New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Sixth Parliament
First Session

Wednesday, 31 May 2017

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 31 May 2017

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

The PRESIDENT read the prayers.

Bills

HOME BUILDING AMENDMENT (COMPENSATION REFORM) 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: According to sessional order, I declare the bill to be an urgent bill.

The PRESIDENT: The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

Personal Explanation

NUCLEAR POWER

The Hon. Dr PETER PHELPS (11:02): By leave: Yesterday Mr Jeremy Buckingham issued a press release in which he stated that the Legislative Council unanimously passed a motion against establishing nuclear power in New South Wales. That is, in fact, false. I clearly and volubly voted against the motion. Moreover, Mr Buckingham would have been fully aware of that, considering that I mentioned it to him as he left the Chamber. Mr Buckingham has made a false statement in relation to my voting intention in this place. I want to put it on record that I voted against the motion.

DEPUTY PRESIDENT OF THE LEGISLATIVE COUNCIL

The Hon. WALT SECORD (11:03): By leave: During debate on the dissent motion moved by Mr Jeremy Buckingham yesterday I was critical of the approach of Government members and the limitations on latitude in second reading speeches. I stated that the Deputy President had called me to order twice during debate on the Opposition's Local Government Amendment (Disqualification from Civic Office) Bill 2017. The discussion related to the Government's refusal to ban property developers and real estate agents from running in the forthcoming local government elections. During the dissent motion several members brought to my attention that I mistakenly referred to the Deputy President. Subsequently, I checked *Hansard* and realised I needed to correct and clarify my comment. For the record, it was not the Deputy President; unfortunately, it was the President. It is important I correct the record. I acknowledge that the Deputy President prides himself on being an independent and impartial chair. I meant him no embarrassment.

Motions

NATIONAL SORRY DAY

Mr DAVID SHOEBRIDGE (11:05): I seek leave to amend Private Members' Business item No. 1408 outside the Order of Precedence for today of which I have given notice by omitting in paragraph (3) the words "reverse the rate of forced child removals in Aboriginal communities" and inserting instead "work to reduce the rate of children in statutory care".

Leave granted.

Mr DAVID SHOEBRIDGE: I move:

(1) That this House notes that:

(a) Friday 26 May is National Sorry Day, a day to remember the Stolen Generations;

(b) despite the landmark "Bringing Them Home" report, and despite the Commonwealth Parliament's apology to the Stolen Generations, Aboriginal children continue to be removed from their families at tragic rates; and

(c) Grandmothers Against Removals is an inspiring group of Aboriginal grandmothers who have been working in communities across the country, including Perth and Newman in Western Australia, Brisbane, as well as in the New England, Redfern and Ballina in New South Wales, to highlight the appalling number of Aboriginal children in out-of-home care.

(2) That this House congratulates the tireless work of Grandmothers Against Removals and acknowledges the truth in the statement that "Sorry means you don't do it again".

(3) That this House calls on the Government to implement policies that prioritise support for Aboriginal families, deliver greater self-determination for Aboriginal families, elders and communities in child protection, and work to reduce the rate of children in statutory care.

Motion agreed to.

AUSTRALIAN NATIONAL UNIVERSITY ETHNOCULTURAL WEEK

Dr MEHREEN FARUQI (11:05): I move:

(1) That this House notes that:

(a) the inaugural Ethnocultural Week at the Australian National University [ANU] was held from 8 to 12 May 2017 at the ANU campus in Canberra;

(b) the theme of the week was "New Blue", a play on the term "True Blue";

(c) the aim of the series of events held during the week was to explore Australian identity through the lens of people of colour; and

(d) various events provided opportunities for people to discuss race, belonging, and cultural diversity both at ANU and in Australia as a whole.

(2) That this House congratulates ANU's Ethnocultural Department on the success of Ethnocultural Week and on its ongoing advocacy for people of colour.

Motion agreed to.

ISRAEL SIXTY-NINTH INDEPENDENCE DAY

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

(1) That this House notes that:

(a) on Tuesday 2 May 2017 a reception attended by 600 guests was held at the Shangri-La Hotel, Sydney, to celebrate the sixty-ninth Independence Day of Israel;

(b) the reception was hosted jointly by:

(i) the New South Wales Jewish Board of Deputies represented by its President, Mr Jeremy Spinak;

(ii) the Executive Council of Australian Jewry represented by its Vice-President, Mrs Jillian Segel; and

(iii) the Zionist Council of New South Wales represented by its President, Mr Richard Balkin.

(c) those who attended as special guests included:

(i) the Ambassador for Israel, His Excellency Mr Shmuel Ben-Shmuel;

(ii) the Hon. Gladys Berejiklian, MP, Premier of New South Wales;

(iii) Mr Luke Foley, MP, member for Auburn, Leader of the Opposition;

(iv) numerous Federal and State members of Parliament representing the Government, Opposition, and crossbench;

(v) numerous mayors and councillors representing local government;

(vi) numerous representatives of Sydney's consular corps;

(vii) representatives of numerous religious faith traditions; and

(viii) representatives of numerous Jewish and non-Jewish community organisations.

(2) That this House congratulates the State of Israel on the occasion of its celebration of its sixty-ninth Independence Day.

(3) That this House notes that Australia was one of the original member nations of the United Nations that supported recognition of the State of Israel.

(4) That this House extends best wishes to Australia's Jewish community and commends it for its ongoing positive contribution to Australia.

Motion agreed to.

PERSECUTION OF COPTIC CHRISTIANS

The Hon. GREG DONNELLY (11:06): I move:

(1) That this House notes that:

(a) Coptic Christians comprise 10 per cent of Egypt's population of 93 million;

(b) as a minority religious group in the country, Coptic Christians have, over many years, been subject to intimidation, persecution, and murder;

(c) in December 2016 an attack on Coptic Cathedral left 29 dead, with ISIS claiming responsibility for the attack and naming Christians in Egypt as their "favourite prey"; and

(d) ISIS also claimed responsibility for the attacks on Coptic Christians on 9 April 2017, in which two suicide bombings of worshippers in Tanta and Alexandria, while they were celebrating Palm Sunday, killed people and left scores wounded.

(2) That this House notes that:

(a) on 26 May 2017 masked gunmen, dressed in military uniform, opened fire on a bus carrying Coptic Christians who were travelling on an unpaved desert road en route to Saint Samuel, the Confessor Monastery in Minya province, around 220 kilometres south of Cairo;

(b) the death toll from the attack has reached, but is expected to rise further;

(c) those killed in the attack on worshippers and workers visiting the holy site included children aged two and four years of age; and

(d) ISIS has claimed responsibility for the attack saying in an online statement that it was carried out by one of its affiliates.

(3) That this House condemns in the strongest possible terms the brutal killing of Coptic Christians last week in the Minya province and calls on the Egyptian Government to do more to protect the religious minority in that country.

(4) That this House offers its sympathy and support to the Coptic community in New South Wales at this time of great sadness.

Motion agreed to.

TAMIL ARTS AND CULTURE ASSOCIATION PONGAL FESTIVAL

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

(1) That this House notes that:

(a) on Thursday 16 February 2017 the Tamil Arts and Culture Association with the support of Multicultural NSW hosted at the Parliament a celebratory cultural presentation to mark the Pongal Festival for 2017, celebrated worldwide by the Tamil community, attended by members and friends of the Tamil-Australian community; and

(b) those who attended as special guests included:

(i) the Hon. Ray Williams, MP, Minister for Multiculturalism and Minister for Disability Services;

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

(iii) Dr Geoff Lee, MP, member for Parramatta, Parliamentary Secretary to the Premier, Western Sydney and Multiculturalism;

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

(v) Ms Jody McKay, MP, member for Strathfield, shadow Minister for Transport, Roads, Maritime and Freight;

(vi) Mr Kevin Conolly, MP, member for Riverstone;

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

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

(ix) representatives of various Tamil, Indian and other ethnic community organisations.

(2) That this House congratulates and commends the Tamil Arts and Culture Association for its organisation of the celebratory cultural presentation held at the Parliament on Thursday 16 February 2017.

(3) That this House commends those who contributed to musical and cultural items at the presentation.

(4) That this House extends greetings to the Tamil-Australian community on the occasion of the celebration of the Pongal Festival for 2017.

Motion agreed to.

RECONCILIATION WEEK

The Hon. SHAOQUETT MOSELMANE (11:08): I move:

(1) That this House notes that Reconciliation Week began on Saturday 27 May 2017 and will end Saturday 3 June 2017.

(2) That this House recognises that both of these dates are significant, as 27 May 2017 is the fiftieth anniversary of the 1967 referendum, and 3 June 2017 is the twenty-fifth anniversary of the historic Mabo decision.

(3) That this House acknowledges the importance of educating the public as well as future generations on the importance of reconciliation.

Motion agreed to.

NSW ASSOCIATION OF JEWISH EX-SERVICEMEN AND WOMEN ANZAC DAY COMMEMORATION

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

(1) That this House notes that:

(a) on Sunday 30 April 2017 the NSW Association of Jewish Ex-Servicemen and Women [NAJEX] held an Anzac Day commemoration and wreath-laying ceremony at the New South Wales Jewish War Memorial, Darlinghurst, attended by several hundred guests;

(b) following the Anzac Day commemoration and wreath-laying ceremony guests were given an introduction to and then a visit of the new temporary exhibition at Sydney's Jewish Museums Permanent Military Exhibition sponsored by the Jewish National Fund of Australia;

(c) the new temporary exhibition highlights the Anzac trail and the history of the campaign of Australians in Palestine in World War I based on diaries kept by two Australian soldiers;

(d) those who attended the ceremony as guests included:

(i) His Excellency, the Governor, and Mrs Hurley, noting that His Excellency is Patron of NAJEX;

(ii) Official Secretary of the Governor, Colonel Michael Miller, and Mrs Miller;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice representing the Hon. Gladys Berejiklian, MP, Premier, and the Hon. Ray Williams, MP, Minister for Multiculturalism, and Minister for Disability Services;

(iv) the Hon. Walt Secord, MLC, shadow Minister for Health, the Arts, the North Coast, and Deputy Leader of the Opposition in the Legislative Council, also representing Mr Luke Foley, MP, Leader of the Opposition;

(v) the Hon. Scott Farlow, MLC, Parliamentary Secretary to the Premier, and Leader of the House in the Legislative Council;

(vi) Councillor Sally Betts, Mayor of Waverly Council;

(vii) Wesley Browne, OAM, former President of NAJEX;

(viii) Brian Nebenzahl, OAM, RD, former President of NAJEX;

(xix) Peter Allen, National Coordinator of Centenary of the Anzac Jewish Program;

(x) Mr Kevin Crombie, noted author of *Gallipoli: The Road To Jerusalem* and guest speaker at the event; and

(xi) senior representatives of the War Widows Guild and Sydney Legacy, Jewish communal leaders and rabbis, students from Jewish Schools and Jewish scouts; members of NAJEX, members and friends of the Jewish community.

(e) NAJEX was founded as a welfare organisation for Jewish ex-servicemen, and its members now include serving Jewish service men and women (both full-time and reserve) together with families and supporters both Jewish and non-Jewish;

(f) the mission of NAJEX includes:

(i) commemorating and educating about Jewish participation in the Australian Defence Force and the forces of our allies;

(ii) representing Jews in the Australian Defence Force; and

(iii) promoting service to Australia and the community.

(g) the board of NAJEX comprises:

(i) Roger Selby, President;

(ii) Monica Kleinman, Vice-President;

(iii) Norm Symon, RFD, ED, Vice-President;

(iv) Jon Green, Secretary;

(v) Charles Aronson, immediate past President;

(vi) Harvey Baden, board member; and

(vii) Lesley Barold, board member.

(2) That this House commends NAJEX for its hosting of the New South Wales Jewish community's 2017 Anzac Day commemoration and wreath-laying ceremony held on Sunday 30 April 2017.

(3) That this House commends NAJEX for its ongoing service to the returned service men and women's community of New South Wales and to serving members of the Australian Defence Force.

(4) That this House commends NAJEX for its fine efforts in encouraging an understanding and appreciation of the "Anzac spirit" and in remembering those Australians who paid the supreme sacrifice in past wars and conflicts for our nation.

Motion agreed to.

NATIONAL SORRY DAY

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

(1) That this House notes that Friday 26 May 2017 was National Sorry Day.

(2) That this House recognises that this day has been officially commemorated since 1998 on the first anniversary of the handing down of the "Bringing Them Home" report relating to the Stolen Generations.

(3) That this House acknowledges the profound suffering and misery suffered by First Australians because of various Government policies.

(4) That this House commits to ensure that, to the greatest extent possible, this Chamber will legislate to correct those injustices it has previously endorsed.

Motion agreed to.

NATIONAL CONSTITUTIONAL CONVENTION 2017

Mr DAVID SHOEBRIDGE (11:10): I seek leave to amend Private Members' Business item No. 1428 outside the Order of Precedence for today of which I have given notice by omitting "promise of justice" in paragraph (2) and inserting instead "principles and intentions".

Leave granted.

Mr DAVID SHOEBRIDGE: I move:

(1) That this House welcomes the fact that:

(a) more than 250 Aboriginal and Torres Strait Islander elders, leaders and activists met at Uluru at the 2017 National Constitutional Convention to discuss how to deliver justice to Australia's first peoples; and

(b) the "Uluru Statement from the Heart" was delivered at the conclusion of that meeting in the following terms:

ULURU STATEMENT FROM THE HEART

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs.

This our ancestors did, according to the reckoning of our culture, from the Creation; according to the common law from "time immemorial", and according to science more than 60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or "mother nature", and the Aboriginal and Torres Strait Islander peoples who were born therefrom; remain attached thereto, and must one day return thither to be united with our ancestors.

This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness.

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

(2) That this House calls on all political parties in this Parliament to work in good faith with Aboriginal and Torres Strait Islander peoples to deliver on the principles and intentions found in the "Uluru Statement from the Heart".

Motion agreed to.

AUSTRALIAN CONSTITUTIONAL FIFTIETH ANNIVERSARY

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

(1) That this House notes that Saturday 27 May 2017 was the fiftieth anniversary of the 1967 referendum that granted the Federal Government power to make laws for Aboriginal people.

(2) That this House recognises that the 1967 referendum was a profound moment in Australian history that has preceded every move towards equality and reconciliation.

(3) That this House acknowledges that this work is ongoing, and that both State and Federal governments have an enduring responsibility to make reconciliation and true equality for the nation's first people a reality.

Motion agreed to.

FIRE AND RESCUE SERVICES GRADUATION AND CEREMONIAL DAY 2017

The Hon. DAVID CLARKE (11:13): I move:

(1) That this House notes that:

(a) on Friday 26 May 2017 the first 2017 recruit class of Fire and Rescue NSW graduated at the first Graduation and Ceremonial Day of Fire and Rescue NW for 2017 at the service's New South Wales State Training College, Alexandria;

(b) those who attended included:

(i) Fire and Rescue NSW Commissioner Paul Baxter;

(ii) Deputy Commissioner Strategic Capability Graeme Finney, OAM;

(iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice representing the Hon. Troy Grant, MP, Minister for Police and Emergency Services;

(iv) Assistant Commissioner, Regional Operations, Robert McNeil, AFSM;

(v) Assistant Commissioner, Education and Training, Janet Ruecroft;

(vi) Ann Weldon, board member, Metropolitan Local Aboriginal Land Council;

(vii) Assistant Director, Training, Ken Murphy;

(viii) Assistant Director, Recruitment and Staffing, Wayne Phillips;

(ix) Executive Director, Logistics, Emmanuel Varipatis;

(x) Robert Hilditch, Executive Director IT;

(xi) Adam Summons, Executive Director, Finance;

(xii) Bernard King, Acting Executive Director, People and Culture;

(xiii) Louise Clarke, Director, Professional Standards;

(xiv) Rick Griffiths, AFSM, Area Commander ME;

(xv) Craig Brierley, AFSM, Area Commander MS;

(xvi) Greg Buckley, Area Commander RS;

(xvii) Dave Felton, AFSM, Chief of Staff;

(xviii) Anne Hallard, Manager Training Capability;

(xix) Brendon Cox, Manager Operational Staffing;

(xx) Sue McDougall, Manager Recruitment;

(xxi) Dawn Smith, Senior Chaplain;

(xxii) Lindsay Smith, Senior Chaplain;

(xxiii) Sam Toohey, Acting Executive Director, Office of Emergency Management;

(xxiv) Superintendent Ian Krimmer, Operational Media Co-ordinator;

(xxv) Alan Morrison, Director Education, New South Wales Ambulance;

(xxvi) Leighton Drury, State Secretary, Fire Brigade Employees Union; and

(xxvii) family and friends of graduates.

(c) following the graduation ceremony the newly graduated class provided a program of display of skills;

(d) Fire and Rescue NSW and its predecessors under other names have an illustrious history of service to the people of New South Wales going back to the 1820s; a richly deserved worldwide reputation for bravery and professionalism and is currently the fourth-largest service of its type in the world; and

(e) over the years its responsibilities have grown to include:

(i) firefighting and rescue work;

(ii) attending to victims of car accidents;

(iii) dealing with hazardous goods of a biological, chemical, inflammable, explosive or radioactive nature; and

(iv) working together with police, defence forces, the State Emergency Service and all those involved in counterterrorism programs.

(2) That this House congratulates and commends members of the first graduating class of 2017 on the occasion of their graduation—namely, Amy Andrews, Balmain station; Anika Ballantine, City of Sydney station; Ross Beeching, Cessnock Station; Maxwell Cottingham, Ashfield station; Cem Dincer, City of Sydney station; Kirsty Dodds, City of Sydney station; William Doyle, Redfern station; Joshua English, Kellyville station; Marianne Ferrari, City of Sydney station; Karmell Frost, Seven Hills station; Josh Griffiths, Darlinghurst station; Grant Hardiman, City of Sydney station; Hardiman, Marrickville station; Joshua Hindle, Silverwater station; Barton Hill, City of Sydney station; Gabrielle Lee, City of Sydney station; April Merlino; Huntingwood station; Jennifer North, Baulkham Hills station; Matilda Quist, City of Sydney station; Jiya Reardon, Lane Cove station; Jasmine Sarin, City of Sydney station; Jaimee-Lee Starr, The Rocks station; Jodie Wagner, Concord station; Ashley Wilkins, Ashfield station; and Scott Zucchetto, Pyrmont station.

(3) That this House congratulates and commends the instructors to the graduating class—namely, Alexander Arthur, Senior Firefighter; Martin Carpenter, Senior Firefighter; Shane Day, Senior Firefighter; Nick Gaite, Senior Firefighter; Mark Lesslie, Senior Firefighter; Kerry Matthews, Senior Firefighter; Kristen Ross, Senior Firefighter; Adam Ryan, Senior Firefighter; Dan Sargent, Senior Firefighter; and Paula Wiseman, Senior Firefighter.

(4) That this House congratulates and commends Fire and Rescue Services for its well-earned reputation for professionalism, bravery and service to the people of New South Wales.

Motion agreed to.

CHALDEAN CATHOLIC CHURCH SOLEMN MASS

The Hon. DAVID CLARKE (11:13): I move:

(1) That this House notes that:

(a) on Sunday 7 May 2017 a solemn mass presided over by His Eminence Cardinal Leonardo Sandri, Prefect of the Congregation for Oriental Churches, and celebrated by the Most Reverend Mar Amel Shamon Nona, Chaldean Bishop of Australia and New Zealand, was held at St Thomas the Apostle Chaldean Catholic Cathedral Bossley Park; followed by a dinner at the church hall, attended by approximately 1,000 members and friends of the Chaldean Catholic Church;

(b) guests who attended the event included:

(i) His Eminence Cardinal Leonardo Sandri, Prefect of the Congregation for the Oriental Churches in the Roman Curia;

(ii) His Excellency Bishop Dr Antoine-Charbel Tarabay, Maronite Catholic Bishop for Australia;

(iii) His Excellency Bishop Robert Rabbat, Melkite Catholic Bishop for Australia and New Zealand;

(iv) His Excellency Bishop Mar Malki Malki, Syriac Orthodox Bishop for Australia and New Zealand;

(v) His Excellency Archbishop Mar Basilius Jirjees Casmoussa, Patriarchal Vicar for Syriac Catholics;

(vi) His Excellency Archbishop Mar Yako Daniel, Archbishop of the Ancient Church of the East in Australia and New Zealand;

(vii) Monsignor Basil Sousanian, Patriarchal Vicar of the Armenian Catholic Church in Australia;

(viii) Reverend Fathers representing other Christian Churches;

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

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

(xi) Mr Samir Yousif, President of the Chaldean League NSW, and Mrs Yousif;

(xii) Mr Rouwell Shammas, Vice-President of the Chaldean League NSW; and

(xiii) representatives of numerous Chaldean community organisations.

(c) members of the Chaldean Catholic Church in Iraq and Syria are amongst those members of minority communities who have suffered extreme persecution including death and destruction of their property at the hands of ISIS and other terrorist organisations.

(2) That this House welcomes and extends greetings to His Eminence Cardinal Leonardo Sandri; Prefect of the Congregation for the Oriental Churches in the Roman Curia, on the occasion of his visit to Australia.

(3) That this House extends its condolences to members of the Chaldean Catholic Church in Australia and other communities, that are presently grieving due to the persecution of their members in the Middle East.

Motion agreed to.

SYDNEY JEWISH MUSEUM HOLOCAUST EXHIBITION

The Hon. DAVID CLARKE (11:14): I move:

(1) That this House notes that:

(a) on Sunday 19 March 2017 the new Holocaust exhibition at the Sydney Jewish Museum Darlinghurst was launched and attended by several hundred members and friends of Sydney's Jewish community;

(b) the new exhibition on the Holocaust is the result of five years of community consultations, research and creative development under the supervision of its Project Director, Dr Avril Alba, and is the first major redevelopment of the Holocaust display since the Sydney Jewish Museum opened in 1992; and

(c) those who attended as guests included:

(i) the Hon. Malcolm Turnbull, MP, Prime Minister of Australia;

(ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice representing the Hon. Gladys Berejiklian, MP, Premier, and the Hon. Ray Williams, MP, Minister for Multiculturalism, and Minister for Disability Services;

(iii) the Hon. Gabrielle Upton, MP, Minister for the Environment, Minister for Local Government, and Minister for Heritage;

(iv) the Hon. Walt Secord, MLC, shadow Minister for Health, shadow Minister for the Arts, shadow Minister for the North Coast, and Deputy Leader of the Opposition in the Legislative Council;

(v) Professor Gillian Triggs, President of the Australian Human Rights Commission;

(vi) Mr Jeremy Spinak, President of the New South Wales Jewish Board of Deputies;

(vii) Mr Peter Wayne, President of the Association of Jewish Holocaust Survivors;

(viii) Mr Gus Lehrer, FAA, AM, President of the Sydney Jewish Museum;

(ix) Mr David Gonski, AC;

(x) Dr Grant Lochlan, Senior Historian at the Australian War Memorial;

(xi) His Excellency Mr Martin Pohl, Ambassador of the Czech Republic;

(xii) Dr Stavros Kyrimis, Consul-General of Greece in Sydney;

(xiii) Mr Karl Hartlieb, Consul-General of Austria in Sydney;

(xiv) Mr Lothar Frieschlader, Consul-General of Germany in Sydney;

(xv) Ms Hanna Flanderova, Consul-General of the Czech Republic in Sydney;

(xvi) Councillor Tony Kaye, Deputy-Mayor of Waverley Council;

(xvii) Ms Sophie Greigoschewski, CEO of the Goethe Institute;

(xviii) Professor Konrad Kwiet, historian and scholar of the Holocaust; and

(xix) Dr Avril Alba, Project Director at the Sydney Jewish Museum.

