled at Mike? It said that he sent some notification to Chris Hartcher that Nathan Tinkler's firm was Patinack Farm. That is it. That is the first element ICAC used to say that Gallacher was corrupt: Hartcher wanted to know who Tinkler's firm was and Mike said it was Patinack Farm. The second thing ICAC used to try to slander Mike was that, in a conversation with Andrew Cornwell, Mike suggested that you could sell raffle tickets at a function as a way of subverting the electoral funding laws—except for the fact it also pointed out that you could not do it for developers, and in fact it did not take place.

In that instance Mike simply said that this was how you could do something, but it never took place. If that is a convictable offence, I let ICAC know this: I got up before the Women's Council and I told them how you could corruptly vote multiple times using the Commonwealth Electoral Act and never be found out. I am not suggesting any of the ladies there have done that, and I certainly have not done it myself. But if the mere transposition of knowledge about how to do something illegal makes you corrupt, then there are a hell of a lot of people here who could be found to be corrupt. That is the second element that ICAC used to try to go after him.

The third thing was the implication that Mike was in some way responsible for the fundraising operations for the Newcastle campaign. The simple fact of the matter is that Mr Hugh Thomson was the key person responsible for those fundraising activities. You do not have to take my word for it; you can take the word of respected, long-time Liberal Party member Colleen Hodges. In her official ICAC testimony she said at paragraph 50:

> I remember being concerned whether these cheques could come from Daracon and whether it was a building developer. I remember I asked Hugh Thomson whether we could accept them. He said that Daracon was not a developer and he said something like that they are "engineers" or used some term like that. He said it was alright.

"He" is Hugh Thomson. She continued:

> He explained this to me and I was satisfied so I banked the cheques.

At paragraph 54 she states:

> Hugh Thomson organised the funding. As set out above, he was the one that mainly received the cheques and gave me the cheques. I only got the cheques from him or from the mailbox.

At paragraph 56 she says:

> Hugh Thomson did not tell me how he found the money. He would just ring up and say to me that he has got cheques to bank. He was the person chasing all the money.

What of Mike Gallacher's involvement? Under the heading "Mike Gallacher's involvement in the campaign", at paragraph 66 she states:

> Michael was not, to my knowledge, greatly involved in the Tim Owen campaign. He was up in Newcastle a few times and probably he did some doorknocking but he was not at the campaign meetings as far as I know.

At paragraph 67 she states:

> I never saw Michael in the campaign offices. I went in every day or second day to deliver them the mail. This is supposed to be the great fundraiser who got in there and used the resources of Tinkler and others to fund the campaign. Except for one fact—and we have it from the phone records. Exhibit Z16 is the phone records of Gallacher, Owen, Thomson and McCloy from 2 September 2010 to 31 March 2011—in other words, the six months before the election. There are comprehensive phone records of who was talking to whom. Owen talked to Thomson. Owen talked to Gallacher. There is not one instance where Gallacher talked to Thomson—not one instance. So if Gallacher is the spider at the centre of the web engaged in these fundraising activities, he must have done it through psychic transference because there is no evidence whatsoever that he talked to Thomson during this period—not one single phone conversation. What does Mr Thomson have to say about this? In an email to Luke Grant—again, I am quoting from the official documents that ICAC had and should perhaps have paid a little more attention to in its final report—Hugh Thomson writes:

> Mate,
>
> I've got $20K lined up at the moment (2x$10K), and they will both be happy to pay in a single instalment.

He says, "I've got $20K", not "Mike's got $20K". Also from Hugh Thomson to Luke Grant:

> Mate,
>
> Please send an invoice for $9,99X for "Marketing Consultancy" to Hunter Land Holdings Pty Limited.

On 16 March 2011 Hugh Thomson writes to Luke Grant:

> Mate,
>
> Can you whip up a draft invoice for Jeff.
>
> Make it an uneven figure ~$10K, to "McCloy Administration Pty Limited"

Who was responsible for this? Was it Mike Gallacher or was it Hugh Thomson? After the election, Hugh Thomson sent an email to Tim Owen and Andrew Cornwell in which he says:

> Not sure if you guys feel up to reminding Garry who paid for the lion's share of his campaign.
>
> Picking a fight with Buildev is not a smart move, particularly if he hasn't engaged with them privately.

In this instance, Hugh Thomson was doing the work of Buildev. Does he cc in Mike Gallacher? No. If Mike was the Svengali—the one who was running the money operations up there—he is doing it remarkably silently and without any trace of evidence whatsoever. The fourth thing that ICAC used to try to implicate him is what is called the New Year's Eve dinner. ICAC asserted that it was some sort of fundraiser created so that developers could give money and siphon it off to the Liberal Party—except for the fact that that is not what happened. None of the people who were there—and who wrote official testimonies for the ICAC: Joe Calabro, Tony Calabro, the McGeachys or Larry Circosta—say that it was a fundraiser. In their view, it was just a family arrangement; a meeting of a group of people. Originally it may well have been envisaged as a fundraiser, but as fundraisers go it was the worst ever because not one single dollar went to the Liberal Party.

Interestingly, ICAC said it was going to call John Hart from the Restaurant and Catering Industry Association—the allegation being that the money had been funnelled through the association to the Liberal Party.

But do you know what? ICAC never called John Hart. Why do you think that is? It is because it was not a fundraiser. ICAC nailed Mike on the Hartcher SMS, the raffle ticket conversation and fundraising when Thomson was clearly the fundraiser. In fact, ICAC notes:

> A specific request [came] that they fund a member of Mr Owen's campaign staff was more likely to have been met if it came from Gallacher, rather than from a relative stranger.

That is pure hypothesis, an assertion; ICAC adduced no evidence that it was correct. But in the next sentence it goes on to say:

> In any event, the Commission accepts that Mr Thomson was a point of contact for fundraising activities, consistent with his role as campaign director. According to Mr McCloy and Mr Grugeon, there were a number of discussions on the subject of funding Mr Owen's campaign with Mr Thomson.

It is not with Mr Gallacher; it is with Mr Thomson. Yet ICAC has the temerity to say that Mr Gallacher was in some way corrupt. It goes on to say:

> The Commission finds that Mr Owen, Mr Thomson, Mr Grugeon and Mr McCloy were parties to an arrangement whereby payments totalling $19,875 made to Mr Grant for his work on Mr Owen's 2011 election campaign were falsely attributed to services allegedly provided to companies operated by Mr McCloy and Mr Grugeon. Where is Mr Gallacher in that? The answer is there is no evidence whatsoever. ICAC could not provide any evidence of it. So what happened? Mr Gallacher lost his job. He lost his job because ICAC decided that it would institute a legalised defamation of an honourable man. That organisation is made up of a bunch of putrid cockweasels who are more interested in scalp hunting than in justice. But worst of all was the treatment of Mr Gallacher by Mr Baird. Mr Gallacher did nothing wrong. He should have been welcomed back into the party room with open arms. He should have been welcomed back onto the front bench with open arms. What Mr Baird did in that one action was to say, "Even if there is no finding of corruption against you, the mere presence of you at ICAC or of vague allegations made against you are reasons to disqualify you from any position in Parliament." Good luck on dealing with the next wave of potentially vexatious complaints—and they were definitely vexatious complaints in Mr Gallacher's case. I am sorry that he is not here. Mike was a friend and still is a friend. What happened to him was outrageous. I miss him greatly, and I wish him and Judy well for the future.

The Hon. BEN FRANKLIN (19:20): I wish to speak briefly about Mike Gallacher. He is a man who brought an array of knowledge and experience to drive his passion and commitment to make a difference through his role as a member of the Legislative Council. After 16 years in the NSW Police Force, it was his experiences as an undercover officer—targeting corrupt police—a detective and a highway patrol officer that not only drove some of his policy aims but also gave him a thorough understanding of the police portfolio as the Minister for Police. Others have spoken on his range of impressive achievements in that role. Mr Gallacher's work in the NSW Police Force made him drive for changes to be to be made to address youth violence and youth suicide. He stated in his inaugural speech:

> In my many years as a police officer I was often faced with the most horrific scenes imaginable. Of all the matters I was involved in none were more heart wrenching than those involving young children or teenagers. The 1990s have seen suicide rates in areas like the central coast and western Sydney skyrocket, whilst successive governments have sat on their hands doing nothing.