(2) That this House commends the research team that created the new Holocaust exhibition recently launched at the Sydney Jewish Museum Darlinghurst, which will serve as a worthy tribute and testament to the memory of those who suffered or were murdered in the Holocaust.

(3) That this House extends its special regards to the many Holocaust survivors who attended this event, many of whom are more than 90 years of age and also commends them for their voluntary work at the museum talking to and inspiring school groups that visit.

Motion agreed to.

Documents

NEW SOUTH WALES DEPARTMENT OF JUSTICE

Reports

The Hon. SCOTT FARLOW: According to the Vexatious Proceedings Act 2008, I table a report of the NSW Department of Justice entitled "Report on the Statutory Review of the Vexatious Proceedings Act 2008", dated May 2017. I move:

That the report be printed.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DON HARWIN: I move:

That Government Business Notice of Motion No. 1 on the *Notice Paper* for today be postponed until a later hour of the sitting.

Motion agreed to.

Bills

FIREARMS AND WEAPONS LEGISLATION AMENDMENT BILL 2017

Second Reading

Debate resumed from 24 May 2017.

The Hon. LYNDA VOLTZ (11:28): I speak on behalf of the Opposition in debate on the Firearms and Weapons Legislation Amendment Bill 2017. The purpose of this bill is to amend the Firearms Act 1996, the Weapons Prohibition Act 1998 and the regulations to implement the updated National Firearms Agreement. This bill is part of the State's participation in that nationally endorsed agreement which will strengthen our national firearms regulations. These amendments to the legislation will ensure tighter regulation of lever action shotguns in particular.

The Government has indicated that it has undertaken consultation with firearms stakeholders and the NSW Police Force prior to the introduction of this bill, and I understand that the NSW Police Force has been instrumental in these changes and has endorsed the changes to this bill. Schedule 1, section 8 sets out the reclassification of lever action shotguns. Lever action shotguns with a magazine capacity of five or less will be changed from category A to category B, and if the magazine capacity exceeds five it will be reclassified to category D. This change means that lever action shotguns in category D will be prohibited except for official purposes. Individuals must provide the reasons they need this shotgun, and it is anticipated that the eligible parties will be primary producers.

Section 8 (1) has also been amended to allow an individual to possess up to three firearms from category D. Previously an individual would only be allowed to own one. As with all prohibited weapons, an application must be made for their use, and a justifiable and reasonable need must be substantiated. These weapons are not going to be readily available, and the existing strict controls will remain in place. It is worth noting that it is presently not illegal for a licensed individual to own one of these firearms; however, it is illegal to import a new one into Australia. As such, a grandfather clause is being introduced in these amendments for the owners of any lever action shotgun being reclassified into category D. Further, the grandfather clause applies only to the current owners of the reclassified firearm prior to its reclassification. They will be allowed to continue using the firearm under a special category permit.

Should the firearm be sold, passed on or their licence become invalid, the special permit will cease to exist for that individual. Should an individual fail to meet the storage requirements for the firearms or ammunition, section 42 now authorises police officers to use their professional discretion not to seize the firearm or ammunition. This may occur in the event that a police officer believes an individual will rectify the matter without delay. The decision not to seize the firearm or ammunition does not prevent prosecution or the issuing of a penalty notice in respect of the failure to correctly store the firearm and/or ammunition.

Section 45A removes the requirement for a firearms dealer to record the address of an individual who is purchasing ammunition. Appropriate identification is still required during transactions. Our enforcement agencies can use these to trace the individual who purchased the ammunition. The Opposition understands that these amendments are necessary to ensure the security of firearms, particularly at residential properties. A number of gun shops in New South Wales do not use electronic methods for record keeping. This is more prevalent in small towns in regional New South Wales. When gun shops keep the addresses of all ammunition purchases it essentially serves as an ammunition treasure map for any would-be criminals who happen to get their hands on a list. Amending section 45A serves as a safeguard to prevent this scenario from occurring in the future.

Section 51 removes the requirement for an individual to apply for a permit to acquire an imitation firearm. An individual is still required to submit an application should he or she wish to use or possess an imitation firearm for any purpose under existing legislation. This change simply removes the need to make applications upon each successive acquisition of a new imitation firearm by a licensed individual. Section 4 (2) (b) and (c) clarifies that any collection of component parts which, when assembled, would be a firearm—prohibited or not—is taken to be a firearm or prohibited firearm as appropriate. This will help clarify circumstances that have arisen in legal proceedings where the existing legislation has allowed for individuals to use loopholes to get off charges. Proposed section 25D makes it an offence to possess or use any prohibited weapon by remote control unless specifically authorised by a permit.

This includes having any such weapon attached to a vehicle, vessel, aircraft or any device being operated by remote control. New section 35 requires the revocation of a prohibited weapons permit, or prohibited weapons permits to be refused for individuals who have a domestic violence order [DVO] active against their name. This includes interstate domestic violence orders. The Opposition believes that this is fundamentally important. A number of miscellaneous amendments have been included to correct anomalies and to further improve the firearms and weapons regulatory regime. One such amendment which recurs throughout the bill is a clarification of references to pistols to include prohibited pistols. This bill will also provide for New South Wales participation in the upcoming amnesty period, which is set to run for three months and which will commence on 1 July 2017. During this time individuals may surrender firearms, firearms parts and ammunition; register an unregistered firearm; or get a licence for a firearm if they do not already have one.

I understand that a large number of amendments have been circulated with regard to this bill. The Opposition will make its views clear on those amendments when they are debated. Some of the amendments relate to amendments that are currently in the bill and others relate to the Act as a whole. Some of the issues have not been dealt with in the second reading debate. The Opposition gives its full support to the bill and to the National Firearms Agreement. Our interstate colleagues—Labor premiers across the nation—sat in on those agreements. This bill has been completed in consultation with the NSW Police Force. The Opposition has also been speaking to the Police Association of NSW and to sporting organisations with regard to these amendments.

The Hon. ROBERT BORSAK (11:35): On behalf of the Shooters, Fishers and Farmers Party I speak in debate on the Firearms and Weapons Legislation Amendment Bill 2017. Before I address the bill directly I want to place on the record the party's firm and unequivocal position on firearms law reform with respect to the objectives and regime that the bill is trying to create. As the only party that has consistently fought for the rights of all law-abiding firearms owners in this country for more than 22 years, members of this party view the bill as an extension of the draconian Howard-style firearms laws. While the bill implements some small and meaningful reforms in an administrative and procedural sense—particularly with the removal of some aspects of the failed "ammo bill"—it still falls well short of the mark in drawing a clear distinction between criminals and law-abiding firearms owners.

The Government had an opportunity to draw that distinction in this bill but instead it opted to further demonise and vilify licensed shooters. Whether or not the Government likes it, there are more than 230,000 licensed firearms owners in this State and an estimated one million across the country. As an avid shooter and hunter, I speak on behalf of my constituents when I say that we have all become victims of a populist, interventionist government—one that is hell bent on intervening in our lawful pursuits through bans, limitations, restrictions, demonisation and, in many cases, just plain victimisation. Licensed hunters and shooters have been scapegoats for the criminal misuse of firearms by others for nearly three decades.

In his second reading speech on the bill the Minister stated that the 1996 National Firearms Agreement "put Australia in an enviable position of having one of the most effective firearms regimes in the world". Ordinarily I do not disagree with the Minister's worldview but on this issue we are at polar opposites. If by effective the Government means that it has done its best to vilify and to stifle law-abiding citizens while ignoring and not focusing on criminals then, yes, we could reasonably say that our firearms laws are effective. I am, of course, being sarcastic. Federal and State governments are incorrectly focusing their finite energy and resources on regulating law-abiding citizens while criminals get on with their business largely unaffected. This can hardly

be considered effective gun control. John Howard's hatred of firearms, disdain for lawful firearms owners, and the pursuit of political mileage through gun-control has cost Australian taxpayers hundreds of millions of dollars. Many lives could have been saved if the focus were instead on the illegal firearms trade and the use of firearms by criminals.

Instead of diverting enormous funds to the registration of firearms and their confiscation from law-abiding citizens, this money could have been far better spent on frontline crime prevention, rectifying mental health issues, tougher sentencing and better border protection measures to prevent the illegal importation of firearms—especially pistols. Howard's gun-control laws were not brought in or necessarily agreed to; they were forced upon the States and Territories. In the context of the Lindt cafe siege, the new National Firearms Agreement was quietly released in February 2017 and follows the Liberal-Nationals Coalition tradition of throwing licensed lawful shooters under the bus and then pretending to consult with industry stakeholders. This tragedy did not inform proper Council of Australian Governments [COAG] consideration in any way. Indeed, the whole process was staged and used to further crack down on law-abiding citizens who happen to use firearms.

In a Senate estimates hearing in October 2015 the First Assistant Secretary of the Attorney-General's Department confirmed that there was no public call for submissions during the review of the National Firearms Agreement [NFA]. The NFA changes are ridiculous and penalise licensed, law-abiding firearms owners so the Government can pretend to be tough on gun crime—a political lie that is becoming quite threadbare. Nobody believes it anymore, especially not those living in the bush. It is a very sad state of affairs when we must use these tragedies and senseless acts as statistics to argue the failings of government policy. As I stated last week in this place, aside from shooting licenses, background checks and safe storage there is no scientific, social or economic basis for continuing the Howard approach to firearms regulation. The obsession in this country with overregulation and demonising law-abiding firearms owners has put the handbrake on any meaningful, fair or practical reform.

The police always have the last word regardless of fairness or equity. They always rely on the unspoken rule that all shooters and hunters are a Martin Bryant in waiting or a lunatic like Man Monis—both of whom never had a firearms licence, never underwent a background check, and obtained their firearms illegally. If the Federal and State governments in COAG believe that they will eventually prohibit all private ownership of firearms, they are sorely mistaken and do not understand how politics will play out in years to come. The claim that homicides and suicides by firearm dropped since Port Arthur as a direct result of Howard's reforms is also untrue. If someone wants to commit suicide he or she will do it whether with a firearm or by other means. Why should law-abiding people be punished and oppressed due to the actions of others? A recent systematic review study has shown that John Howard's firearms laws have had no impact on firearm homicide rates. The review by Dr Samara McPhedran from Griffith University states:

> No study found statistical evidence of any significant impact of the legislative changes on firearm homicide rates. … irrespective of the differences between papers in methodology, time periods examined, and level of geographical disaggregation, none found evidence for a statistically significant impact of Australia's 1996 legislative changes on firearm homicide rates. … When the current evidence base is considered in a systematic fashion, there may be a notable discrepancy between empirical findings about the efficacy of Australian firearm legislation in regard to reducing firearm homicide, compared with what has been proposed within popular discourse about the impacts of those laws.

Calls to halt and forget further restrictions on licensed shooters have been made for many years. In 2006 the Director of the NSW Bureau of Crime Statistics and Research concluded:

> It's time to look beyond further restrictions on the level of gun ownership if we want to tackle firearm crime.

That is the rational, scientific approach to firearms legislation that is always ignored in the debate around firearms legislation. In its submission to the 2014 Senate inquiry into gun-related violence, the Attorney-General's Department quite correctly said:

> Putting additional restrictions on the legal ownership of firearms would not necessarily reduce firearm-related crime.

Anti-firearm campaigners overlook the fact that Howard's gun laws did not prevent the mass shooting and suicide in 2014 which tragically took the lives of five members of the Hunt family at Lockhart in southern New South Wales, the Lindt Chocolate Café siege, the Parramatta police execution, and the ongoing gang warfare raging in Western Sydney. Did Howard's tougher gun laws prevent these crimes from occurring? No, they did not. No amount of punitive regulation targeting licensed and law-abiding firearms owners will ever curb criminal use or misuse of firearms. While gun control advocates rely on false statements and fearmongering by fake academics like Philip Alpers or the gun control spokeswoman Samantha Lee, the truth, facts and science are never on their side. Shooters, farmers and others who acquire firearms legally and use them for lawful purposes just want to get on with their lives without government interference. Ironically, Michael Keenan said much the same in his inaugural speech:

> [People] do not need governments to lecture them or meddle in their lives. … Society should be free to evolve at its own pace without legislators using their considerable powers to try to remake it in their own image.

It is a shame that he does not stick to that view these days, instead of spending a lot of time in Canberra lying and bullshitting people about the realities of what does happen.

The Hon. Niall Blair: Point of order: Surely we can have a debate without members using unparliamentary language, particularly when a number of student leaders are coming into the Chamber. We should be able to have a rational debate without members using unparliamentary language.

Mr David Shoebridge: I think the standing order to which the Minister is referring relates only to members of this House and members in the other place.

The PRESIDENT: I do not believe the Minister was referring specifically to a member. He was also referring to some of the language that was being used by the Hon. Robert Borsak. I uphold the point of order in that respect and ask the member to be more cautious of the language he uses. The member has the call. I ask other members not to interject.

The Hon. ROBERT BORSAK: There is too much government interference these days in every aspect of our lives, not only in firearms laws and control. The ongoing reviews and supposed engagement with industry stakeholders over the National Firearms Agreement do not stack up either. There was no call for public submissions regarding the review of the technical elements of the National Firearms Agreement. I turn now to the serious shortcomings in the bill and those parts of the bill that attack law-abiding firearms owners. The bill aims to re-categorise lever action shotguns with a capacity of more than five rounds into category D, the most restrictive category, and those with a capacity of five or fewer rounds into category B.

As my parliamentary colleagues and I have stated time and again, this is nonsensical, baseless and completely unwarranted and we vehemently oppose it. Police records tell us that no crime has ever been committed with a lever action firearm in New South Wales. As everyone in this place knows but does not care to admit in public, the reclassification of lever action firearms began as a part of Tony Abbott's public and deliberately untrue campaign following the terrorist Lindt Chocolate Café siege. At one stage the former Prime Minister claimed that the terrorist lunatic Man Monis was a licensed shooter. This only demonstrates his lack of integrity and the extent to which he was willing to lie to push forward restrictive gun policies that aimed to make people falsely feel safe.

The Hon. Catherine Cusack: Point of order: I ask you to remind the member of your earlier ruling relating to unparliamentary language and to the use of the words he was using when referring to a former Prime Minister.

The PRESIDENT: There is no point of order. I do not believe the member has crossed the line.

The Hon. ROBERT BORSAK: I am happy to cross the line again, if the honourable member wants me to. I could say a lot about former Prime Ministers John Howard and Tony Abbott. This only demonstrates John Howard's lack of integrity and the extent to which he was willing to lie to push forward his restrictive gun policy, aimed at making people falsely feel safe and vilifying the law-abiding citizens amongst us. All this fuss is about a lever-action firearm using a mechanism that has been available in Australia for well over 100 years.

I am, of course, referring to the Adler A110. This firearm is not a rapid fire firearm as the propagandists would have us believe. It is no more rapid fire than the average bolt action military issue 10-shot Lee Enfield 303 in skilled hands, which was issued in World War II. There was no rationale for the reclassification, other than the need to exploit the political opportunity provided by Lindt cafe gunman Monis. It was legal under the 1996 Nationwide Agreement on Firearms as a category A firearm, and it is not perceived as a threat to public safety. In fact, it is useless to criminals using firearms in the standard manner of criminals today.

Before the Orange by-election, the Minister for Police, and Minister for Emergency Services, Troy Grant, did everything he could to pretend to be the friend of firearms owners and farmers by appearing to start a campaign against a ban of the Adler A110. While Minister Grant and The Nationals were trying to cover up their own failure to stand up to the Liberal Party, we knew that they were just pretending. The truth has come out now. The voters of Orange also saw through this ruse. Minister Grant was going to roll over for the Liberal Party as soon as the Orange by-election that elected Shooters, Fishers and Farmers Party candidate Philip Donato was over. That pretend fight was hiding much bigger changes to the national firearms laws. For example, while the bill removes the requirement for a firearms dealer to record the address of a person to whom ammunition is supplied or from whom it is acquired, and provides for the transition to move the purchasing of firearms and ammunition to an automated computer-based system, this is not enough.

All the sections relating to former Premier Barry O'Farrell's failed Firearms Amendment (Ammunition. Control) Bill 2012 need to be removed. The "ammo bill" was dangerous. It was passed without evidence-based rationale, or any logical reason other than to vilify and punish law-abiding firearms owners. A register of

purchased ammunition cannot inform police before or even after a crime event about where that ammunition may end up or be diverted to. Everyone knows this. It was purely and simply an exercise in control—unnecessary control—looking to the day when the Government will restrict ammunition sales volumes and control every round. In its initial form the legislation was unacceptable and it still is. The amendments we will move in Committee will seek to completely repeal this draconian legislation.

The bill also increases the number of category D firearms that a primary producer is permitted to have under the genuine reason of vertebrate pest control from one to three. What is the point of this when the police are not even renewing category D licences? They are under instructions to claw back and restrict the number of category D licences and subsequent ownership of category D firearms. The increase will not happen; it is absolutely untrue. I will have more to say during the Committee stage, but it is our view that the bill takes one step forward and 20 steps back.

On the one hand, the Government is claiming that it is not punishing law-abiding firearms owners but trying to focus on criminals and, on the other hand, it is re-categorising and further restricting legal firearms ownership. Of whom is the Government afraid? The Greens, gun control advocates, or is it still stuck kneeling at the altar of its failed hero Johnny Howard, who is responsible for creating a whole new generation of deplorables who happen to want to own firearms legally, whether it be for farming, hunting or target shooting? Why does the Government continue to deny the passage of meaningful, commonsense, fact-based reform on firearms? When will it learn to treat legal firearms owners decently, giving them reforms that do not threaten society but recognise their good citizenship and compliance with the law? I look forward to having our amendments debated in the Committee stage.

[*Business interrupted*.]

Visitors

VISITORS

The PRESIDENT: On behalf of all members I welcome to the Parliament and to this Chamber student leaders from high schools in New South Wales who are attending the Secondary Schools Leadership Program conducted by the Parliamentary Education Section. Currently we are dealing with the Firearms and Weapons Legislation Amendment Bill 2017. I remind all students in the gallery that they are not permitted to make any comment or interject at any time, even when invited to do so by a member of Parliament.

Bills

FIREARMS AND WEAPONS LEGISLATION AMENDMENT BILL 2017

Second Reading

[*Business resumed*.]

The Hon. PAUL GREEN (11:53): On behalf of the Christian Democratic Party I contribute to the second reading debate on the Firearms and Weapons Legislation Amendment Bill 2017. On occasion the Christian Democratic Party defers to other crossbench parties, including the Shooters, Fishers and Farmers Party which has a long history in this place of defending its constituents in these matters.

Mr David Shoebridge: The Guns and Moses Coalition!

The Hon. PAUL GREEN: I acknowledge that interjection, although I do not look like Moses but my boss does. In another 100 years maybe I will look like Moses. The Christian Democratic Party also has a long history of supporting farmers in this State, and we recognise that many farmers have access to licensed firearms that are used to control pest animals and to ensure the safety of farmers and their families on their farms. The Christian Democratic Party recognises that a lot of licensed firearms owners are doing the right thing and therefore should be allowed to own firearms. Unfortunately, we can never legislate to cover those who break or subvert the law, because they are not concerned about what is written in legislation. Therefore we tend to pass legislation that contains guidelines for people who will do the right thing.

This bill aims to re-categorise lever action shotguns, the participation of New South Wales in the National Firearms Amnesty and police discretionary matters, along with a number of minor amendments. I will not speak at length in debate on this bill as I am of the understanding that most of the amendments are for clarification and to correct minor anomalies. I think the most important thing to consider when discussing firearms legislation is to ensure that—

Mr David Shoebridge: Community safety.

The Hon. PAUL GREEN: I acknowledge the interjection because the most important thing to consider when discussing firearms legislation is community safety. But as rightly pointed out by the Hon. Robert Borsak in his contribution, a lot of legislation is passed as a knee-jerk reaction to bad incidents. If we write laws because of bad incidents where people do the wrong thing, we will—

Mr David Shoebridge: We are talking about mass murder.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! The Hon. Paul Green is entitled to make his speech without a running commentary.

The Hon. PAUL GREEN: People will do the wrong thing, and in the name of community safety we need to address that through legislation. However, as the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry would know from the introduction of shark nets, they can catch a lot other marine life that was not intended to be caught. The same can be said for laws, and we need to be mindful of that when we debate legislation in this place. A lot of people are doing the right thing, in the right way and in the right order when it comes to firearms ownership and storage. We want to instil community confidence and reassure people that they are safe. At the same time, we want to ensure that licensed shooters and farmers around Australia who use and store their firearms responsibly should not be punished for doing the right thing.

The good thing about this bill is that it wraps up quite a number of little anomalies, and most members of this House will agree that these amendments need to be made. Unfortunately, there are a few amendments that need further consideration. For instance, I refer to the aim of the bill to re-categorise lever action shotguns with more than a five-round capacity into category D, the most restrictive category, and those with up to a five-round capacity into category B. I echo the words of the Hon. Robert Borsak, who said that we must recognise that no amount of legislation, regulation or policy covering law-abiding gun owners will stop the criminal misuse of firearms. Police records show that no crime has been committed with a lever action firearm in New South Wales. Therefore we should not be legislating in this place to punish law-abiding firearms owners.

I congratulate the Government on the amendment regarding the amnesty for the surrender of firearms, firearms parts, ammunition and prohibited weapons. This amnesty will allow firearms owners to hand in their firearms without fear of prosecution. The Government is allowing an amnesty window of opportunity for three months. I would suggest that this period be extended to at least six months, or even longer. I am aware that the Shooters, Fishers and Farmers Party have an amendment for discussion in the Committee stage on this point.

We must strike a balance between getting illegal guns off the street and not punishing legal firearm owners who are doing the right thing. The ultimate goal is to keep our community safe, but also to allow those who respect the law to live within the law and to give them every opportunity to succeed. We commend this bill to the House. We look forward to some of the amendments that will be moved by the Shooters, Fishers and Farmers, and we will err on the side of respecting its great representation of constituents.