He maintained that focus through his entire career. While he was often seen as a hard man, his heart was always filled with compassion, particularly for those suffering from mental illness. Knowing Mike for over 20 years through membership of another organisation, we had a changing relationship. Perhaps we viewed each other with a little cool suspicion when I was still an active and vibrant Young Liberal working for the Hon. Greg Pearce, but my deep respect for him grew throughout the years. When I got elected to this place, he was warm and engaging and he took me under his wing. I was privileged and I am still privileged to be able to call him both an adviser and a friend. He was a giant in the party, in the Parliament, in the Cabinet and in the community. I would like to conclude with another quote from his inaugural speech. He said:

> At the end of the day when my career in this Parliament ends—which I pray will not be for a little while yet—I hope that I can look back over my time in this Chamber and be assured that my contribution had an impact on the future of this State.

You can rest assured that you did that, sir. I thank Mike Gallacher for his contribution to the New South Wales Parliament and to our great State. I know that he will have a sterling post-political career. I wish him and Judy, who has also suffered so much, all the very best for the next phase of their lives.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (19:23): In reply: I thank all honourable members for their contributions, many of them heartfelt and very sincere and a worthy tribute to the Hon. Mike Gallacher.

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

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

Q FEVER

The Hon. WALT SECORD (19:24): Tonight I speak on a specialist rural health roundtable held on 19 May with my colleague Mick Veitch, Labor's Primary Industries spokesperson. The roundtable was prompted by the State Government's failure to properly respond to the increase in the number of official cases of Q fever in New South Wales. As my colleague Mick Veitch told the roundtable, "Unfortunately, the State Government has been caught napping on Q fever". This relatively little-known disease has had a devastating impact on sufferers, especially those in rural and regional New South Wales. It is a debilitating disease spread to humans through interaction with infected animals, especially during live animal births.

The range of carrier is broad—mainly sheep, cattle, kangaroos and, to a lesser extent, dogs and cats. The disease can be airborne, meaning that it is not only those with direct contact with animals who are at risk. In fact, about half of all sufferers contract the disease without coming into contact with animals. So it would be wrong to think this disease is simply a professional risk of farming. It indiscriminately affects people across rural and regional communities. Q fever is an officially notifiable disease in New South Wales. It has flu-like symptoms including severe headaches, sweats, and muscle and joint aches. Acute Q fever can cause a severe flu-like illness that is sometimes associated with hepatitis and pneumonia, while chronic Q fever can result in the inflammation of the heart, and people with heart valve disease are at an increased risk. Some patients develop chronic fatigue, which can last for many years.

Q fever has affected more than 1,700 New South Wales patients in the past decade, with 231 cases reported in New South Wales in 2016. One-third of the New South Wales cases were reported in the Central West, followed by one-fifth in the Hunter-New England area, and the third-largest number reported was on the North Coast. In addition, the South Coast is deemed a hotspot region for the disease. As of 24 May, there are at least 64 known cases in New South Wales for 2017. At the roundtable we were joined by Mr Alan Teall, a small business owner, and Mr Richard Pike, a teacher—both Q fever sufferers—as well as three NSW Farmers Association representatives: Ms Aly Bunton, policy director of rural and regional health; Ms Annabel Johnston, policy director for livestock; and Mr Ash Salardini, an economist, who said:

> If Q Fever was happening in Surry Hills or Darlinghurst, it would be a State health priority—but unfortunately it is not.