Mr DAVID SHOEBRIDGE (11:59): I speak on behalf of The Greens in the debate on the Firearms and Weapons Legislation Amendment Bill 2017 and note our genuine concerns. It appears that this bill has been introduced by the Government as a pre-emptive surrender—no doubt driven by some threatened Nationals members in the bush—to the Shooters, Fishers and Farmers and the threat of Pauline Hanson's One Nation when it comes to guns. It is deeply unfortunate that a Coalition Government in New South Wales is tearing down key elements of what is, from the perspective of The Greens, one of the few really important national steps that John Howard took by using some political capital on his side of politics to make Australia a far safer place by putting in place the National Firearms Agreement.

This bill partly implements a very weak agreement at a Federal level on lever action shotguns, re-categorising certain lever action shotguns that have six shots—five in the magazine and one in the barrel—from category A to category B, and putting into category D those that have more than six shots. But this bill has a sting in the tail, because it grandfathers many of the existing lever action shotguns and leaves them in the hands of lower category licence holders. The bill increases from one to three the number of the most dangerous weapons—category D firearms—that a primary producer is permitted to have for vertebrate pest control, without explaining the rationale for that. Why anyone would need three of the most dangerous weapons for vertebrate pest control has not been explained. There have been substantial numbers of firearm thefts, particularly in the regions. We do not understand why this Government wants to put more firearms into circulation, potentially making them available to criminals.

The bill provides a temporary amnesty of three months for the surrender of firearms, firearm parts and ammunition. The Greens support that aspect of the bill. We think an amnesty is important, and I note there is a regulation-making power to allow it to be extended if the number of weapons surrendered is significant. In a direct capitulation to a non-factual fear campaign generated by elements of the gun lobby, the bill waters down the

ammunition controls that were brought in by the last Parliament. These ammunition controls are essential. Police in New South Wales and jurisdictions such as the United States will tell you how important it is to know where ammunition is going, because ammunition expires after a period of time—

The Hon. Robert Borsak: Like water and air. It can go anywhere.

Mr DAVID SHOEBRIDGE: I hear the interjection from the Shooters, Fishers and Farmers. That party is so taken with the rhetoric of the gun lobby that it describes ammunition as being like water and air. Most people in New South Wales who want safe gun laws can distinguish between ammunition and essentials such as water and air.

The Hon. Niall Blair: Point of order: We will have an interesting evening debating a number of amendments to this bill—more interesting, I think, than the State of Origin game—but to get to that point we must allow members to make their contributions to the debate on the second reading without interjections. At the very least interjections are disorderly, but most importantly they make it very difficult for Hansard to record the debate accurately.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I endorse that comment. I invite the Hon. Robert Borsak to remain calm, and I invite Mr David Shoebridge to direct his comments through the Chair and not encourage the Hon. Robert Borsak.

The Hon. Robert Borsak: That is difficult to do.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I know it is.

Mr DAVID SHOEBRIDGE: I promise to do the former; I will try to do the latter. If police want to track down a criminal or are concerned about ammunition falling into the wrong hands, having current information about where ammunition is going is essential for police intelligence, and it is essential in tracking down potential crimes such as terrorism. On the very day the State Coroner handed down the results of the coronial inquiry into the Lindt café siege and said that we must be extremely careful about these kinds of matters, this Government introduced a bill to water down our firearms laws and remove one of the key provisions in tracking ammunition, which goes to show that this Government has again surrendered to the gun lobby.

This bill also waters down the safe storage requirements for firearms. One of the key achievements of the 1996 compact, the National Firearms Agreement, was to ensure that we had safe storage requirements. Safe storage means that guns must be locked and secured in a place where they cannot be accessed on impulse. That control over impulse saves lives. It prevents people from simply going and getting a firearm in a moment of deep depression or anger. They have to get the key, unlock the cabinet, remove the firearm and get the ammunition from a separate place. That saves lives.

Last year I travelled to the United States to see what is going wrong in its gun debate and found that suicide rates from death by firearm in places like Colorado are extraordinary. Something like 78 per cent of all firearms deaths in States like Colorado are the result of suicide, particularly in regional areas, because there are no safe storage requirements in the United States. The United States gun lobby screams like a stuck pig whenever there is an attempt to put in place safe storage requirements. Its members have a defence fantasy, believing that late at night they will be able to reach for their fully loaded shotgun and kill an invader in their house, despite all the evidence saying that those guns are far more likely to be lethal to themselves and their family members. Safe storage requirements are recognised in the United States by gun control advocates who know how Australia's laws work to save people's lives.

When one looks at the collapse in the number of rural suicides by firearm in New South Wales after the 1996 National Firearms Agreement, one can see that safe storage requirements save lives. When the Shooters, Fishers and Farmers, the Christian Democratic Party and others who attack safe storage laws say, "People will find another way to kill themselves if they want to commit suicide," it is clear they have not been speaking to the experts and do not understand the reality. There is a reason that male suicides tend to be at a much higher rate than female suicides: It is because there are many more successful attempts because men tend to use guns, motor vehicles and more certain lethal methods than women. The more guns that are around, the greater the capacity for men in the regions to take their lives with a single shot. That is why The Greens will never support any legislation that waters down safe storage, as this bill proposes to do.

The bill also reduces the controls on imitation firearms. It removes the requirement to get a permit to acquire an imitation firearm if the person seeking to acquire it already has a firearms licence to obtain that category of weapon. Why is it a problem to allow increased access to imitation firearms? Because imitation firearms are regularly used in serious crimes in New South Wales. Because if you ask a staff member at a 7-Eleven to work out whether what is being pointed at them is an imitation Glock or a real Glock, an imitation semiautomatic or a

real semiautomatic, they cannot tell. Nor can police tell if what is being pointed by a criminal is a real or imitation weapon. Imitation weapons have a capacity to cause serious harm in New South Wales. They are already used in crimes.

The removal of the requirement to have a permit to acquire an imitation firearm has not been explained by the Minister or this Government. It is a dangerous precedent, removing important community safety controls from the firearms legislation. There is one other small aspect of this bill that The Greens support, which is to require an application for a licence or permit to be refused if the applicant is subject to an interim apprehended violence order or is registered under the Child Protection (Offenders Registration) Act. That requirement should have been included in the legislation from day one. It has been included in what is otherwise largely a capitulation to the gun lobby and a modest step forward in this bill. It is a Trojan horse that is being used to introduce watering down provisions with the reclassification of lever action shotguns. In skilled hands these are rapid fire, lethal weapons. If members do not believe me they can have the misfortune of going online and looking at the site of one of the Federal importers of lever action shotguns to see how they celebrate being able to fire off 10 shots in less than 10 seconds.

The Hon. Dr Peter Phelps: It must be seven.

Mr DAVID SHOEBRIDGE: Why does anybody in New South Wales need to have a gun that can fire off 10 shots in 10 seconds, or eight shots in eight seconds? It is known that—despite the peculiar interjection from the former Government Whip—magazine extensions are available online that can increase the magazine capacity from five to 12, and from seven to 15. They are being used already on lever action shotguns and are often sold out of South Australia. What was originally sold as a lever action shotgun with a maximum of six shots—five in the magazine and one up the spout—can become 12 shots or 15 shots. They are very dangerous weapons. Why on earth would we allow anyone to get their hands on these rapid fire dangerous weapons? The Greens believe that these firearms should be restricted weapons and classified as category D or greater.

How many are we talking about? The very successful advertising and marketing campaign from the gun merchants has seen thousands of these lever action shotguns introduced into New South Wales. We are not talking about 1,000 or 2,000 or 5,000. The latest figures provided by the Government indicate that as at January 2017 in New South Wales there were 9,879 lever action shotguns, these rapid fire highly dangerous weapons. When ordinary members of the community are asked whether they should be available in broad circulation in New South Wales, they say no. They expect their politicians to defend the gun laws and prohibit these kinds of dangerous weapons. Ordinary people cannot work out why anyone would need any of these rapid fire shotguns, let alone—as the Government is proposing—why we would allow farmers to have three.

People with a category B licence are able to have sitting in their shed an unlimited number of rapid fire shotguns with a magazine capacity of five or less. What has gone wrong with the gun laws? What has gone wrong with good policy that we are allowing an explosion of lethal weapons in New South Wales? Worse still, this Government is proposing to allow people who have a category A licence—the lowest level of licence—to have access to six-shot lever action shotguns. The Government wants to grandfather the provisions and say, "Do not worry about it. They can keep this really dangerous weapon even though they are not licensed to have it." That is a further capitulation seen in the transitional provisions of this bill.

The sheer number of guns in New South Wales often surprises people. There was much anger from the gun lobby when The Greens released information about the number of guns in New South Wales on our *toomanyguns.org* website. If people wish to know how many guns are kept in their postcode they can log on to that website, enter their postcode and find out the frightening number of guns registered in their neighbourhood. They can find out the number of guns owned by the person who has the largest private arsenal as well as the overall number of guns in their postcode. There are postcodes in New South Wales where thousands of guns are kept. There are many people in New South Wales who have more than 100 guns in their private arsenals and there are people in places such as North Sydney and Mosman who have more than 250 guns in their private residences.

The Hon. Robert Borsak: Collectors.

Mr DAVID SHOEBRIDGE: I note the interjection. They are not collectors.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order!

Mr DAVID SHOEBRIDGE: In the request from the Firearms Registry we cleaned out that data. There is one person in a suburb of Newcastle who has more than 370 guns—a substantial private arsenal owned by one person. What is going wrong with the gun laws when the police require people to have a genuine reason for owning a gun and they can use the same genuine reason to acquire the first gun, their second gun, their fifth gun, their tenth gun, their twentieth gun, their 100th gun, their 200th gun, their 300th gun and their 370th gun? There may be a genuine reason to have one gun, perhaps for feral pest control, but how can the same genuine reason be

recycled to allow 370 of these weapons to be kept? There is something seriously wrong with the gun laws that allow the recycling of these reasons and the acquisition of private arsenals.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order!

Mr DAVID SHOEBRIDGE: There is no legitimate reason for somebody who is not a registered collector to have 370 guns. That is why there are now more than 850,000 registered firearms in New South Wales. That is reaching the number of registered firearms held before the successful gun amnesty following the Port Arthur massacre. I am grateful for the ongoing work of Gun Control Australia, in particular advocates such as Sam Lee, as well as academics such as Philip Alpers and others, who continue to make the case for community safety and what was achieved in 1996. I appreciate the briefing that was given by Gun Control Australia, which sets out its summary of key concerns with the bill. The shooters advocates and the gun lobby keep saying, "There is nothing to see here with the lever action shotgun. It is a standard old weapon. It has been around for ages." I will read onto the record from Gun Control Australia what it says about it:

> The traditional and older lever action longarms were clunky, wooden and single shot and based on an 1873 Winchester rifle. Eventually the lever action moved into the shotgun market and as technology and design advanced so did the lever action longarms. These once clunky firearms have advanced into slick, synthetic firearms with pistol grips, side saddles for extra ammunition and internal and detachable magazines.
>
> The lever action shotgun is an expanding and fast developing market with over 20 new models introduced in the past 2 years. Accompanying this market expansion is a new magazine extension market specific to the lever action shotguns.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Stop the clock. Members will cease interjecting. If it is difficult for people to hear, particularly Hansard, then it is disorderly. I encourage members to let Mr David Shoebridge have his final one minute and five seconds in peace.

Mr DAVID SHOEBRIDGE:

> It is a market which gun manufacturers seek to capture because of the large numbers of Category A and B licence holders in Australia.

More than 418,000 just in New South Wales.

> Currently lever action shotguns are categorized as the lowest gun regulation category... We are talking about vile weapons like the Sweeper, the Punisher, the Lucky, the Kryptex, the Synthetic Combo, the Synthetic Adler, and the Camo Adler. These weapons have no place in a civilised society that is focused on community safety. The Greens are deeply concerned about the direction of elements of this bill. We have a series of proposed amendments, which we will move in Committee, focused on community safety and that remind us why we put in place the National Firearms Agreement. That agreement was a response to an appalling mass murder which, for once, politicians took seriously and courageously passed legislation in response.

The Hon. ROBERT BROWN (12:19): I had not intended to add to the comments on the Firearms and Weapons Legislation Amendment Bill 2017 made by the lead speaker for the Shooters, Fishers and Farmers Party. However, because we have young and impressionable people in the gallery, I felt that I should place on the record that many of the things said in this place are said without much knowledge of the subject at hand. Mr Shoebridge is undoubtedly a very intelligent man, but some of the things he said about this issue were rubbish. Anyone who knows anything about firearms and their use, and who listened to his contribution would have been shaking their head in disbelief.

Gun Control Australia said that lever action shotguns began as lever action single shot firearms. I agree, they did, and the Ballard is one example. A shooter would drop the lever, insert a round and then close it. However, 14 shot lever action firearms have been around since the 1860s, but they were not single shot, and they may have been clunky. Most of the replica firearms available now are probably a little less clunky. There are not many originals, and those that are around would be collectors' pieces. The Adler shotgun is a copy of a 130-year-old firearm; it is not, as the member would have us believe, some super gun.

A shooter might be able to load seven shots into the magazine of a seven shot Adler and then open and close the action, put another shell into the underside of the magazine—which is a piece of tube that runs under the barrel and each shell must be loaded singly—and then fire off eight shots in eight seconds. Big deal. Reloading that same shotgun is another issue—one thousand and one, one thousand and two, one thousand and three. Members will understand the process. It takes about 25 to 30 seconds to reload it. If I am shooting in a competition doing a Deauville double and the clay targets are flying overhead, I would much rather stand next to someone using a side-by-side old fashioned double-barrelled shotgun than someone using a lever action Adler. Why? It is because I will shoot more rounds for an extended period than he will. Trying to turn an inanimate object into something evil is ridiculous. We then come to the question of the ammo bill. Perhaps Mr Shoebridge has been watching too much *NCIS* or one of those other fanciful—

Mr David Shoebridge: Highly unlikely.

The Hon. ROBERT BROWN: I acknowledge that interjection; that notion is probably fanciful. I am referring to the shows that eulogise forensic science. They are probably good, except that a cartridge case found at a crime scene cannot reveal its origins. If it were a nine millimetre pistol cartridge case about half the size of my thumb, it would have been one in a batch of about one million similar cartridge cases, all with identical stamps on their base. Once the case is fired, it might be possible to identify the firearm used because the firing pin leaves an indent on the back of the case. Of course, that is helpful only if the authorities have the firearm in question. When that firearm is one of the thousands that have come into the country illegally, which is in the hands of criminals, and which has never been registered, it is a moot point. Nothing can be done about that.

If the projectile fired using a particular firearm can be recovered in a reasonable condition—that is, if it has not been fired into a piece of concrete—it can be compared with other projectiles fired from that firearm or other firearms that have been fired for a long time. In that case, it might be possible to match them. However, to argue that ammunition control or recording of ammunition sales assists forensic science in any way is garbage. Most senior school students would understand that from their basic science classes. It is absolute rubbish. My colleague will move amendments in Committee to remove that provision of the legislation because it is worthless and dangerous.

The Government is amending the original ammo bill because of the position the firearms owners of this State and the then Shooters and Fishers Party took when the bill was introduced. That is, it would create a security problem for firearm owners. One of the benefits of having distributed storage of firearms is that no-one knows where they are. If we are required to record a purchaser's name and address in a book or on a computer in a gun store or at a shooting range, and all of a sudden there are four break-ins at shooting ranges and four sets of documents are stolen immediately after the enactment of legislation, that tells us something. It tells us that the Shooters, Fishers and Farmers Party is right and the Government is wrong. The ammo bill created a security and safety problem for thousands and thousands of firearms owners. Mr Shoebridge referred to the number of firearms in our community. I think he said about 800,000.

Mr David Shoebridge: I said more than 850,000.

The Hon. ROBERT BROWN: I acknowledge that interjection. There are 237,000 licensed shooters in this State. The ordinary farmer would have a .22, which is commonly called a pea rifle, a shotgun, and perhaps a centre fire rifle for shooting something bigger than rabbits—a .242 or similar. A target shooter who shoots bench rest might have five firearms for five different competitions because he cannot use the same gun in the different competitions. Shotgun shooters such as Michael Diamond—

Mr David Shoebridge: Probably not your best example.

The Hon. ROBERT BROWN: Perhaps not. I will change that to Suzie Balogh, who is one of our greatest gold medal winners at the Olympic Games. She would have six or seven shotguns for different competitions. Trap shooters use a particular firearm, and skeet shooters yet another. People have multiple firearms for various reasons. The best place to store firearms is in discrete, distributed storage facilities that no-one knows about and that are protected by legislated standards. By the way, the police will visit every now and then to check that any firearms are stored appropriately.

The first firearms storage inspection would have occurred in about 1997. At the time, the then Minister for Police obtained information for the Hon. John Tingle indicating that inspections occupy police officers for about 600,000 man hours. Do members know how many 40-hour beat police officers would be required to undertake those inspections? It would be a lot; an awful lot. The Firearms Registry at Murwillumbah employs 120 or more full-time employees. The old Firearms Registry in Sydney had about 10 employees. One would have to argue that by requiring the inspection of firearms storage we have increased the cost of running the Police Force, and, as the Shooters, Fishers and Farmers Party would say, for no benefit—absolutely none. Under the current firearms legislation, paintball markers must be registered as firearms. Paintball ranges—where people shoot paint at each other and play silly games, in my view—must be licensed as though they were rifle ranges. How ridiculous is that?

Little wonder that a party like the Shooters, Fishers and Farmers Party objects to legislation when it delivers no clear benefit to the citizens of the State. In fact, in certain circumstances, such as with the ammunition bill, it decreases personal security and safety for law-abiding firearm owners. I am a licensed firearm owner. In my wallet I carry a green card that is my firearms licence. That card is issued to me because I am deemed by my Government to be a fit and proper person. Not too many other people carry cards that say they are fit and proper persons. Judges do, and schoolteachers probably do because they need to have a Working With Children Check. I carry it because I have been tested and been found to be fit and proper.

As a fit and proper person I object to being vilified every time a gun control freak decides they want to have a free shot at someone like me. I object to my integrity being brought into question. I used to wear a T-shirt that upset some of the people some of the time. It said: "Wasn't there—didn't do it." I am one of a couple of million Australians who in 1996 were put under the firearms regime. Mr Shoebridge says there are almost as many licensed shooters now as there were before 1996. That is because two new generations of youngsters have learned that shooting is a good sport and a great thing to do. People in wheelchairs and small, frail women—and men, as the case may be—can participate in the sport of shooting. They can win gold medals at Olympic Games, at Commonwealth Games and at international shooting competitions.

I may have mentioned previously in this House a young lady from Port Macquarie who was not particularly good at any of the sports on offer at her school. When she was 13 years old her father put her into the local small bore club. She was trained and two years later, at 15 years old, she went to Italy and came home with a gold medal and a bronze medal. She would not have had the chance to do that if she had been playing rugby or even soccer. One of Australia's most successful medallists is a disabled shooter. She has more gold medals than you can poke a stick at because she can compete in that sport on an equal basis. She is also a fit and proper person like me. I do not necessarily know or want to know how many members in this House carry firearms licences, but I do know that anyone who does is deemed by the Government to be a fit and proper person—and is that not lovely? We do not get much in the way of credit as ordinary citizens in this day and age. Everything is done for us by way of having it shoved down our throats.

The list of things a person cannot do would fill a library. The list of things you can do is just on the statutes, around the edges. These days we are not allowed to think for ourselves. As my colleague said, all of us—shooters, certainly—are expected to be criminals-in-waiting. And meanwhile those young fellas with their hats on backwards, funny accents and tattoos up their arms are running around plugging each other's garage doors at night. They are still there; they were there in 1996. They were there when the ammunition bill was brought in as a way to stop them. Has it stopped any of the Western Sydney shootings?

I challenge anyone in this House or in the Police Force to show me when the ammunition bill has given them one skerrick of evidence that would allow them to try to track down someone who fired a firearm, illegally or otherwise. We probably will not be going straight into the Committee stage in the consideration of the bill, but I might have that wrong. On that note, I endorse my colleague's comments. There are some good things in this bill: there must be because The Greens object. That is the gold standard. If The Greens object, it must be a good bill. But it is not good enough, hence the amendments that my colleague will move in Committee.

The Hon. Dr PETER PHELPS (12:34): Mary Poppins famously sang, "A spoonful of sugar helps the medicine go down." There is a small amount of medicine in this, but there is also a large amount of sugar—not merely a spoonful but a bucketload. Looking at the bill in its totality, a number of its provisions are good additions that recognise legitimate concerns of firearms owners. In particular, in the overview of the bill, subparagraph (b) about increasing the number of category D firearms, subparagraph (d) about the removal of the requirement to report a person's address, and subparagraphs (e) to (h) and (j), (k), (m), (n) and (q) are all good responses to legitimate requests from firearms owners for some rationality in the administration of firearms in this State.

However, my old mate James Delingpole famously has an analogy, which, in light of the Deputy President's earlier ruling, I shall call the poo milkshake analogy. If a person goes into a milk bar and says, "I would like a large vanilla milkshake," and the person behind the counter says, "There is your vanilla milkshake, but it has a small amount of poo in it," the customer will say, "Actually, I do not want the poo. I just want the vanilla milkshake." The person behind the counter will then say, "It is only a very small amount of poo in your vanilla milkshake." One can understand why some people might think this bill should be rejected on that basis. The poo in this milkshake is, in fact, subparagraph (a), which is the decision to reclassify lever action shotguns from their existing category A to a more restrictive category.

I note the presence of advisers in the Chamber. I have one minor query that relates to schedule 3 [1], which is a definition that deals with the collection of component parts of a thing that if assembled would be a prohibited weapon. I would like some clarification if the Minister will provide it. There is the situation in which it would have to be the entirety of the prohibited weapon. I will give an example of an instance in which someone not having the entirety of the prohibited weapon could create unintended consequences.

The Mini-14 semiautomatic is currently banned in Australia—actually, it is a semiautomatic firearm in category D. However, Ruger makes a bolt action version of it. My concern is that a person could have the component parts for the bolt action equivalent of the Ruger Mini-14 and face prosecution for having those parts even though the totality of the parts would not make a prohibited or category D weapon. I would like some clarification specifically dealing with the situation in which a person has a collection of parts which would make up the totality of a prohibited weapon. That would give me some surety.

The essential problem I see is the reclassification of the lever action shotguns. What is a lever action shotgun? Generally, firearms are classified by two main things: their calibre and their reloading action. For example, an automatic firearm automatically reloads on the depression of a trigger and continues to reload. It reloads automatically, hence it is an automatic firearm. A semiautomatic firearm will reload upon the single depression of a trigger but then it will stop unless the trigger is again depressed. A break-open weapon, as the name implies, requires literally breaking open the weapon so that the action is separated from the barrel and it can be reloaded that way. A pump action weapon is a weapon for which, normally, a person pumps the length of a slide on the barrel or underneath the barrel or the foregrip to singularly reload the action. For a lever action, there is normally a lever which will reload the weapon. What we are talking about here is the lever action.

What is a lever action shotgun not? It is not an automatic or even a semiautomatic weapon as The Greens and gun-control advocates have claimed. It is not a new weapon, either. Mr David Shoebridge made one hysterical comment in the media that lever action shotguns are a new weapon in society. Lever action shotguns have been around since 1887, when Winchester decided to use its heavy action for shotgun cartridges. Lever action shotguns have been around 130 years, so it is not as if they are new weapons. They are not used for criminal purposes or terrorist purposes. Indeed, statistics indicate that there has been no reported use of a lever-action firearm in criminal or terrorist activity. They were certainly not used at the Lindt cafe siege, which Mr Abbott gave as the reason to announce the precipitous ban on them. Nor are they particularly rapid fire weapons. If members do not believe me they can look at what ABC regional affairs reporter—not News Limited reporter—Lucy Barbour wrote in a fact check article about the Adler Allo in December last year. She said:

> … lever-action shotguns are not as fast or 'rapid-fire' as pump-action shotguns.

That is not me talking. It is not the Hon. Robert Brown or the Hon. Robert Borsak talking. It is not Robert Nioa talking. It was Lucy Barbour, the ABC's regional affairs reporter, who said that they are not as fast or as rapid fire as pump action shotguns. The argument that the weapon has an incredibly high rate of fire is completely false. The proposed reclassification is irrational. Individuals have been able to buy lever action shoguns in calibre .410. The meaning of "calibre" is not an absolute rule, but it generally refers to the diameter of the barrel. There are other ways of describing the calibre, including the gauge, but I will not go into that. In .410 shotguns, the diameter of the barrel is 0.41 inches.

There is a Winchester 9410. Rossi and Marlin make a lever action .410 shotgun. In the past two years, Henry has started making a .410 shotgun as well. Some of those weapons, being the ones that have magazines with a capacity of more than five shots, will be reclassified as category D weapons. But a person can buy a category B rifled weapon in calibres larger than .410. For example, you can buy a lever action rifle in .44, .44 Magnum, .444 Marlin, .45 Colt or .45-70, which is commonly used in black powder or western events. It is a archaic cartridge but it is regaining popularity.

A person can buy at least five larger calibres in rifle form which would fall into category B as opposed to the little old Winchester 9410, which will now be in category D. That is irrational. It is possible to buy a category B weapon which has a greater range and greater accuracy because it is rifled, and greater lethality, but an individual cannot buy a Rossi .410 because that will be in category D. That is the height of irrationality. That is so stupid that it is not believable that it could have been agreed to.

I do not blame the police Minister for this whatsoever. I have no qualms with what the police Minister did. The Minister for Justice and Police went to the Council of Australian Governments [COAG] with a sensible proposal to have them reclassified to category B. That is where you find lever action centre-fire rifles, so lever action centre-fire shotguns should be in that category. I am sure that, in their heart of hearts, the members of the Shooters, Fishers and Farmers Party would agree that category B is not an inappropriate place for lever action shotguns. The Minister took that as his clearly enunciated proposal before COAG, but he also had to deal with the Premier. I do not know for certain what happened but, given Mike Baird's unhelpful interventions on a wide range of things, I suspect that Mr Grant got monstered by Mr Baird to accept the proposal of the other States.

I suspect the Premier said something along the lines of, "We can't be seen to be obstructionist about this. We can't be seen to be holding back a national unified approach to this." So New South Wales surrendered to irrationality. New South Wales waved the white flag because it did not have the gumption to say, "We have to stick to our principles and to a rational policy decision." Just how irrational this decision by COAG was is evidenced by the fact that Gun Control Australia—the most radically anti-gun organisation in Australia—said that lever action firearms should be in category C. COAG went even further than what the nuttiest anti-gun nutters in Australia wanted. Gun Control Australia said that lever action firearms should be in category C but COAG decided to put them in category D. That is how irrational and stupid this proposal was.

An example of an even greater irrationality is that the five-shot Adler—it can have five shots in the tube and one in the breach, becoming, effectively, a six-shot weapon—will be a category B firearm. The seven-shot

tube will have a category D status. The difference will be that a firearm with six shots in it will be in category B and a firearm with seven shots in it will be in category D. That is an irrational response. Mr Shoebridge said that people can buy magazine extensions. That is true. People can also make magazine extensions. There is nothing to stop them. It is not that hard; all they need is basic metalworking skills. The point is that the utility of those magazine extensions is very limited because they overweight the firearm towards the muzzle end.

The Hon. Robert Brown: And extend beyond the muzzle.

The Hon. Dr PETER PHELPS: Exactly. In the case of the shotgun the extension beyond the muzzle has deleterious effects on the spray of the shot. Unless a shooter has a tight choke at the end of a shotgun they will essentially be shooting their own magazine extension. I say congratulations to those people who want to put on the alleged magazine extensions that Mr Shoebridge talks about, because they will basically be peppering their own firearms every time they shoot. But rationality, logic or the truth do not matter to the anti-gun advocates as long as the hysterical arguments keep going their way.

This proposal—I am only talking about subparagraph (a) in the overview of the bill—is not only bad policy for the reasons I have explained; it is also very bad politics. Media reports indicated that NIOA had about 7,000 Adlers on order prior to the Abbott ban being imposed. If, as a rough estimate, a quarter of those had gone to New South Wales that is a substantial number of people who entered into an agreement with NIOA on the expectation that they would be able to buy a firearm. They now find that they will not be able to unless they go through the hurdles of category D licensing, which—if members' statements are correct—appears to be much more restrictive than it was in the past. That is certainly concerning.

The idea that a minimal number of people are involved is also a furphy because there are existing firearm owners who have lever action shotguns. That further demonstrates the point that every time there is an irrational, ill-thought through, knee-jerk reaction to firearms ownership in Australia, every firearm owner feels targeted. I do not own a lever action shotgun or any shotguns whatsoever. I have no need for them; my shooting preferences do not involve shotgunning. But every time people like me in the community hear of a further clampdown on firearms it is a direct and implicit condemnation of our ability to behave as reasonable and responsible citizens, even more so because every one knows this is a fundamentally irrational decision.

I strongly agree with the Shooters, Fishers and Farmers Party amendment No. 2 relating to pump action shotguns. I reserve my right as to whether I vote to support that proposed amendment. The majority of this bill is very good. It is unfortunate that it has been spoiled by a further reclassification of lever action shotguns that was imposed upon this Government by other States and that the normally very good police Minister had to swallow based on irrationality from the Premier and other States.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (12:51): In reply: I thank the Hon. Lynda Voltz, the Hon. Robert Borsak, the Hon. Paul Green, Mr David Shoebridge, the Hon. Robert Brown and the Hon. Dr Peter Phelps for their contributions to this debate. This bill provides an update to the National Firearms Agreement including the recategorisation of lever action shotguns. It provides for New South Wales participating in the national firearms amnesty. It also provides clarity, corrects anomalies and improves the firearms and weapons regulatory regime. Many amendments in the bill do not represent significant changes in policy but serve to clarify or streamline practices, reduce red tape, maintain public safety, reduce court time and improve the management of legal firearms and weapons.

Firearms and weapons regulation in New South Wales provides an appropriately rigorous regime to manage legal firearms while minimising the chance that legal firearms will end up in the illegal firearms market. The amendments will provide greater simplicity to this complex regime without reducing public safety. The Hon. Dr Peter Phelps referred earlier in the debate to an amendment which is designed to provide clarity to the courts. If a person has the parts of a disassembled firearm and can reassemble them, then naturally it should be considered a firearm. I understand a large number of amendments have been circulated which relate specifically to issues canvassed during this debate. The Government will address those issues during what I assume will be an extensive Committee stage later in the day. I commend the bill to the House.

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

The House divided.

Ayes 31
Noes 5
Majority.....26

AYES

Amato, Mr L	Blair, Mr N	Borsak, Mr R
Brown, Mr R	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	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	Voltz, Ms L
Wong, Mr E		

NOES

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

Motion agreed to.

The Hon. NIALL BLAIR: I move:

That consideration of the bill in Committee of the Whole stand as an order for the day for a later hour of the sitting.

Motion agreed to.

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

Questions Without Notice

FIRE AND EMERGENCY SERVICES LEVY

The Hon. ADAM SEARLE (14:29): My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. In light of his Government's decision yesterday to withdraw changes to the fire and emergency services levy, what is the Government's response to community concerns that insurers say, "It's going to come at immense cost and insurers are going to be forced to pass it on to policy holders"? Do you still stand by the Government's second reading speech, which described it as "a major piece of tax reform for New South Wales"?

The PRESIDENT: Order! Members will cease interjecting.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30:1): As the Leader of the Opposition in the Legislative Council has referred to, a decision has been taken to defer the introduction of the fire and emergency services levy to ensure small to medium businesses do not face an unreasonable burden in their contribution to the State's fire and emergency services levy. That decision was announced yesterday by the Premier and the Treasurer. The Premier has made clear that, in the majority of cases across New South Wales, fully insured people would have been better off under the new system.

However, it became clear to the Government that some fully insured businesses were facing unintended consequences. We made it very clear from day one under our new Premier that this is a Government that listens. Real concerns were brought to our attention and therefore the appropriate thing to do was act—and act we did. To have not acted would not have been in the interests of the State, nor in the interests of employment and ensuring that we retained jobs. The idea that small and medium enterprises in the State were being unfairly hit in a way that had not been contemplated would obviously not be good for employment in this State. We have done the right thing in acting. This is a complex reform. We always knew there would be challenges in the transition phase—there is no doubt about that.

The PRESIDENT: Order! I have been very patient and tolerated a number of interjections without calling members to order, but I cannot allow such behaviour to continue. I will begin to call members to order if they continue to interject. The Minister has the call.

The Hon. DON HARWIN: The Government has made it very clear that it will work with local government, fire and emergency services, the insurance industry and other stakeholders to make sure that we find a better and fairer path forward. The levy has always been intended to be revenue neutral. It was to raise no more than the amount required to fund the State's fire and emergency services levy. By withdrawing the levy and going back to the old system, the expectation is that we will stay on the same price path that we would have been on in the first place without the changes. Some of the suggestions that there will be massive rises in costs are simply wrong and overblown. The Emergency Services Levy Insurance Monitor, Allan Fels, has been tasked with the job of overseeing a smooth continuation of the existing system—

[*Time expired.*]

The PRESIDENT: Order! I remind members, and in particular the Hon. Peter Primrose, of a ruling that President Peter Primrose gave on 5 December 2007, which states, "Members should allow Ministers to answer their questions without interruption."

The Hon. ADAM SEARLE (14:34:4): I ask a supplementary question. Will the Minister elucidate that part of his answer with respect to the length of the deferral of the policy, or has the Government simply abandoned its policy?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:34:5): It is quite clear from the remarks of the Premier and the Treasurer what period the deferral will be. They have said that it is deferred until we find a fair alternative, and that is the position. As I was saying, the insurance monitor, Alan Fels, will oversee a smooth continuation of the existing system and ensure insurance companies collect only the amounts necessary to meet fire and emergency services levy funding requirements.

ENERGY BILLS

The Hon. DAVID CLARKE (14:35:3): My question is addressed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Will the Minister update the House on what the Government is doing to assist families who are struggling to pay their gas and electricity bills?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:35:4): I thank the Hon. David Clarke for his question. I am pleased to inform the House that the New South Wales Government is continuing to look to work hard to provide vital assistance with energy bills to New South Wales customers. The Liberal-Nationals Government understands the need to help low-income households manage the burden of their energy bills. We have already boosted assistance for low-income and vulnerable households to more than $1 billion over the next four years. This is a budget increase of more than 50 per cent from the 2010-11 financial year, the last year that the Australian Labor Party was in government. This means that around 900,000 low-income households will receive some form of assistance with energy bills this financial year and the next. We are also working closely with energy retailers and community groups to get assistance to the right places.

The PRESIDENT: I call the Hon. Penny Sharpe to order for the first time.

The Hon. DON HARWIN: I recently visited the offices of Anglicare in Penrith with the excellent Member for Penrith, Stuart Ayres, and saw for myself the important work that many community groups and charities are doing. Anglicare in Penrith is one of 350 community groups that help to distribute our Energy Accounts Payment Assistance vouchers to help pay energy accounts. This scheme provides more than $16 million in help to customers in financial crisis. I am advised that around 55,000 customers across the State will get such vouchers this year. I spoke to a number of community members during my Penrith visit who all stressed how vital this support is to keep their lights on and a roof over their heads.

It is the unexpected things that life brings that make these vouchers important. This also helps connect people facing energy poverty with assistance on a range of other fronts, and is strongly supported by the Energy and Water Ombudsman NSW. I am advised that the average amount of assistance can be between $200 and $250 per bill. In addition, the department is working on a new electronic form of vouchers to be available from July this year. These electronic vouchers will streamline the program and allow for faster bill relief for customers in need. This builds upon a more generous rebates program that we have been developing recently, which has included either introducing or raising support for a number of rebates, including the Low Income Household Rebate, the Family Energy Rebate, the Life Support Rebate, the Medical Energy Rebate and the Gas Rebate, including for liquid petroleum gas. We all know that there is pressure on prices from national policy issues.

The Hon. Penny Sharpe: That is what everyone else has got.

The Hon. DON HARWIN: And we will seek national policy reform for long term price—

The PRESIDENT: Is the Hon. Penny Sharpe seeking an early mark?

The Hon. Penny Sharpe: Yes.

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

The Hon. DON HARWIN: In terms of the interjections from the Hon. Penny Sharpe, this is a subject that I have addressed regularly in the House. We need a sensible, national plan to ensure that we get on top of the problem of wholesale prices. [*Time expired*.]

FIRE AND EMERGENCY SERVICES LEVY

The Hon. WALT SECORD (14:40): My question is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Treasurer, and as Leader of the Government. Given local New South Wales councils have been preparing for the introduction of the fire and emergency services levy for several months and have prepared materials to accompany the annual council rates assessment notices, will the Minister's Government compensate local councils and their ratepayers for the unnecessary costs?

The Hon. Niall Blair: They have already received assistance.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:40): Perhaps I should ask the Deputy Leader of the Government to cover this answer. As he has pointed out to the House, there has already been funding provided to local councils. So that the Deputy Leader of the Opposition can be entirely reassured about the circumstances in which this Government does have it covered, I will take the question on notice and obtain an answer for him as soon as possible.

CENTENNIAL PARK AND MOORE PARK TRUST

Dr MEHREEN FARUQI (14:41): My question is directed to the Minister for Resources, the Minister for Energy and Utilities, and the Minister for the Arts, representing the Minister for the Environment. It has been at least two years since the Centennial Park and Moore Park Trust has had the full complement of trustees required by the Act. Why has this been the case and when will the Government fulfil its obligations and appoint the required number of trustees?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:41): I have seen reports on this in relation to the Centennial Park and Moore Park Trust. I understand it is correct that there is no impediment to the trust being able to exercise its statutory functions, despite the fact that there are vacant seats on the trust. I am sure there are reasons why this matter is yet to be finalised.

The Hon. Duncan Gay: I have time on my hands.

The Hon. DON HARWIN: I am equally sure that the Minister for the Environment has the matter in hand and I will be very happy to obtain an answer from her and advise the House. As to the Hon. Duncan Gay's offer, I know that the Hon. Duncan Gay has always taken a close interest in the trust lands in Moore Park.

The Hon. Duncan Gay: I bridged it.

The Hon. DON HARWIN: I did have that in mind when I referred to him.

Dr Mehreen Faruqi: Point of order: My point of order is relevance. I asked a specific question about why there is not a full complement of trustees on the trust.

The PRESIDENT: I uphold the point of order. The Minister will address his comments through the Chair rather than to the Hon. Duncan Gay, irrespective of his interjection.

The Hon. DON HARWIN: I do apologise if my grammar ran away with me. I do understand my obligation to do that and I apologise for not doing it. It is true that the Hon. Duncan Gay has nothing to do with why there are vacancies on the Centennial Park and Moore Park Trust. As I said earlier to Dr Mehreen Faruqi, I will obtain an answer for her from the Minister for the Environment as soon as possible.

CEBIT AUSTRALIA

The Hon. TREVOR KHAN (14:43): 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 how the New South Wales Government is using the recent CeBIT fair to drive innovation across the State?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:44): I thank the Hon. Trevor Khan for his very important question. The New South Wales Government values its ongoing role as the official partner of CeBIT Australia, and we are proud to have Sydney once again hosting the business technology event at the new world-class International Convention Centre at Darling Harbour. This year CeBIT attracted approximately 350 exhibitors from 34 countries, and welcomed 15,000 visitors over three days. With the help of the New South Wales Government, CeBIT Australia has thrived, becoming the largest and most successful business technology event in the Asia-Pacific region.

I was proud of the high calibre of both established and start-up businesses in the information and community technology [ICT] sector putting their best foot forward at CeBIT and clearly demonstrating how this State has become Australia's prime location for technology and start-up businesses. There were great examples of this at the New South Wales stand and at the start-up zone at CeBIT Australia. Many of the exhibitors are clients of Jobs for NSW, which is our private sector-led initiative helping start-ups and fast-growing small-to-medium enterprises. One great example was InfoCare from Baulkham Hills in Sydney's north-west, which is offering Australia's first care comparison website providing extensive information on home care, disability and allied health providers across the country.

CeBIT's start-up conference also highlighted the vision of those behind these start-ups and the key role they play in driving jobs in New South Wales. One of the many impressive speakers was Nick Kaye, Chief Executive Officer of the new Sydney School of Entrepreneurship, which is another of this Government's initiatives to foster the next generation of local entrepreneurs. We hear much about digital disruption, but those changes also create new opportunities. These are the opportunities that this Government is working hard to create with the right environment for workers and businesses to prosper in this brave new world. We are more than happy to tell the world about it through events such as CeBIT. We used the event to release the digital Government strategy.

I congratulate my colleague in the other place Mr Victor Dominello, the Minister for Finance, on his work in this area. By almost any measure, New South Wales is already the best place in the country to start and grow a business. We have the fastest rate of economic growth and the highest rate of new business creation, with 20,000 new small businesses created in 2016. As CeBIT showed, New South Wales has Australia's largest finance and ICT sectors along with world-class research institutions, and high-quality research and development. I am proud to see our State has already become the principal centre for start-up businesses in Australia, hosting 41 per cent of the nation's start-up founders and 42 per cent of their support network.

The success of CeBIT Australia this year shows our investment is already paying off—but we have more in store. We will soon launch the Sydney Start-up Hub, creating a one-stop support network for the start-up community. By creating the best environment for start-ups in Australia we will boost our cities and transform our regional communities through greater connectivity, ensuring that New South Wales is the best place to work, live and prosper. I was able to attend one of the breakout seminars where there was talk about the future of technology in a wide range of areas. This was a fantastic event and I am proud that we hosted it here in Sydney.

TRANSPORT FOR NSW STATION CLOSED-CIRCUIT TELEVISION FOOTAGE

Mr JUSTIN FIELD (14:48): My question is directed to the Hon. Don Harwin, representing the Minister for Transport and Infrastructure. Why has Transport for NSW failed to provide the closed-circuit television footage that has been requested by Liquor and Gaming NSW as part of its investigation into Tabcorp's breach of gambling advertising laws when it handed out TAB-branded jellybeans at Martin Place railway station? When will the footage be provided and what action will the Government take to ensure a timely response by Transport for NSW to these types of requests in the future?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (1:44): I thank Mr Justin Field for the question asked of me in my capacity representing the Minister for Transport and Infrastructure, the Hon. Andrew Constance. I assume it is on the packaging. I have received advice from the Minister for Transport that Sydney Trains, through the Transport for NSW Government Information (Public Access) office, received a statutory notice from Liquor and Gaming NSW relating to CCTV footage at two City Circle railway stations. As stated in the question, the footage was requested to support an investigation being undertaken by Liquor and Gaming NSW. However, I am advised that Sydney Trains provided the CCTV footage to Liquor and Gaming NSW, and that that occurred some time ago—in fact, on 12 May. I am sure the member will be delighted to learn that the matter has been addressed, and I trust that information has been of assistance to him.

FIRE AND EMERGENCY SERVICES LEVY

The Hon. JOHN GRAHAM (14:50): I direct my question to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council, representing the

Treasurer. Given the State Government's announcement yesterday that it had withdrawn the fire and emergency services levy, why is advertising about it still appearing in local and regional newspapers, such as today's *Blue Mountains Gazette*, and what is the total cost of that advertising campaign to New South Wales taxpayers?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:50): Goodness, gracious me! I am happy to take on notice the honourable member's question about the cost of the information campaign. It is important when making major changes that affect people's lives, affairs and businesses that they be given information. People would expect that the very modest level of information that this Government has put into the public domain about what was—

The Hon. Duncan Gay: Point of order—

The PRESIDENT: Finally! I was wondering when the honourable member would take a point of order.

The Hon. Duncan Gay: I was trying to be kind. The Hon. Walt Secord is obviously flouting a ruling of yours that using props in the House is disorderly.

The PRESIDENT: I remind the Hon. Walt Secord that the use of props is disorderly. There could not be a more blatant example of that than his behaviour a moment ago. As I said, the use of props is out of order. I ask the honourable member to cease using the prop.

The Hon. DON HARWIN: A number of my colleagues would remember the outrageous expenditure involved in advertising campaigns conducted by the Labor Government. This Government has been prudent, responsible, and modest in its expenditure on information campaigns.

The Hon. Duncan Gay: What about some of the campaigns that were conducted when the Hon. Walt Secord was working for Labor Premiers?

The Hon. DON HARWIN: I acknowledge the Hon. Duncan Gay's interjection about the waste that no doubt was commissioned by the Hon. Walt Secord when he was the press secretary to a series of Labor Premiers. I can understand why he gave that question to the Hon. John Graham to ask. He has plenty of hide, but he would have to have some considerable hide to ask a question like that.

The Hon. Walt Secord: I would ask it.

The Hon. DON HARWIN: The honourable member probably would ask it, but he has had his turn for the day, and the Hon. John Graham asked it. As I said, the level of government advertising expenditure under Premier O'Farrell and Premier Baird, and now under Premier Berejiklian is modest, appropriate and targeted for the purpose of informing people about changes that will impact their lives. As to the specific example that the Hon. John Graham mentioned in his question and which the Hon. Walt Secord held up—which tends to suggest that the question came from him despite his attempt to palm it off to someone else—I will avoid terms that in all the circumstances could be applied to him that are unparliamentary—

The PRESIDENT: There are far too many interjection.

The Hon. DON HARWIN: My recollection—members will correct me if I am wrong—is that the publication to which the Hon. John Graham referred is not issued daily; it is a weekly publication.