University of Newcastle immunologist and microbiologist, Professor Stephen Graves, also attended the roundtable. He is a world expert on making an Australian vaccine more readily available and accessible, and I commend him for his work in this field. He said that, unfortunately, it is a disease that very few doctors know about. A vaccine is available and it is recommended for all people working in or intending to work in high-risk occupations such as in abattoirs, farming and veterinary care. A number of years ago, the vaccine was on the Pharmaceutical Benefits Scheme [PBS], but it has been removed. At the roundtable we all agreed that the New South Wales Government must increase awareness of the disease, especially among rural physicians. I understand that earlier this week the State Government announced $200,000 to provide some training to doctors. It is a small step, but there is much more work to do in relation to Q fever.

The State Government should also provide subsidised vaccinations to those in high-risk industries such as abattoirs and farms, to those working in veterinary care, and to students and teachers at agricultural schools. There was a view that the way the State Government responded to a recent outbreak of meningococcal in New South Wales, by announcing a vaccination program for all year 11 and 12 students, is the precedent for how it should respond to Q fever. The meningococcal program cost $9 million and will vaccinate 180,000 students. In 2016, there were 262 meningococcal cases of all strains New South Wales. That is about the same level as Q fever. Surely, the State Government should respond; to do less would send a discriminatory message to rural communities. I repeat: contrary to misperceptions, Q fever is not an occupational disease, as about 50 per cent of patients do not come into contact with animals.

Finally, I thank Mr Teall and Mr Pike for sharing their struggles and for being so candid at the roundtable. Mr Teall has had his life changed forever by the disease and has had major heart surgery. He is now a leading advocate for Q fever disease sufferers and wants others to benefit from his personal experiences. Both gentlemen live on the South Coast, which, as I said earlier, has been deemed a hotspot. The Hon. Mick Veitch also gave a personal perspective, as he contracted Q fever in January 1984 when he was a young shearer in southern Queensland. It is a lifetime disease and when it hit him he said it was like trying to walk through wet cement. The Hon. Mick Veitch still has to have regular check-ups to monitor the illness.

In conclusion, I reiterate my call on the State Liberal-Nationals Government to reconsider its opposition to providing vaccinations for Q fever for workers, and rural and regional families in so-called hotspots. These victims are real; they are amongst our colleagues, and suffering like theirs is largely preventable, thanks to

vaccination. We must act now to prevent further suffering in our regional and rural communities. I thank the House for its consideration.

ANIMAL RIGHTS AWARENESS WEEK

The Hon. MARK PEARSON (19:29): I address the House in honour of Animal Rights Awareness Week, which we will celebrate in four weeks. Animal Rights Awareness Week was established in 1999 by the animal rights group In Defense of Animals. Its purpose is to raise awareness of animal rights by educating the public and to advocate for the compassionate treatment of all animals. Animal rights awareness extends to all animals including companion animals, farmed animals, wildlife, introduced species, animals used in entertainment, and animals used for research and experimentation. The Animal Justice Party [AJP] considers that each individual animal is the subject of his or her own life.

The AJP rejects the notion that animals are unthinking, unfeeling objects to be used and exploited by human beings. The science is clear: all animals are sentient. The legislation is clear: prevent cruelty to animals and treat animals in a humane manner. Our Western legal system is based on property rights, and animals fall squarely into the category of property. Animals are deemed to be "things", and the law treats them no differently than other objects that may be owned, sold, exchanged or destroyed by their legal owners. Objects do not possess rights. Western society acquired the moral and legal authority for this proposition from the biblical exhortation:

> And God said, Let us make man in our image: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps on the earth.

We talk about Australia having "ridden on the sheep's back", with the wool industry's profits founding Australia's economy, which has one of the highest living standards in the world. Yet we never mention the miserable existence of your average sheep—castration, tail-docking and the removal of flesh from the buttocks often without pain relief, a life often confined to a featureless paddock without shade or shelter on blistering days and freezing nights. Sheep, terrified and crushed, are then often sent on hot and dusty transport to the abattoir, or worse, the living hell of live export. We romanticise the life of the dairy cow and talk about the goodness of milk as if it flows as a divine blessing. We never mention the three million spent dairy cows that are sent to the slaughterhouse each year once they are exhausted from constant pregnancy and milk production. We do not speak of the half million newborn dairy calves sent to slaughter for being "industry wastage", or the 12 million male chicks ground up or gassed alive within hours of hatching because they are of no intrinsic value in an industry that only barely values their egg-producing sisters.