The PRESIDENT: I call the Hon. Lynda Voltz to order for the first time for continuing to interject.

The Hon. DON HARWIN: It would not be appropriate for me to go though all of the processes involved in the Government arriving at the decision it made and which was announced yesterday. I do not think it would be unreasonable or inappropriate of me to say that, in all the circumstances, until we informed our colleagues in the party room, the decision was not final. That would have been no different when the Labor Government was making decisions about important matters. In any case, the deadline for publication and lodgement of advertisements would have been some time ago. [*Time expired.*]

BEFORE AND AFTER SCHOOL CARE FUND

The Hon. GREG PEARCE (14:55): I address my question to Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education—

The Hon. Greg Donnelly: Finally someone who is competent.

The PRESIDENT: Order! The honourable member will start the question again and the clock will be reset.

The Hon. GREG PEARCE: I address my question 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 $20 million Before and After School Care Fund is continuing to support working families across the State?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:56): The New South Wales Government's $20 million Before and After School Care Fund is supporting working families by helping to establish new out-of-school-hours care services in government and non-government primary school communities. The initiative is designed to deliver up to 45,000 additional places in school communities to support New South Wales families. This morning I was privileged to join our great Premier, Gladys Berejiklian, and the member for Coogee, Bruce Notley-Smith, at Randwick Public School to see the upgrades that it has made to its before- and after-school care facilities thanks to this Government's Before and After School Care Fund. This upgrade has provided 40 extra places to support working families in the Randwick community.

The PRESIDENT: Order! If the Hon. Bronnie Taylor and the Hon. Lynda Voltz wish to have a discussion, they should take it outside. There is no way Hansard could be taking this down with the two of you making so much noise. Enough!

The Hon. SARAH MITCHELL: Not only were we able to inspect the impressive improvements but we were also able to make a significant announcement that I am sure will please all members. Earlier today, we had the pleasure of announcing that from today the eligibility criteria for the $20 million Before and After School Care Fund has been expanded to not-for-profit organisations so they can also apply for grants of up to $30,000. As a working mother, I understand the pressures placed on families, and I am proud that this Government is supporting families by providing more places in before- and after-school care centres across the State. The Government has not only listened to hardworking families; it has also delivered. Today's announcement is proof of that.

This Government knows that families need flexibility. Therefore, it is providing a flexible approach by supporting not-for-profit organisations, local councils, and schools to provide more care options. Every school community has different needs. This Government understands that the needs of the Collarenebri community are different from those of the Coogee community. These grants benefit areas where schools do not have the capacity to establish or further expand services on site. Randwick Public School used its $30,000 grant to fund renovations to its cottage, creating 40 extra places. This service offers a safe and secure before- and after-school hours facility for 50 weeks of the school year. School representatives told us that they have more than 300 students using the service each day. I know how valuable it is to the school, which has many families with two working parents. More than 160 schools and five local councils have taken advantage of the fund to create more than 12,000 places offering more than 60,000 daily sessions.

Phase one of the initiative opened in August 2015 and schools were able to apply for a one-off grant of up to $20,000 to assist with the cost of establishing a service. As part of phase two schools and local councils were able to apply for the grants. Now, as part of phase three we are opening the fund to not-for-profit service providers such as the Police Citizens Youth Clubs and the YMCA, meaning that extra support is available to encourage community organisations to offer out-of-school-hours services and ease the burden in areas of high demand. Importantly, phase three also includes the opportunity for community organisations to pool their resources and prepare a joint proposal. Under this option, the organisations may apply for more than $30,000, depending on the number of places created and the type of work required.

We will work with communities with unique before and after school care demands to come up with appropriate solutions. I know that every community has different needs, which is why the grant can be used for site modification and fit-out costs, project management such as tendering or regulatory costs, or to pay for necessary equipment to support new out-of-school-hours care places. It is important that grants received under the fund can be used in a flexible way to meet the identified needs of the community. I am proud that the New South Wales Liberal-Nationals Government is supporting working families and backing our kids.

ICE EPIDEMIC

The Hon. PAUL GREEN (15:00): My question is directed to the Minister for Primary Industries, representing the Minister for Health. Judge Helen Syme of the New South Wales District Court has jailed a Sydney man for an ice-fuelled rampage in which he randomly attacked seven strangers on 24 January 2016. Will the Minister update the House on what the Government is doing to combat the ice epidemic throughout New South Wales communities, particularly by way of increasing drug rehabilitation centres and making extra beds available in regional and rural areas?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:01): I thank the member for his important question about a scourge that

we see across New South Wales society in 2017. I am sure that as a former nurse the member keeps in touch with many colleagues who could give horrific accounts of what ice can do to individuals and the impact it has on families. It also has impacts on the health professionals who must deal with people under the influence of this horrendous substance and has harmful effects on the human body.

Although the member has directed his question to the Minister for Health, many Ministers could provide some input to the answer because things like ice need a whole-of-government response in all communities. Ice affects our police officers, health system and judiciary. It also affects those who are left to pick up the pieces in community services as they try to help individuals and families rebuild their lives if they get through to the other side of an ice addiction. I know that this is an important question and I am sure all members are interested in new or better ways to deal with this issue. I will refer the question to the Minister for Health for a detailed response and come back to the member as soon as possible.

ELECTRICITY PRICES

The Hon. GREG DONNELLY (15:03): My question without notice is directed to the Minister for Energy and Utilities. What is the Minister's response to community concerns that time of use charging by electricity retailers and the so-called smart meter rollout is leading to an increase in household and business electricity bills of up to $368?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:04): I have seen the reports about time of use. We are in an environment where customers are able to shop around for the best deal to suit their needs. Time of use tariffs for network charges are not compulsory. Customers can opt in or opt out. Whether it works for them depends on what time of day they use their power the most. For those who use energy in the morning and come home late in the evening, a time of use tariff may work well. For others it will depend upon a range of factors. A variety of products are on the market, including products with fixed monthly payments for a year. Customers choosing to move to a time of use tariff should only do so following discussion with their retailers and understanding the benefits. Obviously it is important for individual customers to make these decisions and people can use online tools to help in their careful consideration of these complex matters.

Those tools can be very helpful in making energy pricing easier or, as some people have said to me, "less hard" to understand. There is no doubt that it is complex, but the reality is a large number of people are shopping around. I think it is a mistake to assume that shopping around is so opaque and difficult that people will not do it. The material relating to the amount of energy used by customers who are choosing pricing arrangements that suit their own circumstances shows that many people are shopping around. In many circumstances there are savings to be made from a better deal. Perhaps the member's question was triggered by an article in the newspaper today about time of use tariffs. I reiterate that people should shop around. Sometimes time of use tariffs will be good for them and they will save money. Sometimes it will not be appropriate and they would be better off with another deal. There are savings to be made in many circumstances. People are well advised to carefully consider their options.

The Hon. GREG DONNELLY (15:07): I ask a supplementary question. In light of the Minister's answer, beyond his explanation for customers to shop around, what other ways are customers able to deal with the concerns that were expressed in that article?

The Hon. Scott Farlow: Point of order: The question does not seek elucidation or ask for clarification of the Minister's answer. It should be ruled out of order.

The Hon. GREG DONNELLY: To the point of order: I specifically referred to the part of the Minister's answer dealing with shopping around. I sought for him to expand on that by reflecting on other ways in which the concerns people expressed in the article could be addressed.

The PRESIDENT: Order! The supplementary question is not in order. The Hon. Greg Donnelly correctly stated a part of the answer given by the Minister, but the elucidation sought did not relate to that part of the answer. In other words, the member is not seeking an expansion of part of the answer but is introducing further and new material in the question. For that reason the supplementary question is out of order.

SYDNEY FILM FESTIVAL

The Hon. TAYLOR MARTIN (15:09): My question is addressed to the Minister for the Arts. Will the Minister update the House on this year's Sydney Film Festival?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:09): From 7 to 18 June the Sydney Festival will welcome international guests, filmmakers and film buffs from across New South Wales and Australia to our beautiful city of Sydney. Now in its sixty-fourth

year, the Sydney Film Festival is a much anticipated event for our city. Confirming Sydney's status as the screen capital of Australia, Sydney has been named a UNESCO City of Film. I am pleased to advise that the New South Wales Government has continued to provide significant support to the Sydney Film Festival—close to $1 million a year—through its arts, screen, and culture agency, Create NSW. This year, the festival celebrates the tenth anniversary of the Sydney Film Prize—an award for audacious, cutting-edge and courageous film. In its second year is the Sydney UNESCO City of Film Award, which recognises an outstanding New South Wales screen-based practitioner whose work stands for impact, innovation and imagination.

This year's festival will also showcase outstanding work by Indigenous filmmakers–First Nation filmmakers—from around the world. For the first time this year the Sydney Film Festival, in partnership with the Department of Family and Community Services and Create NSW, is showcasing work by screen practitioners living with disability. Screenability is an international program spanning drama and documentary from Australia, France, New Zealand and the United Kingdom, and aims to create awareness of, and promote careers for, filmmakers with disability. Of the films screening in this year's festival 27 are New South Wales productions, 11 of which have been supported by Create NSW. That is a fantastic achievement for the State. Among them is the festival's opening film, *We Don't Need a Map*, by acclaimed director and artist Warwick Thornton, which asks some excellent questions about the place of the Southern Cross in the Australian psyche.

The festival will also premiere the first two episodes of the highly anticipated second season of *Cleverman* supported by Create NSW. Last year, *Cleverman* had a successful premiere at the Berlin Film Festival, and the rights were acquired by SundanceTV in the United States. Other highlights include the documentary arts feature *The Go-Betweens: Right Here*—the first film from the new Create NSW-ABC Documentary Feature Fund. *Ali's Wedding* is a romantic comedy co-written by Osamah Sami, whose critically acclaimed book *Good Muslim Boy* won the 2016 New South Wales Premier's Literary Award. The festival takes place in venues around Sydney and Western Sydney including the State Theatre, the Art Gallery of New South Wales, the Skyline Drive-in at Blacktown and the Casula Powerhouse. A travelling film festival will also take the best of the festival on the road to nine regional locations including Port Macquarie, Tamworth, Wagga Wagga and—I am delighted to announce—Ulladulla, which I am sure will absolutely delight area local Mr Justin Field. The Sydney Film Festival is a time for filmmakers and film lovers to come together to celebrate storytelling, engage in conversations and experience exceptional filmmaking. I encourage everyone to discover this year's festival that will showcase an outstanding collection of local and world cinema.

FARMER MENTAL HEALTH AND ANIMAL WELFARE

The Hon. MARK PEARSON (15:13): My question is directed to the Minister for Primary Industries. The Minister would be aware that farmers and landholders in remote parts of New South Wales are more vulnerable to stress and mental health concerns when, suddenly, circumstances change such as from the loss of a partner or other supports. This can result not only in serious deleterious effects on their wellbeing—including self-harm or suicide—but also in their capacity to attend to animals under their care. Would the Minister please advise as to what mechanisms are in place to flag these situations as soon as possible to the relevant care providers and support services as well as the relevant agencies that offer assistance with the animals concerned?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:14): I thank the member for his question. This may be a bit of a turning of the tide. I hope that at last the member is concerned about the welfare of our farmers. The Department of Primary Industries runs the Rural Resilience Program, which was established as part of the New South Wales Government's drought strategy in 2014. While the program offers assistance in drought periods, the service has been extended to offer mental health assistance in any situation of stress. The Rural Resilience Program links people in rural areas to the many services available, depending on the stress they are under. It is a very good initiative under the drought strategy of this State.

We also have an active bio-security framework which provides assistance and/or euthanasia options for animals in need, which we have seen in practice during disasters across the State. Bio-security officers are often the first people on site after disasters and they can refer farmers onto mental health experts if required. The St Ivan fire, which I have spoken about in this House, was a very stressful time for farmers, and bio-security officers were able to make a difference. They were the first point of contact for some of those farmers. Local Land Services also provides advice on the care of livestock. With the agreement of the owner, an NSW Farmers Association representative may be brought in to provide support. Department of Primary Industries Rural Resilience workers may be brought in to assist in linking the owner and family with support services.

The primary objective of all agencies involved in stock welfare cases is to work with the person in charge of the stock on the farm and facilitate support for the owner or person in charge so that the condition of the stock is improved to an acceptable level in a timely manner. If this cannot be achieved, their responsibility is to seize and dispose of stock or to stop the stock continuing to deteriorate. The Stock Welfare Panel has also been

established to assist farming families with livestock management and care at critical times of need. We also have a memorandum of understanding with NSW Farmers to identify farmers who may be suffering from issues like the loss of a partner or a family member. The Stock Welfare Panel is able to put measures in place to assist farmers with the care of their stock at the time.

We have extensive services available to our farming community. Unfortunately, due to a range of events, we have had to put some of our staff who work in this area into the field, particularly in relation to natural disasters. Importantly, we work proactively every day so that farmers do not get to that high point of stress. The Farm Innovation Fund allows farmers to invest in on-farm infrastructure so that they can get through the next drought whenever it may occur. We make sure that we have the best genetics and research and development advice available for farmers so that they do not get into stress in those times on farms. Everything we do in this portfolio is about making the lives of our farmers easier, better and more profitable, but when they fall on hard times we are also there to provide support.

ELECTRICITY PRICES

The Hon. SHAOQUETT MOSELMANE (15:18): My question without notice is directed to the Minister for Energy and Utilities. In light of his previous answer to a question from the Hon. Greg Donnelly, what steps is he taking to ensure that all electricity customers, and particularly pensioners, people from non-English speaking backgrounds and those without internet access, are placed on the most affordable plan for their pattern of use?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:19): What a good question. I am delighted to tell the Hon. Shaoquett Moselmane that this was the central objective of the energy retailer roundtable I convened a couple of weeks ago in Parliament House. The energy retailers' representatives were present, as was the Energy and Water Ombudsman and representatives from Energy Consumers Australia and the Public Interest Advocacy Centre. A central objective of the discussion was to ensure that customers in need are put on the best deal possible. I have given the energy retailers some homework and asked them to work out how they can do it, because I believe there is no reason why they cannot.

It is incumbent upon the energy retailers to do the right thing by hardship customers. Even though customers can shop around and choose their energy retailer, we must make sure the sector builds trust with consumers. The roundtable also covered customer service and communications. It is fair to say that with pressure on wholesale electricity and gas prices due to national market issues there will be more focus on hardship than on the other issues that the Hon. Shaoquett Moselmane referred to in his question, such as people who have difficulty with the English language. That is a problem for retailers and the member has made his point well by raising that matter in the question.

The Hon. Walt Secord: But what are you going to do about it, Don? What are you going to do?

The Hon. DON HARWIN: To begin a plan you must have a discussion and say, "These are the things we have to address. Come back to me with your response and we will put it in a plan." Clearly, the member is completely missing the point.

The Hon. Walt Secord: Take your time. It is okay.

The Hon. DON HARWIN: I did not tell them to take their time at all. I said that I wanted a response within a month, and the time is ticking on that. We need to work harder to connect those in hardship with help. We must also work harder on issues such as language barriers that make it difficult for some people to shop around.

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

The Hon. DON HARWIN: The truth is some people are too scared to reach out. Sometimes it is not recognised that retailers have hardship programs that allow flexible payment plans. What is not acceptable is when they have hardship plans but do not automatically place hardship customers on them. [*Time expired.*]

FOOD SAFETY

The Hon. SHAYNE MALLARD (15:23): My question is addressed to the Minister for Primary Industries. Will the Minister update the House on the efforts of the NSW Food Authority to improve food safety in New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:23): I thank the member for his question regarding the Government's efforts to educate, support and engage with retail food businesses to build a culture of food safety in New South Wales. The Commonwealth Department of Health reports that foodborne illnesses affect 4.1 million Australians

annually and cost our health system an estimated $1.25 billion. We must remain vigilant and ensure we are doing everything possible to reduce foodborne illness in our community. The NSW Food Authority is Australia's only through-chain food regulatory agency, which means it is responsible for food safety from farm to fork. The authority's unique ability to have regulatory oversight at every point in the supply chain from harvest to point of sale delivers certainty, consistency and confidence for New South Wales consumers and food businesses.

The NSW Food Authority works in strong, effective partnership with local councils in New South Wales. This collaboration ensures we deliver the best possible service to the people of this State. A key driver in encouraging food safety and hygiene performance is Scores on Doors, a voluntary program which helps diners make informed choices about where to eat. It includes point-of-sale information on a venue's door showing the score the council health inspector has given it. That score is a ready reckoner for diners and shows how well a restaurant or cafe has complied with relevant hygiene standards. The program uses a standard inspection checklist that staff at most councils already use for their food premises inspections so it does not involve additional council resources. This program brings greater transparency to what food inspectors already do.

Scores on Doors is just one of a suite of programs and resources designed to bring a comprehensive and balanced approach to improving food safety and reducing foodborne illness in the retail food service sector. The vast majority of food outlets in New South Wales do the right thing. Industry can be proud of that. However, just as the Scores on Doors program rewards good performance, we have consequences for those few that do the wrong thing. Name and Shame lists those businesses in New South Wales which have breached the food safety code, have been issued with a fine or are being prosecuted through the courts. The list is located on the Food Authority website and it is updated every Tuesday, making it very popular with consumers.

This level of transparency creates a neutral environment for food retailers who want to improve food safety standards in order to compete for business. That is a win for everyone. In addition to these initiatives, the NSW Food Authority seeks to foster a culture of food safety and excellence by working with industry through its Food Regulation Partnership in conjunction with councils. This involves regular training events and stakeholder meetings across New South Wales. The consistently high turnout at these industry gatherings speaks volumes for the Food Authority's commitment to and engagement with all small business owners. These efforts help us meet one of this Government's food safety strategy goals: to reduce foodborne illnesses such as salmonella and listeria by 30 per cent by 2021. This is not always a sexy subject to talk about but it is an important issue of which we must all be aware. We can be confident that the NSW Food Authority is keeping an eye on things and providing transparent information that we can all rely on.

PAPPINBARRA ELECTRICITY INFRASTRUCTURE

The Hon. LYNDA VOLTZ (15:27): My question is directed Minister for Energy and Utilities. Given that some Essential Energy power poles were damaged in the devastating Pappinbarra fire on 12 February 2017 and still have not been replaced, when will those poles be replaced?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:28): Actually I do know how to pronounce "Wauchope". I do know where it is—in fact, I had an uncle and an aunt who lived in Wauchope for many years. They lived on King Creek Road, funnily enough, and we all know that is just up the street from the home of someone we know, a member of the other place. I have to be frank and honest with the House and say that I have never before heard of Pappinbarra, although I freely admit that I know quite a few places in New South Wales, having had a strong interest in the geography of the State for some time.

I know that if Pappinbarra is close to Wauchope it is a matter for Essential Energy. I note that the Hon. Lynda Voltz referred to Essential Energy in her question. I could fall back on the Mike Gallacher memorial response that it is an operational matter, but I am not going to do that. Essential Energy is a State-owned corporation with two shareholder Ministers, the Treasurer and the Minister for Finance. My direct involvement with Essential Energy is essentially quite limited, but this is an important matter. The member referred to the circumstances surrounding the damaged power poles in her question, so if the matter has not been dealt with promptly, as suggested in the question, no doubt some people are concerned about the delay. The Hon. Lynda Voltz deserves a full answer, and I will be happy to obtain one for her.

If honourable members have other questions that they would like to ask, I invite them to place them on notice.

PARKES EARLY CHILDHOOD CENTRE

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:31): Further to my response yesterday to a question asked by the Hon. Robert Borsak regarding funding for preschools in the Orange electorate, I would like to confirm the

following: It is clear from the member's question there is some confusion over the New South Wales Liberals and Nationals' historic investment to support children in the year before school as part of the $115 million Start Strong reforms. On 14 September 2016 the former Premier Mike Baird and my predecessor, Leslie Williams, announced that the New South Wales Government would invest $115 million to enable children across the entire State to participate in 600 hours of early childhood education in the year before school. On 16 September the former Minister visited the Parkes Early Childhood Centre to meet with the centre and talk through the reforms.

The honourable member may be interested to know that during the early adopter period of Start Strong, from 1 January 2017 to 30 June 2017, community preschools in the Orange electorate have already received an additional $1.7 million in funds. Of the 15 preschools, 10 participated in the February 2017 ad-hoc data collection for early adopters and have told us that they have extended their hours of operation and increased their 600 hour enrolments. This means that 75 per cent of the $1.7 million can be used to reduce fees to ensure that affordability is not a barrier to participation, particularly for children from disadvantaged backgrounds.

I can confirm the Parkes Early Childhood Centre, to which the member specifically referred in his question, has already received more than $330,000 in additional funds during the early adopter period, participated in the February ad-hoc data collection and is identified as an early adopter of Start Strong. From 1 July 2017, children enrolled for less than 600 hours will receive a percentage of the base rate depending on hours enrolled. All preschools that have not transitioned to the Start Strong model are on the Start Strong Sector Support program, and we will be working with them to ensure that changes are made by the August 2017 student census so they can be back paid to 1 July 2017 for any changes they have undertaken. I know it must pain the honourable member to admit this, but the New South Wales Liberal-Nationals Government always delivers on its commitments, and it will always take The Nationals to deliver for the families of the Orange electorate.

SYDNEY WATER INFORMATION TECHNOLOGY SYSTEM

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:34): In giving additional information after responding to a question I was asked yesterday, I believe there are many members on the government benches who would regard themselves as being in the debt of the Hon. Duncan Gay for his service in the House over the years, and I am one of those members. I remember he said we should not presume that the information in a question is necessarily the case. Yesterday I was asked by the Hon. Ernest Wong about access to the Sydney Water website to pay a bill.

The Hon. Walt Secord: He is not here. You are going to attack him when he is not here.

The Hon. DON HARWIN: I understand that Sydney Water received one report from a staff member unable to access the website for three minutes at around 9.00 a.m. on Tuesday 30 May 2017. I am informed that there were no—and I repeat the word "no"—complaints from customers.

The Hon. Walt Secord: You wait until he's not here to launch an attack.

The Hon. DON HARWIN: In response to the Hon. Walt Secord's interjections, I have at no stage had anything negative to say about the Hon. Ernest Wong. No doubt in the way these things work, there is every likelihood that he was asked to put the question written by the Hon. Walt Secord. As I said, there were no complaints at all from customers.

The Hon. Walt Secord: Three minutes—a lot can happen in three minutes.

The Hon. Niall Blair: Point of order: Mr President, it is impossible to hear the Minister's answer over the interjections and the tie of the Hon. Trevor Khan. I ask you to direct all members to cease interjecting.

The PRESIDENT: I will not respond to that point of order. The Minister has the call.

The Hon. DON HARWIN: I am informed that despite contacting the company that hosts the website, and attempting to replicate the error on computers in various Sydney Water offices and externally, Sydney Water's digital operations experts did not find a problem. Sydney Water has advised me that routine maintenance was done on the website on the evening of 29 May, and that errors following this type of work can be caused by cache settings on users' computers. I am informed that caching errors can occur on any websites and cannot be controlled by Sydney Water or its web-hosting company. However, I know that Sydney Water is only too happy to assist customers who are having trouble using its website. Sydney Water's customer service team can be contacted on 13 20 92.

I would encourage anyone who experiences a website fault to reach out to Sydney Water as a first port of call, as no customers contacted Sydney Water in relation to this matter yesterday. This is a more prompt way of resolving such minor matters than raising them in Parliament. For example, customers experiencing problems

can press "refresh" for a start. It is unfortunate that the honourable member was not able to pay his bill yesterday morning, and suggest he try again today.

Bills

CRIMES AMENDMENT (INTIMATE IMAGES) 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: According to sessional order, I declare the bill to be an urgent bill.

The PRESIDENT: The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

The Hon. DON HARWIN: I move:

That the second reading stand an order of the day for the next sitting day.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS

Extension of Reporting Date

The Hon. ROBERT BORSAK: I inform the House that on this day Portfolio Committee No. 4—Legal Affairs resolved to extend the reporting date for its inquiry into museums and galleries to 25 August 2017.

PORTFOLIO COMMITTEE NO. 5 – INDUSTRY AND TRANSPORT

Extension of Reporting Date

The Hon. ROBERT BROWN: I inform the House that on this day Portfolio Committee No. 5—Industry and Transport resolved to extend the reporting date for its inquiry into the augmentation of water supply for rural and regional New South Wales to 30 March 2018.

Motions

FORESTRY ACT: REVOCATION OF DEDICATION

The Hon. RICK COLLESS (15:40): On behalf of the Hon. Don Harwin: I move:

(1) That, according to section 15 of the Forestry Act 2012, this House agrees to the proposal tabled in this House on 30 May 2017 being a proposal for revocation of the dedication of Bateman State Forest No. 870, Condobolin State Forest No. 932, Dorrigo State Forest No. 906 and Extension No. 1, Dubbo State Forest No. 807 Extension No. 1, Forbes State Forest No. 942, Narrandera State Forest No. 786 and Extension Nos 2 and 3, Broken Bago State Forest No. 184 Extension Nos 11 and 17, and Bulahdelah State Forest No. 296 Extension No. 9, to be vested in the Forestry Corporation of NSW.

(2) The foregoing resolution be communicated by Address to His Excellency the Governor.

This revocation relates to buildings constructed in Batemans Bay in 1939; Condobolin in 1952; Dorrigo in 1949 and 1964; Dubbo in 1950; Forbes in 1955; Narrandera in 1957, 1958 and 1978; Broken Bago in 1967; and Bulahdelah in 1954. These lands, also defined as State Forest Lots, consist of office buildings, works depots and ancillary buildings and are not forested land. In many instances these were freehold properties in towns that were purchased by the former Forestry Commission. The lands were then dedicated as State forests for activities associated with the management of State forests and have been consistently used as forestry office complexes, depots and ancillary buildings associated with the management of State forests.

These lands are not forests, so the State forest dedication over these lands is an historical anomaly that at the moment is simply robbing councils of rates revenue and severely limiting the options for the use of these sites. In fact, some of these sites contain buildings that have been vacant for extended periods, falling into disrepair, becoming unsafe and removing opportunities for businesses to set up and invest in these local communities. Revocation of the State forest dedication will not necessarily mean sale of the land—in fact, these parcels of land include two key regional headquarters in Batemans Bay and Wauchope that the Forestry Corporation has no intention to move from. The Forestry Corporation of NSW is simply seeking the flexibility to manage these buildings as any other business would so that, as the buildings near the end of their economic lives, it can look at all the options from refurbishing the buildings to selling the properties and leasing alternative accommodation.

By allowing this flexibility, these revocations will allow a much more responsible use of public money and greater returns to the State of New South Wales because the more the Forestry Corporation reduces its overheads, such as building maintenance costs, the greater the financial return to the people of this State in the form of larger annual dividends. Revocation of State forest dedication over these buildings has no impact on employment in the local community. If the Forestry Corporation does decide a building is no longer fit for purpose, the Forestry Corporation will look to lease more suitable offices in the same local area. I reiterate: There are no job losses associated with the Forestry Corporation's plans to review its property assets and dispose of surplus properties if appropriate.

Importantly, there are some buildings that have been vacant for several years and are unable to be used, including former nurseries and old houses that were historically used as staff accommodation. These buildings serve no benefit to the community in their current state, and removing the State forest dedication will ensure they are available to local businesses and community groups to use. Removing the State forest dedication will allow us to breathe life into regional communities by increasing revenue for local councils and, in instances where the buildings are no longer required, making them available to be purchased by local businesses who will then invest in new local facilities and jobs—with proceeds of the sales to come back to the Government in the form of dividends.

It defies belief that those opposite would want to rob communities of the opportunity for investment, local jobs and council rates, especially when the same party wholeheartedly supported a measure to remove the State forest dedication over office buildings in the Coffs Harbour central business district less than three years ago. Each of these lands comprises a relevant building as defined under schedule 2, part 2, section 7 of the Forestry Act 2012. The lands and buildings are assets in the local communities but they are nearing or are past the end of their economic lives for forestry purposes. As the Forestry Corporation stops using them they will fall into disrepair, whereas if they are sold for alternative uses the assets can continue to benefit the local communities. A revocation of State forest dedication requires tabling the documentation, seeking approval in both Houses of Parliament, followed by an Executive Council minute seeking approval from the Governor. On gazettal of the revocation in the New South Wales *Government Gazette*, the lands will be vested in the Forestry Corporation of NSW. I commend the motion to the House.

The Hon. MICK VEITCH (15:45): I speak on the motion before the House regarding the proposed revocation of eight parcels of State forest land, presented to Parliament in accordance with section 15 of the Forestry Act 2012. From the outset I say that the Opposition opposes the revocation proposal, and I will articulate why. I draw the attention of the House to section 15, Revocation of dedication of land as State Forest, because there has been some confusion about the processes by which revocation can occur. The reality is that this is public land, Crown land, and the community should have a say in what happens with the buildings on these blocks.

If the community is consulted and says, "We're backing the sale," that is fine: The Opposition will back that in, if that is what the community wants. In some cases that may be the way forward for these buildings, but if the community says it wants to be part of the leasing of these buildings it must have a say in the future of these parcels of land. I believe one of these blocks has a Rural Fire Service shed on it. Without the assurance that the community is aware or has had any sort of acknowledgement or advice that this revocation motion is before both chambers of the Parliament, there is no way the Opposition can support this.

It may well be that this process is above board, but the community must have a say. Once that has happened, if the Minister can show us that there has been meaningful, genuine consultation and dialogue with the communities involved—whether they be in Batemans Bay, Dorrigo, Bulahdelah, Wauchope or Condobolin—we will back that in. But at this point I have yet to see that there has been meaningful, genuine dialogue with any of these communities. Communities should have a say about the future of these blocks of land. If that had happened, we would support this motion, but it has not. I put on the record that we requested and received an urgent briefing from the Minister's office.

I acknowledge the Minister for arranging that and for arranging the services of the department to walk me through these blocks of land and exactly what is on them. I appreciate that, but the reality is that when I talk to people I know in these communities, they are not aware that this is happening. This Chamber could debate this motion at a later date to allow for the opportunity to have a conversation with the community about these blocks of land, be they leased, refurbished or sold. These matters should be discussed with the respective communities. Until that occurs, we oppose the proposal to revoke the dedication.

The Hon. WALT SECORD (15:48): As the shadow Minister for the North Coast and Deputy Leader of the Opposition in the Legislative Council, I speak on the motion to revoke eight separate State forest properties, lots and buildings, including one on the mid-North Coast near Bellingen. I also support the comments made by my colleague, the Hon. Mick Veitch, who is Labor's shadow Minister for Primary Industry and shadow Minister

for Lands, with responsibility relating to forestry and forestry buildings. As he has already indicated, Labor will be opposing the revocations.

Under section 15 of the Forestry Act 2012 if a Minister wishes to revoke the dedication of State forest sites or properties the Minister is required to table the revocation and seek the resolution of both Houses. This is what occurred; however, there are two possible approaches available to the Minister in this regard. According to the Forestry Act 2012 the Minister could revoke the dedications and return them to the Crown land estate pursuant to section 15 of the Act, or revoke the dedications and transfer the land to the Forestry Corporation pursuant to schedule 2, part 2, section 7. The Berejiklian Government has chosen the latter, which is not a surprise.

The Minister has given away his genuine, true intentions by transferring the land to the Forestry Corporation to flog off the properties. This is about selling more of the State's assets—in some cases heritage buildings. It is clear, make no mistake, this is about the sale of assets; if it were not they would simply be transferred to the Crown land estate. This is another example of the Berejiklian Government preparing another aspect of life in New South Wales for sale. Unfortunately, everything in this State seems to have a price tag hanging off the side of it. To give context, I remind the House the Government has already sold Port Botany, Port Kembla, the Port of Newcastle, the electricity network, the desalination plant, Pillar superannuation administration in Wollongong, the Land and Property Information service and 500 government-owned properties and office blocks in Penrith, Wollongong, Queanbeyan, Newcastle and Sydney. I could go on but I am mindful that reading lists is unparliamentary.

In addition, the Berejiklian Government is privatising health and hospital services at Wyong, Bowral, Maitland and Shellharbour hospitals. It is now looking at privatising services at the South East Regional Hospital in Bega on the far South Coast. So far the fire sale by the Berejiklian Government amounts to almost $51 billion in public assets being flogged off by the conservatives. My colleague, the Hon. Mick Veitch, and the Labor Opposition are calling on the Berejiklian Government to go back to the drawing board on these eight sites. We believe there should be more discussion with affected communities and environmental groups before deciding what is going to happen to these buildings and parcels of land. They have a right to know what the Government is planning to do with their public assets. Sadly, there is a cloak of secrecy over this Government involving all of its decisions. It is apparent there needs to be more consultation.

The Minister for Lands and Forestry, the Hon. Paul Toole, has sought to revoke public declarations on eight sites, setting them up for "disposal". The Government says "disposal" but I refer to it as a fire sale. As I indicated earlier, Labor will oppose the Government's proposal in both chambers of this Parliament. Instead of sending the land to the Forestry Corporation for "disposal", Labor believes the parcels of public land should be returned to the Crown lands estate, or have more community consultation. As the Hon. Mick Veitch has said, if the community says it is fine to flog off those eight historic buildings, then the Government should reconsider. The 2012 legislation allows for that.

The Minister wants to revoke the public declarations on sites in Bateman State Forest, Condobolin State Forest, Dorrigo State Forest, Dubbo State Forest, Forbes State Forest, Narrandera State Forest, Broken Bago State Forest and Bulahdelah State Forest. These are all important parts of the State forest property system. For example, the Dorrigo parcel and the buildings on it have been around since 14 October 1949; that is almost 70 years—almost as long as the Hon. Duncan Gay has been in this Chamber. The Forestry Act 2012, introduced by the O'Farrell Government, corporatised State forests. This was opposed by Labor at the time as it was against the public interest. Make no mistake, State forests and their properties should be under Crown land.

My colleague, the Hon. Mick Veitch, said that this attempt to revoke dedicated Crown land was a sign of things to come in public land management. He is right. These actions are a harbinger of what they are planning to do. Community consultation should occur in determining the best future use of these sites. This should be done before any proposal for revocation is presented to the Parliament. Unfortunately, the Berejiklian Government will try to flog off any public asset that is not bolted down. The community has the right to a say about the future use of these sites. They do not want to see a for sale sign hanging on everything. Labor opposed these measures in 2012 and will continue to oppose them in 2017. I oppose the motion.

The Hon. ROBERT BROWN (15:54): I would love to say the Shooters, Fishers and Farmers Party would support the Government on this revocation because the Government in its briefing to us indicated that if it were to try to transfer these properties to Crown land we would have Aboriginal land titles coming out of our ears. That may be a good thing.

The Hon. Walt Secord: They didn't tell us that.

The Hon. ROBERT BROWN: That is what they told us. As the Hon. Mick Veitch and the Hon. Walt Secord said, we also have not had time to talk to our constituents. I know that the Bulahdelah site is of high

community interest. I know because our chairman, Arthur Baker, has told me so on a number of occasions when we have been negotiating with the Government about land for Indigenous people and others in the community as part of the Bulahdelah bypass. I have not had a chance to talk to Mr Baker this morning so I could not tell the House about that site. The Batemans Bay site is a very small site. There is a phone ringing. It is not mine. I will continue to talk over the phone ringing. I would like to consult with our constituents in those locations, but not all of them. Hello! Oh shit.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I call the Hon. Robert Brown to order for the first time.

The Hon. ROBERT BROWN: I actually think it was my wife calling, so I am in double deep you know what. I would like some time. The Government intends to push this through and even without taking my shoes off I think it will have the numbers. Given the circumstances I do not think the Hon. Robert Borsak and I can support the motion, simply because we would like some time to consult. Therefore, we will vote with the Opposition.

Ms DAWN WALKER (15:59): On behalf of The Greens I oppose this motion and echo some of the sentiments expressed by previous speakers. We are concerned that the Government is proposing the revocation of State Forests land without any consultation with the community. While the land is not forested, it contains buildings, work depots and other assets that have been used by State Forests employees for years. The Government wants the land to be transferred to the Forestry Corporation of NSW so that it can sell the assets without any thought of retaining them in public ownership and using them for other community purposes. The Greens see this as another example of this Government flogging off our precious public land without talking to the owners of these assets—that is, the people of New South Wales. If the land is to be transferred from State Forests, it must be returned to the people of this State as Crown land, thus ensuring a public benefit test is carried out under the principles of Crown land management before any decisions are made. The Greens oppose this motion.

The Hon. RICK COLLESS (16:00): In reply: I thank those members who put their comments about this issue on the record. This land is not about to be flogged off as a whole. In fact, two extensive sites will be retained as Forestry Corporation of NSW headquarters at Batemans Bay and at Wauchope. The Wauchope site covers about 2½ hectares and the Batemans Bay site covers more than half a hectare. This is not about selling off land. The Hon. Walt Secord pontificated and tried to run a fear campaign about selling off everything. That is not what this is about; it is not about the sale of assets.

Where properties are in excess of Forestry Corporation needs, a community consultative process will be conducted before any sale proceeds. The sites have disused buildings on them that are hazardous to local communities; they are not good for neighbouring landowners and something must be done with them. Many of the properties were originally purchased by the Forestry Commission, as it was then known, from the freehold estate. That is, they were freehold properties prior to being dedicated as State forests. A swiftie was probably pulled by the Forestry Commission to get out of paying rates on what was a commercial enterprise housing their offices. This is not about selling State Forests resources.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I remind the Hon. Penny Sharpe that she is on two calls to order. I would hate to be the one to throw her out.

The Hon. RICK COLLESS: This is about making better use of these resources in towns where they are no longer needed. Where these buildings can be used for other purposes by the local community, that is what the Government wants to achieve through these processes. I commend the motion to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that the motion be agreed to.

The House divided.

Ayes 18
Noes 18
Majority.....0

AYES

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	MacDonald, Mr S	Maclaren-Jones, Ms N (teller)
Mallard, Mr S	Martin, Mr T	Mitchell, Ms S

AYES

Pearce, Mr G	Phelps, Dr P	Taylor, Ms B

NOES

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	Voltz, Ms L	Walker, Ms D

PAIRS

Khan, Mr T	Houssos, Ms C
Mason-Cox, Mr M	Wong, Mr E

The PRESIDENT: The vote being equal, I give my casting vote with the ayes and declare the question to be resolved in the affirmative.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DON HARWIN: I move:

That Government Business Order of the Day No. 2 be postponed until a later hour.

Motion agreed to.

Bills

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT (CRIMINAL CHARGES AND CONVICTIONS) BILL 2017

Second Reading

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:12): I move:

That this bill be now read a second time.

Members of Parliament elected prior to the 2007 election are entitled to a pension under the Parliamentary Contributory Superannuation Act 1971. It has always been the case that a member will lose his or her pension entitlement if convicted of a serious offence while in office. A serious offence is an infamous crime or an offence punishable by imprisonment for life or for a term of five years or more. This includes, by operation of section 21 (3) of the Interpretation Act 1987, a common law offence. Following amendments to the Parliamentary Contributory Superannuation Act 1971 in 2006, members also lose their pension entitlement if they are charged with a serious offence while in office but resign before the proceedings are finalised and are later convicted of that offence.

Currently, however, members will not lose their pension if they resign from office before being charged with a serious offence, even if they are later convicted of that offence. This means that a member who has engaged in criminal activity while in office can protect his or her pension by resigning from office before charges are laid. Former members should only be entitled to a publicly funded pension if they have discharged their parliamentary duties lawfully and acted as law-abiding citizens during their time in office. There is no reason why members convicted of a serious offence committed during their time in office should be in a better or worse position simply because of whether and when they resigned. This bill closes the loophole in the current Act. The amendments will mean that any former members convicted of a serious offence committed during their time in office will lose their pension entitlement irrespective of whether they left office before or after charges were laid.

I now turn to the detail of the bill. Most of the proposed amendments to the Parliamentary Contributory Superannuation Act 1971 are set out in schedule 1 to the bill. Clause 1 in schedule 1 amends section 19AA (1) of the Act. The amendments extend the pension disqualification to a person who is charged with and convicted of a serious offence after ceasing to be a member for conduct that occurred while that person was a member. Clause 2 amends section 19AA (2) of the Act. This section currently provides that a former member's entitlement to receive a pension is suspended while proceedings for a serious offence are pending against the person. Clause 2 amends the provision to provide that the trustees of the fund may reinstate the person's pension pending the finalisation of the proceedings if the trustees are satisfied that the suspension is not in the public interest. This may be the case if, for example, the suspension of the former member's pension would prejudice his or her right to receive a fair trial.

Clause 3 in schedule 1 amends section 19AA (4) of the Act. This section provides that, where the finalisation of proceedings results in the former member being convicted of a serious offence, the person ceases to have any entitlement to receive a pension under the Act. Sections 19AA (4) and 19AA (4A) make provision for the repayment to the fund of any pension amounts previously taken by the former member as a lump sum. Section 19AA (4B) provides that if a former member's conviction is quashed by a court after the proceedings have been finalised the former member's pension entitlement will be reinstated on application by the person. The trustees would also be required to repay any part of a lump sum payment to the person repaid to the fund under section 19AA (4B).

Clauses 4 and 5 in schedule 1 make consequential amendments to the pension reinstatement and suspension provisions in sections 19AA (6) and 19AA (7). Clause 6 amends the provision in section 19AA (8) declaring when criminal proceedings are considered to be finalised for the purposes of the pension disqualification provisions. The proceedings will be considered finalised when there is no further opportunity to appeal a conviction or acquittal or—and this is important—in any event after a period of 12 months after the conviction or acquittal. Clause 7 in schedule 1 inserts a new definition in section 19AA (10) to make it clear that a person does not cease to be a member for the purposes of the pension disqualification provisions until the person ceases to be entitled to a salary as a member.

Clause 8 makes amendments to section 20 to extend the trustee's power to defer an election by a former member to receive his or her pension in a lump sum. The trustees may defer the effect of an election if they form the view that the member is likely to have his or her pension cease or suspended within 12 months of the former member becoming entitled to a pension. Clauses 9, 10 and 11 make minor amendments to section 23A and to savings, transitional and other provisions of the Act. Clause 12 in schedule 1 inserts a new section, 11A, to schedule 1 to the Act. It provides that the amendments proposed by the bill apply to any serious offence committed before the commencement of the provisions, any conviction before the commencement of the provisions, and to any person who ceased to be a member before the commencement of the provisions.

Schedule 2 to the bill inserts a new provision into the Crimes (Sentencing Procedure) Act 1999. A new section 24C provides that, in sentencing a member or former member, the court must not take into account, as a mitigating factor in sentencing, the loss of the person's pension entitlement because of the conviction for the offence. This provision operates in the same way as existing section 24B of the Crimes (Sentencing Procedure) Act 1999, which provides that a court must not take into account any order under proceeds of crime legislation as a mitigating factor in sentencing.

Lastly, I note that clause 3 of the bill provides that section 4 of the Parliamentary Contributory Superannuation Act 1971 does not apply to, or in respect of, this bill. Section 4 provides that the Parliamentary Remuneration Tribunal must approve any amendments to the Act. This is a measure to ensure that members of Parliament do not consider amendments that might benefit them without first having those amendments independently reviewed by the tribunal. Given that the amendments proposed by this bill are not intended to benefit members, it is appropriate that the bill proceed without first obtaining the approval of the tribunal.

Once again, the object of this bill is to amend the Act to extend existing pension disqualification provisions to any former member charged with and convicted of a serious offence after ceasing to be a member, for conduct while the person was a member. The bill addresses an anomaly in the current Act, which allows former members who have engaged in serious criminal activity to protect their pension by resigning from Parliament before being charged. It will ensure that community concerns about former members' access to pension entitlements in cases involving serious criminal conduct are addressed. I commend the bill to the House.

The Hon. ADAM SEARLE (16:21): I lead for the Opposition in debate on the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017. The Opposition supports the bill wholeheartedly. The aim of the bill is to amend the principal Act, the Parliamentary Contributory Superannuation Act 1971, to extend the current disqualifications from receiving a pension under the scheme to

include a person who is both charged with, and convicted of, a serious offence as defined after ceasing to be a member for conduct that occurred while the person was a member.

Presently, the disqualification applies if a person is a member and is convicted while a member, or charged while a member and then subsequently convicted after having ceased to be a member, of a serious offence as defined—that is, a member now cannot avoid losing a publicly funded pension by resigning before being charged. There have been a number of resignations in recent years by members fearful that they would be charged. It is no surprise that Labor supports this bill. In a sense, the origin of the bill and its parliamentary process emanates from a letter from the Leader of the Opposition to the then Premier dated 18 September last year, which in part states:

> Dear Premier
>
> The community of New South Wales is entitled to expect the highest standards of conduct from its elected representatives and public officials.
>
> Given recent developments, I propose that we work together to restore the community's trust in our Parliament and democracy. It is important that parliamentarians abide by the laws they themselves make and I hope that we can work together to ensure that a proper penalty regime is in place to respond to recent events.
>
> Firstly, I wish to indicate my support for legislative changes to the parliamentary superannuation scheme to ensure that members, or former members, who are found guilty of misconduct in public office lose the entitlement to the taxpayer-funded part of the benefits that they would otherwise draw from the scheme.

The Leader of the Opposition went on to say in his letter:

> You may recall that in 2006, there was bipartisan support for changes to the law to close a loophole that would have allowed members of the scheme convicted of a serious offence to continue to receive benefits from the scheme.
>
> I understand that you have sought advice on the situation that has arisen since the former MLC, Eddie Obeid, was found guilty of misconduct in public office. I ask that you share this advice with me and that, in line with the precedent established in 2006, we work together to ensure that the community's expectations are met.