Times are changing. The recent trial of Canadian activist Anita Krajnc underscores the moral incongruity of the law's classification of animals as property. Anita was charged with the obstruction of the lawful use and enjoyment of property. Her crime was to give water to severely dehydrated pigs being trucked to an abattoir. The upshot, however, was that while Anita was defending herself in a criminal trial, the entire pig industry was facing a worldwide media trial on the morality of its business model. The act of one person offering help to an animal in need and how an animal-use industry was trying to crush her actually put the industry on trial. It is now time to lift animals out of the definition of property to the standing of sentient beings, and for people who are meant to care for animals to be stewards and not just owners.

THE SYDNEY GAZETTE AND NEW SOUTH WALES ADVERTISER

The Hon. LOU AMATO (19:33): Australia's first newspaper, the *Sydney Gazette and New South Wales Advertiser*, was first published on 5 March 1803 as a weekly paper delivering information from the United Kingdom to the colonies. The *Sydney Gazette and New South Wales Advertiser* was under government control, which meant heavy censorship of information. However, in 1824 government censorship was lifted and one of the first independent newspapers emerged, the *Sydney Morning Herald* in 1831. Many other newspapers followed and being free of government censorship, freedom to report the emerging social and political issues of the day meant that people were more informed. Being more informed is a quintessential component to any democracy, as it is the people who choose their elected officials and correct choice requires uncensored information.

Of late, there has been a rise in community concerns over the quality of journalism. There always have been newspapers that are politically biased. In standard terms, newspapers are usually typified as either left or right in their political and social persuasion. Considering that our community is culturally and ideologically diverse, it is important that all aspects of opinion are freely discussed whether they are of left or right persuasion. Uncensored, freely available information to the public is essential to legitimately elected governments. The collection, dissemination and reporting of events to the people requires considerable resources which, in turn, must be supported by adequate funds. In recent times the advent of online media reporting agencies has seen a decline in the demand for printed media. This decline has seen a considerable reduction in the profit margins of the established hard copy reporting agencies. Author and journalist Andrew Fowler, in his book *The War on Journalism—Media Moguls, Whistleblowers and the Price of Freedom*, states:

> One of the reasons why mainstream media is in such a crisis is that people have really lost confidence in it, not only because the money itself has dried up so they really can't fund the kind of investigations that they did in the past, but also because they think that they tend to go downmarket to compete with the internet.

According to Andrew Fowler, the problem of shrinking profit margins means fewer resources on the ground. There are simply not enough journalists available to cover the ever-increasing amount of information that requires careful dissemination and accurate reporting to the people. Considering that around 50 per cent of people now use online reporting agencies to obtain information, the decline in mainstream reporting agencies will continue as more go online for daily information. One critical issue is that many of these online reporting agencies lack credibility and are somewhat less factual in the quality of information posted on an internet page discovered via a Google search. The end result has been the decline in investigative journalism.

The biggest losers in the decline in investigative journalism are not the journalists themselves but the people. Investigative journalism produces real tangible benefits that, in monetary terms, could exceed billions of dollars. Journalistic investigation into the public sector can identify areas where government funding can be better utilised, saving taxpayers considerable amounts of money. Successful investigations into commercial fraud can expose a criminal's intent on defrauding consumers and investors. Investigations into health, where no monetary value can be placed, can initiate policy change, providing increased community wellbeing.

In south-west Sydney I have personally witnessed the effects of staff cuts due to decreased funds in newspapers such as the *Advertiser (Campbelltown/Camden-Narellan/Wollondilly)*. There are simply not enough people on the ground to ensure events are recorded and accurately reported to the people. We as a Government must ensure that investigative journalism survives as it is as much a part of the political process as are those who participate in other ways. It would be a tragic shame if a great reporting agency such as the *Sydney Morning Herald*—one of the first independent and uncensored newspapers—were no longer part of the political landscape. The same applies to any of our respected newspapers.