The number of members of Parliament who are part of this pre-2007 superannuation scheme is significantly fewer than there are presently members in each House. A large number of members of Parliament are not in this scheme.

The Hon. Duncan Gay: A small but important group.

The Hon. ADAM SEARLE: Neither am I—just to disclose that lack of interest. The point is that section 4A of the principal Act provides that the scheme is closed to members elected at or after the 2007 State general election.

The Hon. Dr Peter Phelps: Thank you, Mark Latham.

The Hon. ADAM SEARLE: I acknowledge that interjection. Any member elected at or after the 2007 election has different or lesser superannuation entitlements, and those entitlements are unaffected by this legislation. Their payments cannot be forfeited by this legislation regardless of what they have been charged with or convicted of. The provisions of the bill build on those currently in the principal Act. Current section 19AA applies to a person who ceases to be a member while a serious offence is pending against him or her. If that person is then convicted of a serious offence he or she ceases to have any entitlement under the fund. Section 19AA (i) is replaced and now includes, in subparagraph (b), a person:

> … who ceased to be a member if proceedings for a serious offence are instituted against the person for conduct that occurred when the person was a member.

If the person is in receipt of a pension that payment then ceases. If the person has taken a lump sum the lump sum is to be repaid. That lump sum may be reduced by the person's net contributions. The trustees of the fund may make any other deductions from the lump sum to be repaid to ensure that the person is dealt with in the same manner as if the person had not elected to convert the pension to a lump sum. New section 19AA (4B) covers the position where a conviction is later quashed. New section 19AA (2) seems to be quite novel and allows the trustees to lift the suspension of the pension pending the finalisation of the criminal proceedings, if satisfied that the suspension is not in the public interest. This applies not just to those disqualified under the bill but also to those, as we understand it, disqualified under the unamended bill.

There is an important change to the definition of "appeal period". It will now be the period in which an appeal can be lodged or the period of 12 months after conviction, whichever is the earlier. As I understand it, that clarifies the consequences of some legal advice received by the Government. Section 19AA (10) of the principal Act defines "serious offence" to mean an offence punishable by imprisonment for life or for a term of five years or more, or an "infamous crime". An infamous crime is a crime involving such moral turpitude that would result in the person not being believed in a court of law. It is a somewhat archaic term but it carries with it that sense of moral turpitude undermining any moral authority. Common law offences, such as misconduct in public office, do

not have a statutory maximum penalty. However, the provisions of section 21 (3) (a) of the Interpretation Act mean that such offences are regarded as serious offences and if they were not, one would think that "infamous crime", no matter the uncertainty of that somewhat colourful phrase, would probably have included that in any event. Maybe, because the historical background to this bill and the conviction of a common law offence, the term "infamous crime" is quite apt in the legislation.

Some examples of what might be included as a serious offence are interesting. Larceny under section 117 of the Crimes Act is punishable by imprisonment for five years, and is therefore caught as a serious offence under these provisions. Dangerous driving occasioning death under section 52A of the Crimes Act is punishable by imprisonment for 10 years, and therefore also would be caught. Dangerous driving causing grievous bodily harm also under section 52A of the Crimes Act is punishable by imprisonment for seven years, and thus would be caught. The penalty for lying to the Independent Commission Against Corruption is five years imprisonment pursuant to section 87 of the Independent Commission Against Corruption Act, and therefore would be regarded as a serious offence under this legislation.

Swearing a false statutory declaration under section 25 of the Oaths Act has a maximum penalty of five years, and doing so to gain a material benefit has a seven-year maximum penalty. These would all be covered by the legislation now before the House. Attention should also be drawn to section 246 of the Crimes (Sentencing Procedure) Act, which is an amendment proposed by this bill. If media reports are accurate, that may be of immediate relevance. This provision is similar to section 24B of the Crimes (Sentencing Procedure) Act, which provides—as the Minister has just pointed out—that in sentencing an offender the court must not take into account as a mitigating factor in sentencing the consequences for the offender of an order imposed because of the offence under confiscation or forfeiture legislation. That has parallels with the current bill. The public policy should be very clear: taxpayer-funded benefits should not be payable to those who have forfeited public trust.

The Hon. Dr Peter Phelps: Hear, hear!

The Hon. ADAM SEARLE: I acknowledge the interjection by the Hon. Dr Peter Phelps. Criminal convictions for serious offences necessarily mean a forfeiture of public trust. This bill is an entirely appropriate use of public policy. The Opposition wholeheartedly supports the bill.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:29): In reply: I thank the Hon. Adam Searle for his contribution to the debate. The bill amends the Parliamentary Contributory Superannuation Act to apply existing pension disqualification provisions to any former member charged with and convicted of a serious offence committed while in office. This is needed to close a loophole in the current legislation that allows former members who have engaged in serious criminal activity to protect their pension by resigning from Parliament before being charged. The changes are a strong reminder that members are here to serve the people of New South Wales, not to serve themselves. I commend the bill to the House.

Mr David Shoebridge: Point of order: I seek the leave of the House to make a brief contribution to the bill.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): You can seek the leave of the House or you can speak on the third read.

Mr David Shoebridge: I will speak on the third read. That will be easier and more procedurally correct.

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

Motion agreed to.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Is leave granted to proceed to the third reading of the bill?

Leave is not granted.

Mr DAVID SHOEBRIDGE (16:31:3): With the indulgence of the House I seek leave to make a second reading contribution on this bill.

Leave granted.

Mr DAVID SHOEBRIDGE (16:35): By leave: I thank the House for their indulgence on this matter. I speak on behalf of The Greens to indicate our strong support for the Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Bill 2017. The Greens believe this bill should have come to Parliament much sooner than it has. I accept that drafting legislation can be a somewhat complicated process, but

this bill has only three substantive pages of drafting and does one very simple thing. It says that if a member of Parliament who is entitled to a parliamentary pension so grossly breaches their ethical standards in relation to their work in office and if they are convicted of a criminal offence, they should lose their right to a pension.

If you test this on the streets of Sydney or in any part of New South Wales, the people will agree with you 100 per cent. We are not talking in the abstract. We know that two of the first individuals this law will apply to are former members of this Chamber, Eddie Obeid and Ian Macdonald, both of whom were Ministers with substantial responsibilities. When such individuals have so grossly breached the public trust, and both tarnished this Chamber, the roles of politicians, the ministerial office—

The Hon. Adam Searle: Tarnished their party.

Mr DAVID SHOEBRIDGE: I accept that interjection from the Leader of the Opposition. They tarnished their party and the Government of New South Wales through their actions. Prior to the passage of this bill the law was that they could keep their parliamentary pensions for life, which was an affront to any decency in New South Wales. For years and years in this Chamber The Greens members, particularly Sylvia Hale and Lee Rhiannon, had long-running battles with Ian MacDonald. He was abusive and aggressive, and his behaviour in the Chamber was ugly in the extreme. Sylvia Hale and Lee Rhiannon sought to hold him to account and get some straight answers from him in his role as Minister. I do not think this Chamber did itself any credit when it allowed him to behave in such an ugly, overbearing and aggressive way towards those members. This Chamber should have held him to account.

The Hon. Trevor Khan: You were not the only one seeking answers.

Mr DAVID SHOEBRIDGE: I accept and note the interjection from the now Government benches, but members of the then Coalition Opposition also failed to get answers. The aggression that Macdonald displayed, particularly against those female members of The Greens who were seeking answers, was abominable. We now know that behind that aggression and lack of transparency was ugliness and corruption. We should remember that in future. During the debate some concern was raised that somehow either Obeid or MacDonald might be able to use this bill to reduce their sentence by saying, "Isn't it terrible? We shouldn't go to jail because they're taking a pension from us." I am glad to note that Schedule 2 makes it clear that this cannot happen. Schedule 2 provides:

> In sentencing an offender who is a member or former member of Parliament, the court must not take into account as a mitigating factor in sentencing, the loss of the offender's entitlement or pension under the *Parliamentary Contributory Superannuation Act 1971* because of the conviction to the offence.

And nor should any court take that into account. There is a principled reason for that. Thankfully, I will not get a pension and no-one elected since the middle of 2007 will get a pension, but the pension originally was introduced in return for service in office in Parliament. Where a member has so appallingly breached their duty to the fair people of New South Wales and ultimately been convicted for that, ipso facto they lose any right to a pension. To think members of Parliament could avoid jail because they were losing their pension, effectively buying themselves out of office with an entitlement that they never should have had in the first place because of their corruption, also offended common sense. I am glad to see schedule 2 attached to the bill and see this legislation finally finding its way. Unfortunately, thousands of dollars have been paid to these two individuals since their conviction, which I would like to see retrieved. Unfortunately, this bill will not be able to get it back. This bill sends a positive message that every member of this Parliament can get behind to bring to an end any corrupt politician ever getting another dollar out of the taxpayers of New South Wales.

In Committee

The CHAIR: There being no objection, the Committee will deal with the bill as a whole.

The Hon. MARK PEARSON (16:39): By leave: I move Animal Justice Party amendments Nos 1 to 3 on sheet C2017-050B in globo:

No. 1 **Repayment of pension already paid**

Page 3, Schedule 1 [3], lines 20-22. Omit all words on those lines. Insert instead:

(a) the person ceases to have any entitlement to receive a pension or any further payment of a pension under this Part, and any pension already paid is to be repaid to the Fund, and

No. 2 **Refund of contributions by reducing amount required to be repaid**

Page 3, Schedule 1 [3], lines 30-38. Omit all words on those lines. Insert instead:

(4A) If the person, before being convicted of the serious offence, had been in receipt of a pension or had received a lump sum payment pursuant to an election under section 20, the trustees may refund net contributions by deducting the amount of the refund from any pension already paid, or any

lump sum payment, that the person is required to repay to the Fund under subsection (4).

No. 3 **Repayment of pension already paid**

Page 3, Schedule 1 [3], lines 41 and 42. Omit all words on those lines. Insert instead "person, reinstate the person's pension and repay to the person any amount of pension, or any part of the lump sum, that the person has repaid to the Fund".

Members of the community place their trust in elected members, who once elected enjoy many privileges. It is only just and proper that if a member abuses these privileges and, in particular, if any of those abuses leads to charges for serious offences, that any previous entitlements afforded by the taxpayers' purse should then be reimbursed to that purse. These amendments will ensure that a former member convicted of a serious offence is required to repay any pension amounts they have received previously. The bill currently provides that if a member is convicted of a serious offence, any pension entitlements previously taken as a lump sum will be required to be repaid, minus the person's net contributions. It is only fair that if a former member had been in receipt of a regular pension before being convicted, they should also be required to repay these amounts.

The Parliamentary Contributory Superannuation Act 1971 currently provides that where a member is disqualified from receiving a pension the person's net contributions are to be refunded to him or to her. This will continue to be the case. These amendments will mean that the trustees can refund the person's net contributions by making a deduction from any pension amounts that the person previously received and is required to repay. The amendments also make consequential changes to allow the trustees to reinstate a former member's pension entitlement if their conviction for a serious offence is later quashed by a court of appeal. I commend these amendments to the House.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:42): The Government supports the amendments.

The Hon. ADAM SEARLE (16:42): The Opposition has no difficulty with these amendments.

Mr DAVID SHOEBRIDGE (16:42): The Greens absolutely support amendment No. 1, which achieves what The Greens were hoping for, which is the repayment of any pension already paid. This amendment seeks to deal with the delay in getting the legislation through. I have two questions on these amendments that I would ask either the Government or the mover of the motion to answer. Does the lack of entitlement to payments that have already been made trigger a recovery action? If so, how? Secondly, does the lack of entitlement go back to the moment of first entitlement or does it go back to the date of conviction? I will pose the two questions again.

First, does amendment No. 1, which refers to the lack of entitlement to any pension, which as I see it acts retrospectively, trigger a repayment mechanism? I do not quite understand the wording of amendment No. 2, but maybe it does trigger a repayment mechanism. My first question is: What gets the money back? Secondly, does the lack of entitlement go back to the moment of first entitlement to the pension or the conviction? I also ask for an explanation from the Minister of how amendment No. 2 works in practice. It is a fairly circuitous drafting, and I am not quite sure how this amendment works in practice. Those are the questions we have by nature of clarification. It may be that the mover of the motion can answer these questions, but perhaps the Minister can get clarification from advisers.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:44): I have made inquiries that may assist the Committee. In relation to Mr David Shoebridge's first question, I understand that the Hon. Mark Pearson's amendment makes the amounts paid a debt repayable to the State. The answer to the second question is from the moment of entitlement.

Mr DAVID SHOEBRIDGE (16:45): My other question was: What is the effect of amendment No. 2, which replaces the existing section 19AA (4A)? At first reading it looks to be an amendment that allows for the recovery, but the net recovery—so, taxes and other money that have been paid and have not gone to the former member are taken into account in the net recovery. Is that how amendment No. 2 works? It is like a Fox and Wood amendment.

The Hon. Dr Peter Phelps: Fox and Wood sounds like a hipster bar.

Mr DAVID SHOEBRIDGE: It may well be a hipster bar, but it is also a case that deals with recovery in relation to both compensation and taxation.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:46): In fact, Mr David Shoebridge may have answered his own questions. To assist the Committee, it appears that the intent of the Hon. Mark Pearson's amendment No. 2 is that the member's own contributions are repaid to the member and any contributions from the State are repayable to the State.

Mr DAVID SHOEBRIDGE (16:47): For clarity, The Greens support these amendments.

The Hon. MARK PEARSON (16:47): The way the Animal Justice Party sees these amendments is that repayments go back to the very beginning date from which the pension was activated and it is only the personal contributions paid to the member that are to be given back to the trust.

The CHAIR: The Hon. Mark Pearson has moved Animal Justice Party amendments Nos 1 to 3 on sheet C2017-050B. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. MARK PEARSON (16:48): I move Animal Justice Party amendment No. 4 on sheet C2017-050B:

No. 4 **Pension suspended until proceedings finalised**

Page 4, Schedule 1. Insert after line 18:

[7] Section 19AA (8A)

Insert after section 19AA (8):

(8A) Criminal proceedings that result in a person being convicted or acquitted are still pending for the purposes of this section until they are finalised for the purposes of this section. This amendment clarifies that where a member or former member is charged with a serious offence, the person's pension is suspended until the proceedings are finalised. Section 19AA (2) of the Parliamentary Contributory Superannuation Act 1971 currently provides for the pension of a member or former member's pension entitlement while proceedings for a serious offence are pending. The amendment clarifies that the suspension continues until the criminal proceedings are finalised. The proceedings are considered to be finalised when there is no further opportunity under court rules to appeal a conviction or acquittal, or after a period of 12 months following the conviction or acquittal, whichever is earlier. I commend the amendment to the Committee.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:49): The Government supports this amendment, moved by the Hon. Mark Pearson.

The Hon. ADAM SEARLE (16:49): The Opposition, in the spirit in which all this is happening, will not oppose this amendment, but I am a little confused about the drafting, which seems circular and not very clear. The substance of the amendment reads, "Criminal proceedings that result in a person being convicted or acquitted are still pending for the purposes of this section until they are finalised for the purposes of this section." I am not sure how that adds to what is already in the bill, because it seems to be repetitive and circular. No doubt someone has given this careful consideration, and I look forward to the Hon. Mark Pearson explaining the utility of this amendment—not because I wish to be difficult or not support it but because I want to make sure that, if there is something missing in the legislation that is before the Committee, we are taking this opportunity to get it right.

The Hon. MARK PEARSON (16:50): My understanding is that this amendment is to make it absolutely clear that if there is an appeal at the eleventh hour there is no capacity to then apply to have the pension reinstated. It cannot be reinstated until there is no longer an avenue of appeal, as it states here, on the side of either conviction or acquittal.

Mr DAVID SHOEBRIDGE (16:51): It is hard to get one's head around this quickly, probably because of the use of the word "pending" and what it means. A sentence may have been finalised but then there is an appeal period, which for most ordinary purposes would not be seen as pending. The intention is for the suspension to be operative even though the proceedings are finished, but there is an appeal period waiting. The ordinary meaning of the word "pending" would not apply in this case, but this is seeking to expand the definition for the purposes of this Act to include that period between the conclusion and the appeal. We understand there is some utility in that, even though it is a fairly tortuous way of getting there.

I am troubled, though, even with these amendments. I thought that amendment No. 2 might have been about taxation issues and I see now that it is not, and I thank the Minister for that clarification. I still do not know what is happening in relation to tax that has been paid from a pension, and it does not appear to be answered in this. How that is dealt with could be an administrative nightmare down the track. Often the common law operates in a complicated fashion because through this legislation we cannot claw the money back from the Commonwealth, so I do not know how that is going to operate in practice.

The Hon. Dr Peter Phelps: I do not think there is any tax paid.

Mr DAVID SHOEBRIDGE: There is normally some tax paid. I do not know how that is going to work in practice. I know that is not directly in relation to this amendment, but I think we need to sort it out.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:53): Mr David Shoebridge's latter comments are not technically about the amendment before the Committee. I will have a word with him later about that, rather than being in breach of the standing orders. In relation to amendment No. 4, which is before the Committee, I understand that the Hon. Mark Pearson's amendment will better give effect to the intention of the section it is amending, which is to ensure that once the appeal period—which is either after the appeal is dealt with or in any case 12 months, whichever is sooner—lapses and the matter is finally dealt with, all sorts of practical implications arise—

Mr David Shoebridge: I think it is pending during that period as well.

The Hon. DON HARWIN: Yes, it is pending and not finalised, but once that happens it can be finalised. The wording as provided by the amendment moved by the Hon. Mark Pearson gives effect to the intention of the change in a better way than the original wording. Therefore, the Government supports the amendment.

The CHAIR: The Hon. Mark Pearson has moved Animal Justice Party amendment No. 4 on sheet C2017-050B. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion agreed to.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

Adoption of Report

The Hon. DON HARWIN: I move:

That the report be now adopted.

Motion agreed to.

Third Reading

The Hon. DON HARWIN: I move:

That this bill be now read a third time.

Motion agreed to.

MINING AND PETROLEUM LEGISLATION AMENDMENT BILL 2017

Second Reading

Debate resumed from 24 May 2017.

The Hon. ADAM SEARLE (16:57): I lead for the Opposition on the Mining and Petroleum Legislation Amendment Bill 2017. I indicate that the Opposition does not oppose the legislation. The object of the bill is to amend the Mining Act 1992, the Mining Regulation 2016 and the Petroleum (Onshore Act 1991 to clarify how those activities that are now known as mining purposes, to be called "ancillary mining activities" in the future, are carried out in connection with mining leases and regulated under the Mining Act. For example, this bill will permit the consolidation of multiple ancillary mining activities into a single mining title. At present there might be a primary mining title and then multiple and separate titles regulating each individual ancillary mining activity taking place in conjunction with the primary mining operation. These are typically to do with tailings, dams, stockpiles of displaced soils and other works. This is to make sure that they can all be consolidated into the one title and regulated more simply.

The bill also makes further provision in relation to the giving of enforceable undertakings under the Mining Act and Petroleum (Online) Act and the enforcement of those instruments. For example, it requires those undertakings, including any variations made to them, to be published publicly. It will enable the secretary of the department to apply to the NSW Land and Environment Court rather than the District Court for an order if a person contravenes an enforceable undertaking under the mining and petroleum Acts, whether or not proceedings have been instituted for an offence for the contravention of the enforceable undertaking.

At present if the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking of the court, in addition to imposing any penalty it may also make orders directing the person to comply with the undertaking, an order discharging the undertaking and any other order the court considers appropriate in the circumstances. This includes orders directing the person to pay to the State the costs of the proceedings and the reasonable costs of the secretary in monitoring compliance with the enforceable undertaking in the future.

This bill adds to that and makes it clear that those applications can now take place in the Land and Environment Court, not just the District Court. This is a rare example perhaps of this Government taking a jurisdiction from a generalist court of a lower stature, such as the District Court, and giving it to a superior court of record equivalent to the Supreme Court and the Land and Environment Court and giving it specialist jurisdiction. It is a bit like the reverse of the work, health and safety jurisdiction being taken out of the industrial court and sent down to the District Court. There is a little irony there.

The legislation also permits proceedings to deal with breaches of enforceable undertakings to be dealt with summarily in the Land and Environment Court. That is a sensible provision to make clear. The legislation makes further provision in relation to offences under the Mining Act and the Petroleum Act regarding the furnishing of false or misleading information. It significantly increases the penalties and makes them consistent with offences under the Mining Act, the Petroleum Act, the Protection of the Environment Operations Act, the Environmental Planning and Assessment Act and the Biodiversity Conservation Act. Penalties are increased from $55,000 to $220,000 for individuals and from $110,000 to $1.1 million as a maximum penalty for corporations. We welcome that aspect of the legislation.

The legislation makes other miscellaneous amendments regarding the administration and enforcement of the Mining Act and the Petroleum Act. I note that all relevant stakeholders in the sector appear to have been consulted including the Minerals Council and the mining division of the Construction, Forestry, Mining and Energy Union. The Minerals Council is not happy with aspects of the legislation but not so unhappy that it would oppose it. We have no difficulties with the legislation before the House.

Mr JEREMY BUCKINGHAM (17:01): On behalf of The Greens I speak in debate on the Mining and Petroleum Legislation Amendment Bill 2017 and state from the outset that we will be supporting this legislation. This bill ensures that ancillary mining activities [AMAs], previously called mining purposes, are regulated and require a mining title to proceed. AMAs are activities and infrastructure that support mining operations such as dams, overburdens and stockpiles. They do not include things such has buildings, roads, railways, pipelines, fuel storages and electricity generation, and we have sought clarification as to why not.

Under the Mining Act AMAs are currently required to have a mining title but since 2010 AMAs that were developed prior to 2010 have been exempt because the mining industry has said the legislation lacks clarity. This bill clarifies the framework for regulating AMAs so that this exemption can be dropped when it expires in November 2017. The provision for an exemption still exists in the legislation and I request that the Minister outline to the House in his reply the circumstances in which he expects that exemption may be used. Guidelines will be issued as to how decisions about applications for mining leases for AMAs will be determined but they have not yet been released publicly. The bill also allows for multiple AMAs to be consolidated onto a single mining title. That is something The Greens support.

The bill also deals with and improves the enforceable undertakings framework and ensures that enforceable undertakings agreed to by a company and the department must be published publicly by the department. We understand this has been introduced because mining companies have threatened legal action if enforceable undertakings are made public. This also applies to the Petroleum Act. Enforceable undertakings are voluntary agreements between the department and a company relating to a contravention or alleged contravention of the Act. Fines of up to $220,000 for an individual and $1.1 million for a company apply to contravention of an enforceable undertaking. The Greens support the use of enforceable undertakings as a regulatory tool.