LOCAL GOVERNMENT AMALGAMATIONS

The Hon. PETER PRIMROSE (19:38): In December 2015 the New South Wales Liberal-Nationals Government announced that it would abolish more than a quarter of the State's local councils, based on a report prepared by KPMG at a cost of $400,000. This report remains secret to this day. In January 2016 it was publicly confirmed that the Office of Local Government did not have a copy of the report in its possession. Yet it was on 6 January 2016 that the Minister for Local Government wrote to the chief executive of the Office of Local Government and referred a list of 35 proposed amalgamations and boundary changes, as contained in the KPMG report, for examination and report under section 218F (1) of the Act. The delegates provided their reports to the Minister and the Boundaries Commission, relying on the KPMG report which they had not fully seen.

The Boundaries Commission then made a recommendation to the Minister for Local Government. The then Minister for Local Government made recommendations to the Governor, and the first and largest batch of these forced mergers was gazetted on 12 May 2016. The current Minister has repeatedly stated that she wants to implement the forced merger of all 14 Sydney metropolitan councils targeted by this process. The courts have held that the delegates and the Boundaries Commission could not have validly acted under the Local Government Act without access to the KPMG report. Of particular note is the decision on 27 March this year in the matter of *Ku-ring-gai Council v Garry West* as delegate of the Acting Director-General, Office of Local Government, in the Court of Appeal.

The obvious question is this: If neither the former nor the current Minister for Local Government possesses a copy of the KPMG report, and the Office of Local Government also does not possess a copy, how is it that they can be held to have legitimately fulfilled their responsibilities under the Act—or have they acted recklessly and without the due diligence that the public expects of them? In April this year, after the Ku-ring-gai decision, I again applied under the Government Information (Public Access) Act 2009 [GIPA Act] to both the Office of Local Government [OLG] and the current Minister's office, requesting a copy of the KPMG report as described in the decision. In both cases, the OLG and the Minister initiated a transfer under section 45 of the GIPA Act to the Department of Premier and Cabinet. This section states:

> (1) An agency-initiated transfer of an access application to another agency requires the consent of that other agency and cannot be done unless:
>
> (a) the other agency is known to hold the information applied for and the information relates more closely to the functions of that other agency, or
>
> (b) the agency that receives the application decides that it does not hold the information and the other agency is known or reasonably expected to hold the information.

Let us be clear: Section (1) (a) can only be used if the other agency has a copy of the KPMG report and the information relates more closely to the functions of that other agency than it does to the Office of Local

Government or the Minister for Local Government. Section 1 (b) can only be used if the agency itself does not hold the information. Yet as we have seen, the entire forced merger process occurred under the auspice of the Local Government Act. It legally involved only the Office of Local Government and the Minister for Local Government exercising their authority under the Act.

The proposals for investigation, as shown in the Ku-ring-gai case, were based on information in the KPMG report. Either the Minister for Local Government and the Office of Local Government are acting contrary to section 45 of the GIPA Act—because they do have a copy of the report and clearly the information requested most closely relates to the operation of the Local Government Act which they administer—or, even more troubling, if the Minister and the Office of Local Government genuinely do not hold a copy of the pivotal KPMG report, then their actions throughout this whole forced merger fiasco have frankly been a mockery of their responsibilities and an insult to the people of New South Wales.

TRIBUTE TO STEPHEN SMITH

Mr DAVID SHOEBRIDGE (19:42): At 3.45 a.m. on 5 October 1995 tragedy struck the small township of Werris Creek, just south of Tamworth. Stephen Smith, known to his friends as Whiffy, was struck and killed by a northbound freight train. Since that time, Stephen's family and friends have been searching for answers. Stephen's death is dreadfully similar to the death of Mark Haines, who was struck and killed on the same train line just a few kilometres north. I have spoken in this Chamber before about Mark's death, and Stephen's case is no less worthy of attention. Like Mark, Stephen was only 17 years old when he was killed. Stephen was also an outgoing and popular boy with a life full of friends, promise and love. Stephen was also proudly Aboriginal. Neither death has been explained. Stephen is more than a forgotten statistic. He remains the son, brother and friend of those he left behind. As the local paper recorded in the week after his death, Stephen was:

> A Champion Bloke. If you ever had the chance to talk to Whiffy you could not help being optimistic about the future of our youth. If you went to a picnic Whiffy was the one with the mass of kids thronging around ... Leadership, teamwork and sportsmanship, an example to others.

This is the boy who, according to the local Oxley police, lay down to die on an obscure and distant part of the rail line. It has never made any sense. The last time Stephen was seen alive was by a security officer who was driving on patrol along Hawker Street in north Quirindi at 1.25 a.m. Just before then a local had also seen Stephen on the street. Both report seeing him hitchhiking. Stephen lived in Werris Creek, 20 kilometres up the road towards Tamworth. He had been to a party that evening in Caroona and had been driven back to Werris Creek late in the evening with friends.

Alcohol had been consumed and forensic reports later showed Stephen was intoxicated that evening. The local who spotted Stephen noticed him because she was woken by the sound of voices and a dog barking. She saw two boys across the street and a third, who has been identified as Stephen, walking along the street hitchhiking. She said he was "dragging his feet and looking terribly tired to me. He was waving his arm as though he was trying to hitchhike a ride."

One of Stephen's closest friends told police that they had known each other since they played footy together at age five. Before getting their driver licences they had often hitchhiked between Werris Creek and Quirindi. This included from time to time when they had been at parties and "had a few beers". Hitchhiking is far from unusual in regional New South Wales where public transport is absent. But Stephen was not found dead on the road between Quirindi and Werris Creek. He was struck by a train that was coming around a bend on the rail line miles from the nearest road.

I have been to the site with Stephen's father and brother. I have travelled back along the route he was said to have taken that evening. From where Stephen was last seen in north Quirindi to where he was struck by the train is a 1.5 kilometre walk along the main road to Werris Creek. That is followed by a sharp turn off the main road along a dirt side road for another 2.2 kilometres where it crosses the rail tracks. It is then almost two kilometres further up the rail line, away from all roads, to the point just south of Quipolly Creek where Stephen was killed as he lay directly across the tracks.

Almost all of this long walk would have been in pitch blackness with no street lights and no passing traffic—and all done by a fatigued and intoxicated young man who was earlier seen hitchhiking. In his police statement Stephen's closest friend said that in all the times they had been together—and they had been in each other's pockets since the age of five playing footy together—Stephen had never walked along the railway line and had never spoken about it. However, they had often hitched along the main road. He said Stephen being on the rail line was "an action out of the ordinary".

A series of investigative leads about Stephen's death have been brought to the attention of the local Oxley police, but the family have never had it explained to them why none produced results. A coronial inquiry was held in February 1996 and it concluded Stephen was killed by a train. No person of interest was identified and no viable

reason was given to explain why this successful, vibrant young man was walking along the train line, let alone why he lay across the train tracks. Just months after the coronial inquiry police obtained hearsay evidence of an alleged confession to Stephen's murder. Again the family have not been told why nothing came of this. They still want answers.

Young, vibrant Aboriginal boys do not just lie down and die on train lines. Answers that are irrational and wildly out of character would never be acceptable to explain the deaths of non-Aboriginal young people. It is no wonder that Stephen's family do not accept it as an explanation for their son's death. This is why I am referring Stephen's case to the New South Wales Homicide Squad. Twenty years later we may never know all the answers, but Stephen's family and Aboriginal people in the cities and regions deserve far more than they have been given to date.

EMPIRE DAY

The Hon. Dr PETER PHELPS (19:47): In my office there is a bottle of Bombay Sapphire gin. I drink it not merely because it is an excellent gin but also because it has a portrait of Queen Victoria on every bottle; a joyous reminder of the majesty of the British Empire. Today, 24 May, is the birthday of Queen Victoria. It has been, since 1958, Commonwealth Day. It used to be cracker night until the public health nanny-staters decided we were having too much fun and killed it off. But, for me, 24 May will always be Empire Day.

If the zeal of Anglophiles such as me tends to be overdone it is only because it needs to compensate for an anti-historical political correctness that has infected academia, twisting an objectively positive institution—the British Empire—into something bad. The truth, however, is that that small island governed a quarter of the planet and had a civilizing influence on the rest of it. Britannia used the Royal Navy and land forces to put the African slave trade out of business, to the chagrin of many Americans. Even the feud between the Irish and their British overlords was not originally about religion—as both lands were Catholic—but rather, according to historian Harry Crocker:

> England regarded Ireland as an uncongenial, barbarous, mystifying colony—but one necessary for the defence of the realm because it was an all too convenient jumping-off point for possible invasions. Indeed, the first English conquest of Ireland in 1169 was at the request of an Irish king and was approved by the Pope, who happened to be English. The most impressive triumph of the British Empire was the enormity of the imperial undertaking and the efficiency with which it was run. India, with more than 300 million souls, was occupied and managed by a mere 100,000 Britons. By comparison, New South Wales pays more than 325,000 full-time equivalent bureaucrats to mismanage the 7.5 million residents of the Premier State. he history of Albion's empire is dominated by colourful names such as Cromwell, Drake, Morgan, Clive of India, Wolfe, Cook, Wellington, Livingstone, Burton, Raffles, and Lawrence of Arabia—each a dashing personality, whether a battlefield commander, pirate, explorer or businessman. Yet few of these names would be recognised by Australian students, and are much less likely to have been the subject of serious study.

Since World War II, the prevailing view in academia has been that colonialism was an unpardonable and incomparable sin that plagued the globe for more than 200 years. Any counterpoint to this view is routinely dismissed as pro-colonial and, therefore by definition, racist. But colonialism is a much more complicated subject than such black-and-white rhetoric allows. Yet if one says this, they will be attacked from all sides, most savagely by those areas of academia still dominated by quasi-Marxist postcolonial scholarship. It took pints and pints of personal sacrifice and a stiff upper lip to rule so much territory and most of the seas for so long. As Crocker summarises:

> Young men, straight out of school, could find themselves in distant lands acting as lawgivers to primitive tribes and dangerous brigands; they were men of conservative sentiments, liberal ideals and boyish pluck.

That being said, it must be conceded that colonialism was not intrinsically altruistic. But in the course of the 700 years since Muhammad of Ghor invaded India, more than 400 million Hindus and more than 150 million Muslims died in wars and massacres throughout the subcontinent. All the European powers combined did not manage to kill that many people throughout all Asia during their entire colonial histories. These are empirically established facts, albeit highly inconvenient to the Left's grand anti-Western narrative. As Sumantra Maitra, of the University of Nottingham, pointed out:

> All the institutions of modern India—including Parliamentary democracy, the rule of common law and jurisprudence, socio-cultural norms and customs, an independent judiciary, industry, technology, railways, telecommunication and education system—are British imports.

Late in life, Winston Churchill sighed:

> ... I have worked very hard all my life, and I have achieved a great deal—in the end to achieve nothing.

The former Prime Minister was lamenting the demise of the empire he hoped would continue to be the guarantor of peace and a force for good in the world. But Churchill was wrong. Despite the sun having set on the physical British Empire, the political, psychological and, indeed, the moral virtue of the old Empire continued to shine. The high-minded values of limited government and individual rights endure throughout its colonial dominions to a greater or lesser degree, the success of those ideas being largely a function of their country's abandonment of barbarism, and absorption of British social and cultural mores. So, on 24 May 2017, let us raise a gin and tonic to the glory and wonder of the British Empire as it was in the physical past and as it is in the moral present. Happy Empire Day, everyone!

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

Motion agreed to.

The House adjourned at 19:53 until Thursday 25 May 2017 at 10:00