I note that the bill contains no detail as to the time frame for publishing enforceable undertakings once they have been agreed to between a company and the department. I have been informed by the department that they would usually be made public within one to two days and a press release issued within three to five days. I request that in his speech in reply the Minister outline the acceptable time frame for publishing enforceable undertakings. In my experience, enforceable undertakings are a serious matter between the State and businesses. I recall that AGL Energy was placed on an enforceable undertaking in relation to its Camden gas plant for being one of the worst serial polluters in the State.

The Hon. Dr Peter Phelps: A polluter of what?

Mr JEREMY BUCKINGHAM: A polluter of nitrous oxide, heavy metals and other volatile organic compounds into the atmosphere around Campbelltown. I know the member would be very concerned about that. Maybe it is because of that pollution that the Hon. Dr Peter Phelps has his particular attitude.

Mr Scot MacDonald: You have got no proof.

Mr JEREMY BUCKINGHAM: I note the interjection of Mr Scot MacDonald. The proof was Environment Protection Agency monitoring showing that it had been in breach of its environmental pollution licence for many years, hence it was placed on an enforceable undertaking. It is concerning that members opposite have no idea how the environmental and regulatory frameworks for mining and petroleum operate in this State.

Mr Scot MacDonald: There was no environmental harm.

Mr JEREMY BUCKINGHAM: There was environmental harm, and that is why AGL agreed to the enforceable undertaking. It is why we have standards for pollution for nitrous oxide, sulphur dioxide, heavy metals, furans, volatile organic compounds and dioxin set on international benchmarks. They are very dangerous substances and it is not a good idea to pump them into the environment and atmosphere, especially in the suburbs of this great city. That is why enforceable undertakings are a good thing.

The Hon. Dr Peter Phelps: The suburbs?

Mr JEREMY BUCKINGHAM: The suburbs of Campbelltown.

The Hon. Dr Peter Phelps: Did you ever go to the Camden AGL site?

Mr JEREMY BUCKINGHAM: Yes, I did. I note the interjection of the Hon. Dr Peter Phelps. It is certainly in the suburbs of south-western Sydney. That site is literally 500 metres over the hill from 10,000 homes.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! The Hon. Dr Peter Phelps will cease interjecting. He may make a contribution to this debate if he wishes. Mr Jeremy Buckingham will not respond to interjections. Mr Jeremy Buckingham has the call.

Mr JEREMY BUCKINGHAM: We welcome enforceable undertakings and I hope that the Minister will outline in his reply the time frame for publishing them. Sadly, they are a commonplace occurrence in the mining and petroleum industries in this State because they are some of the biggest polluters. The bill increases the penalties for providing false or misleading information from $55,000 to $220,000 for an individual and from $110,000 to $1.1 million for a corporation, in line with similar offences under the Act. This also applies to the Petroleum Act. The increased penalties are a result of the Korea Electric Power Corporation, better known as KEPCO, being caught out providing false photos in an application for a drilling permit for its Bylong mine—which I note the Department of Planning and Environment has recently recommended for approval.

It is outrageous that KEPCO is seeking to decimate the Bylong Valley. The important agricultural asset of Tarwyn Park—the home of the natural sequence farming methodology of Peter Andrews—is going to be upturned by a foreign company seeking to mine coal in that valley. What did KEPCO do in its drilling permit application? It told lies and gave false and misleading information. The Greens and communities in the Bylong Valley and throughout New South Wales who want the mine stopped think the book should be thrown at KEPCO if it is telling untruths or being misleading in its public statements or reports to the Government. The penalties must reflect the seriousness of that misbehaviour.

The bill makes it clear that the holder of an authorisation must ensure that its agents or employees do not provide false or misleading information, and that the holder is liable if they do. There is a defence to a prosecution if the holder took all reasonable steps to prevent the contravention. The Greens believe that is reasonable. The bill also clarifies the conditions for mandatory audits and makes a minor change to clarify who can impose conditions for mandatory audits. The Greens believe that all mining authorities should contain mandatory audit conditions; audits should not be done only at the discretion of the department when issuing an authority.

The bill also changes the grounds for refusing authority. It seems to restrict the grounds on which an application may be refused under schedule 1B, clause 6 (d) only to applications for exploration licences and not to the granting and renewal of any authorisation as is currently the case. The Greens have sought clarification of this situation. We understand that this is simply a drafting error, and that the Government will move an amendment to rectify it. For those reasons, The Greens welcome the bill. The key part that has won our support is the increase in penalties for providing false and misleading information. We have seen that again and again, and the penalties now reflect the seriousness of the offence.

With so many mining applications on the table, the unfortunate agenda for a rollout of coal seam gas enterprises across the State and with companies submitting applications for huge developments and various other things, this certainly sends a warning that they must ensure they do not provide false information. If enforceable

undertakings are entered into between companies and the State, those undertakings and the reasons for them must be made public so that people in places like Campbelltown, Camden, and Newcastle—where they are dealing with Orica—know exactly what is going on and why those companies have been put in that position. They need certainty and transparency, which The Greens always welcome. The Greens commend the bill to the House.

The Hon. SHAYNE MALLARD (17:12): I support the Mining and Petroleum Legislation Amendment Bill 2017 and will outline some of the environmental protections it contains. The mining and resources sector makes a significant contribution to the prosperity of our State. It has created tens of thousands of jobs while ensuring the economic wellbeing of our regional centres. It has also been a major source of income, which helps the Government to deliver infrastructure such as schools, hospitals and roads—and we all appreciate that. It has kept energy affordable for households and businesses, and it has made New South Wales an attractive place in which to invest. That being said, the Government also recognises that the development of our natural resources needs to be done safely and sustainably and strike a balance between the needs of the community, the economy and the environment. This Government has a long history of commitment to high environmental standards and the sustainable development of our resources.

I draw the attention of the House to the major reforms the Government has already implemented to ensure that this State's resources regulatory framework meets best practice environmental standards. This Government's reforms have also supported industry development by streamlining statutory processes and reducing red tape. The amendments in this bill simply continue to implement those policy commitments by improving the efficiency and effectiveness of resources regulation. This includes the regulation of mining-related activities, referred to as ancillary mining activities, which are subject to rehabilitation obligations.

Under the current framework, operators are required to have a separate title to carry out these activities if they do not already have a mineral mining lease or a mineral claim over the area concerned. The Mining and Petroleum Legislation Amendment Bill 2017 streamlines the current framework for ancillary mining activities by enabling operators to consolidate their rehabilitation obligations for multiple ancillary mining activities in a single title. Existing regulatory controls will remain—that is, the collection of security deposits, rehabilitation obligations, and the application of the full suite of compliance powers under the Mining Act. I make it clear that this bill does not reduce the high level of existing environmental standards in the legislation. The Government is simply improving the system, saving industry time and money, and making it easier to do business in this great State.

The bill also introduces some important changes to the compliance framework by strengthening existing provisions in respect of enforceable undertakings and the offence of providing false or misleading information. For example, the bill allows proceedings for the offence of providing false or misleading information or breaching an enforceable undertaking to be commenced in the Land and Environment Court. This recognises that giving false information or contravening an enforceable undertaking can be a very serious offence and it should be able to be determined in a superior court. These measures are yet another example of the Government implementing best practice regulation to ensure that communities and the environment are not unduly affected by exploration and mining activities.

This strengthened resources regulatory framework will continue to work in parallel with current planning controls to ensure that our valuable assets—such as our land and water resources—are protected for future generations. I make it clear that the amendments in this bill in no way affect the existing requirement for proponents to seek development consent under the Environmental Planning and Assessment Act. Nor do they affect requirements in respect of an environment protection licence, or any other environmental approvals that may be required under State and Commonwealth legislation.

This Government acknowledges the importance of the mining industry to the State, particularly regional communities, and it is committed to ensuring high standards of environmental management and the sustainable development of our resources. The bill builds on the landmark legislative changes introduced in 2015 to continue to deliver a best-practice, modern and transparent regulatory framework for mining and resources projects. I hope that with those few words I have reassured members that environmental protections are still in place, are being strengthened and are still world's best practice in the mining industry. I commend the bill to the House.

Mr SCOT MacDONALD (17:16): I support the Mining and Petroleum Legislation Amendment Bill 2017. Streamlining regulation and reducing red tape is an important priority for this Government, and this bill does just that. It streamlines the regulatory framework of ancillary mining activities and maintains strict environmental standards for their regulation. The Government is committed to ensuring that New South Wales has a streamlined, safe and sustainable regulatory framework for the resources sector. It clearly exhibited that commitment in the reforms it delivered in 2015. Through those reforms, it overhauled an outdated and inefficient framework that had been in place for far too long. The reforms provided a clearer and more transparent legislative framework, which the Government continues to improve today.

Ancillary mining activities are the key activities, facilities and infrastructure used to directly facilitate primary mining operations in the immediate vicinity of a mining lease area. Examples include tailings, dams and stockpiles of displaced soil removed throughout the mining process. These activities can occur either within or outside the area of an existing mining lease depending on the project's requirements. Under the current framework, mining operators are required to hold and manage a separate title to carry out those activities if they do not already have a mineral mining lease or a mineral claim over the area. This may involve obtaining up to 20 titles, each of which incur an administrative cost and require significant time to manage. Often, these activities are not on the same scale as a mining operation.

In such instances, the current framework can add an unnecessary regulatory burden to the routine administrative requirements imposed on industry operators. Essentially, while the current framework can deliver important rehabilitation outcomes, it also results in longer processing times and potentially substantial costs for industry. The Mining and Petroleum Legislation Amendment Bill 2017 improves on this situation. One of the defining features of this bill is the creation of a new and streamlined regulatory pathway that will enable proponents to hold a single title that regulates multiple ancillary mining activities.

Rather than applying for separate titles, proponents will be able to apply for an ancillary mining activity condition to their principal mining title, which will operate off title. Rehabilitation obligations can then be consolidated onto a single title with the same level of enforceability. The changes will allow proponents to choose between two regulatory mechanisms to meet the legislative requirements, allowing them the freedom to use the regulatory mechanism that works best for their operations. This will save industry time and money, making it easier to do business in New South Wales while ensuring environmental protections are maintained.

Proponents will still be required to meet rehabilitation conditions and pay security deposits. There will be no change to existing, continuing requirements for proponents to seek development consent from the Department of Planning and Environment or an environment protection licence from the Environment Protection Authority. Proponents will continue to have to comply with the same legislative requirements under planning legislation before their activities are regulated by the Division of Resources and Geoscience. These existing environmental protections ensure that we are able to safely reduce red tape while still maintaining our high standards of environmental management and the sustainable development of our resources.

In closing, this bill exemplifies the Government's commitment to streamlining regulation and reducing red tape in a safe and sustainable manner. The bill builds on the landmark legislative reforms introduced in 2015 and delivers to the people of New South Wales a versatile and streamlined framework for ancillary mining activities. The Liberal-Nationals Government has achieved this by reducing the regulatory burden placed on industry and delivering a regulatory framework for our mining and resources projects that is fit for purpose. I commend this wonderful bill to the House.

The Hon. PAUL GREEN (17:22): On behalf of the Christian Democratic Party I speak on the Mining and Petroleum Legislation Amendment Bill 2017. Ancillary mining activities [AMAs] are activities and infrastructure that support mining operations. The current legislation requires operators to hold a title for AMAs. Due to industry concerns about the existing legislative framework lacking clarity, an exemption is currently in place. The exemption expires in November 2017. The bill increases clarity of the AMA regulatory framework and streamlines administrative requirements while maintaining strict environmental protections.

The bill clarifies the activities and infrastructure that are subject to the AMA framework, such as stockpiles of displaced soil from mineral extraction or a tailings dam, and when operators must obtain authorisation for their AMA. The bill enables a guideline to provide guidance on the principles that may be considered when determining whether an activity is in the immediate vicinity of a mining operation and when the AMA directly facilitates a mining operation. In addition, the bill will enable mining operators to consolidate the regulation of multiple AMAs onto a single, primary mining title.

The bill also enhances compliance and enforcement under the Mining Act 1992 and the Petroleum (Onshore) Act 1991 by improving the enforceable undertakings framework, including by ensuring that enforceable undertakings must be published publicly; ensuring titleholders are liable for the actions of their agents who knowingly provide false or misleading information; and increasing the penalty amount for provision of false or misleading information from $55,000 to $220,000 for an individual, and from $110,000 to $1.1 million for a corporation, consistent with other serious offences under the Mining Act 1992 and Petroleum (Onshore) Act 1991, the Protection of the Environment Operations Act 1997, the Environmental Planning and Assessment Act 1979 and the Biodiversity Conservation Act 2016.

Finally, the bill makes minor changes to streamline and clarify the administration of mineral and petroleum titles. These changes include clarifying that applications for exploration titles over an existing title must demonstrate the titleholder's written consent, and ensuring further information may be required from the proposed

transferee in relation to applications to transfer a title. The Christian Democratic Party commends the bill to the House.

The Hon. Dr PETER PHELPS (17:25): I speak in support of the Mining and Petroleum Legislation Amendment Bill 2017. This Government recognises that the resources sector brings significant benefits to regional communities and to the New South Wales economy. I believe the Opposition also believe that but I have absolutely no confidence that The Greens do. The coalmining industry directly provides more than 19,000 jobs to New South Wales and the value of coal production to our economy is approximately $14.6 billion annually. That is a fantastic result for the people of New South Wales. However, the Government recognises that development of the resources sector must not come at the expense of safety or of proper accounting for externalities created by those industries. When driving necessary reforms to address issues in the regulatory framework for onshore resources, this Government has never wavered. Other governments have kowtowed to extreme elements in The Greens and the so-called environmental movement who believe the way to deal with these issues is to add additional green and red tape to make us less attractive to investors who might wish to take part in mining activities in this State.

The suggestion from one of my colleagues that this State is attractive to investment is completely disproved if one looks at the 2016 Fraser Institute Investment Attractiveness Index. New South Wales rates below Western Australia, Queensland, the Northern Territory, South Australia, Victoria and Tasmania in attractiveness for investment for extractive industries. Indeed, we are only marginally ahead of countries such as Colombia, where there is a civil war; the Philippines, where there is a minor civil war; and Uganda. That is the level of attractiveness for extractive industries in New South Wales as measured by the highly respected Fraser Institute.

I remind those present in the Chamber that the then Liberal-Country Party Government established the Environment Protection Authority [EPA] in New South Wales as the lead regulator for compliance and enforcement of conditions of approval for gas activities, including conditions and activity approvals issued by other agencies, with the only exception being work, health and safety requirements. This is the same Environment Protection Authority which, when Unity Mining wished to have a goldmine at Majors Creek, presented it with more than 400 separate items that it had to account for in the conduct of its operations. And that was before Unity Mining decided it wanted to change its proposal to have a cyanide facility on the site, at which point it was told that it could not and, if it did, it would have to do a hell of a lot more accounting. This is also the same EPA that decided to fine Unity Mining for the utterly outrageous leak of muddy water into a local creek. That muddy water did not contain any tailings, chemicals or heavy metals. It did not contain anything except water and mud, but the EPA decided that that was such an egregious breach of the environmental conditions that this company had to be fined.

The Resources Regulator has also been created to undertake compliance and enforcement of mining operations, and is equipped with full enforcement powers under the Mining Act. The Government says that it has a compelling record of delivering strong and effective regulation of the resources sector. The Government believes that to be truly world class regulation must be regularly reviewed and, where necessary, changed to ensure that it continues to be up to date and fit for purpose. I certainly hope that, to be truly world class, we would not merely consider updating regulations but also consider deregulation where deregulation is appropriate for the continued health and wealth of this State.

This bill clarifies that titleholders are liable for the actions of their agents, where a titleholder has caused or permitted its agents to knowingly or recklessly provide false or misleading information in the course of its agency. That is fantastic. Would it not be great if that rule was applied also to Greens activists and environmental activists so they, too, could be held liable for their actions or the actions of their agents, which caused or permitted their agents to knowingly or recklessly provide false or misleading information in the course of their advocacy? That would be a wonderful state of affairs. If we are going to hit mining companies we might as well hit the green extremists who want to shut down these mining companies and shut down the investment activities of extractive industries in this State. I urge the Government to go further—to apply this principle to all sides in the extractive industries debate.

This bill recognises that while titleholders are afforded certain rights under the Mining Act and Petroleum (Onshore) Act they should not be able to evade responsibility for serious offences simply by stating that they did not know that the information provided by their agent was false or misleading. Again, that would be a wonderful principle if only we could extend it and apply it to those enemies of extractive industries in this State. In that regard I am reminded of the film *Frackman*. *Frackman* was a wonderful piece of propaganda. I had the opportunity of seeing it in full when I was at Splendour in the Grass on the beautiful far North Coast of New South Wales—the home of the Hon. Ben Franklin, an excellent local member who does wonderful work. *Frackman* was the biggest load of misleading gumpf I have seen in my life. It was absolutely ridiculous.

It culminated in Frackman going to one of the dams of a CSG operation on a certain property. He surreptitiously broke in, sneaked past security guards and got a couple of jars of water from the dam. He thought that the water would be filled with all sorts of dangerous toxins and poisons. However, when he sent the water off for analysis he found that it was nothing but water. Was he overjoyed at this news? Was he overjoyed at the fact that the extractive industries had a holding dam that had pure, clean, drinkable water in it? No, he was disappointed beyond belief because his illusions were completely shattered. His misconceptions were shattered and he realised that he had been living a lie.

This bill also increases the maximum penalties for the offence of giving false or misleading information. That is another principle that I would love to see enacted in legislation for the opponents of extractive industries in New South Wales. These amendments strengthen the resources compliance and enforcement framework and will be a more effective deterrent of illegal behaviour—the sort of illegal behaviour that we already condemn when protestors decide to blockade legitimate mining and drilling operations around this State and behave in a completely cavalier manner with regard to the laws of this State. Those protestors do their utmost to try to violate the law of this State through their illegal behaviour.

This bill also makes several smaller but important amendments to improve the operation of the enforceable undertakings framework since it began in 2015. In making these amendments the Government is ensuring that resources regulation is responsive and risk-based. These changes build on the reforms to resources regulation that were introduced by this Government in 2015. They will enhance the community's confidence that exploration and mining of our natural resources is safe, sustainable, and continues to be held to the highest regulatory standards. I commend the bill to the House.

Visitors

VISITORS

The PRESIDENT: I take this opportunity to welcome to my gallery the President of the Liberal Women's Council of New South Wales, Mrs Chantelle Fornari-Orsmond, together with her husband, Mr Ryan Orsmond, and their daughters, Chelsea and Ashley, guests of the Government Whip, the Hon. Natasha Maclaren-Jones. I am sure they they—especially Chelsea and Ashley—will be interested to know that we are dealing with the Mining and Petroleum Legislation Amendment Bill 2017.

Bills

MINING AND PETROLEUM LEGISLATION AMENDMENT BILL 2017

Second Reading

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:35): In reply: I thank all members—even the Hon. Dr Peter Phelps—for their contributions to debate on the Mining and Petroleum Legislation Amendment Bill 2017. In particular, I thank the Hon. Adam Searle, Mr Jeremy Buckingham, the Hon. Shayne Mallard, Mr Scot MacDonald and the Hon. Paul Green. I remind members what this bill will achieve. The bill will build on the Government's 2015 resources reforms and implement reforms that will ensure that New South Wales meets best practice environmental standards and delivers industry accountability with no increase in red tape. A key reform element of the bill is the creation of a new regulatory pathway for ancillary mining activities—the key activities, facilities and infrastructure used to directly facilitate mining operations that are in the immediate vicinity of the mining lease area. They include tailings dams and stockpiles of displaced soil that result from mining.

As the name implies, ancillary mining activities facilitate the resource extraction process. These activities are often not on the same scale as the mining operation but under the current framework operators who undertake these activities away from their existing title area must obtain a separate title—the same type of title that is used to authorise a whole mining project. The ancillary mining activity reforms in the bill address this. Through the bill the Government will reduce red tape for industry by enabling companies to consolidate their rehabilitation obligations onto a single title. However, let me be clear: There will be no change to the robust environmental protections that are already in place under the Mining Act. Industry proponents will still be required to meet rehabilitation conditions, pay security deposits, report on their obligations and be subject to penalties where obligations are not met. We are making it easier to do business while delivering on outcomes for the environment and the community.

The bill also includes reforms relating to compliance and enforcement. A strong compliance and enforcement framework deters illegal behaviour and promotes a high-performance resources industry. Transparent compliance and enforcement action also promotes public trust in regulation of the resources sector. The bill brings the penalty for the serious offence of providing false and misleading information into line with

other serious offences under the Mining Act and the Petroleum (Onshore) Act, and broadly aligns the penalty with the same offence under the Environmental Planning and Assessment Act and the Biodiversity Conservation Act.

The bill also makes smaller but important changes to improve the administration of resources titles under the Mining Act and Petroleum (Onshore) Act. In relation to the point raised by Mr Jeremy Buckingham relating to enforceable undertakings, I provide the following observations. The bill provides that the Secretary must publish and make public a copy of each enforceable undertaking accepted by the Secretary. Enforceable undertakings are published as soon as practicable after the parties have been notified of the decision. A number of undertakings are already available on the division of resources or geosciences website.

The Resources Regulator also publishes monthly reports about its clients' activities, including the acceptance of any enforceable undertakings that have been entered into. The enforceable undertaking guidelines assist the industry to understand the framework for entering into undertakings. To provide clarity about the Government's commitment that enforceable undertakings are published within reasonable time frames, I have asked for the enforceable undertaking guidelines to be updated so that clear time frames are provided within which the undertakings must be published. I have asked that the guidelines are updated to indicate that any undertakings entered into must be published within two weeks.

Following Mr Buckingham's comments on compliance and mandatory audits, I add that the Government takes industrial regulatory compliance seriously. We are committed to ensuring that the regulatory framework resources include robust mechanisms to monitor, assess and enforce compliance. Mandatory reporting is a significant tool in the compliance and enforcement framework. Under current legislation title holders are required to submit reports every year on their exploration and mining operations. Annual reports must include information on how titleholders have complied with their environmental rehabilitation obligations as set out in their approved mining operations plan and development consent. Annual reports from the division of resources or geoscience can take complaints action against operators where there is evidence that they are not meeting required standards or are at risk of non-compliance.

The proposed legislation also provides the power to impose mandatory audit conditions. These conditions only need to be used when an operator does not provide sufficient information through the annual report process and is unlikely to agree to a voluntary audit. Mandatory audits require operators to provide even further detail about their environmental performance and compliance with legislative requirements. If a mandatory audit condition is imposed a comprehensive audit of a titleholder's operations must be carried out. This can include site inspections, interviews with operator personnel and assessments of compliance with environmental and rehabilitation obligations. In most instances this level of detail is not required because any compliance issues will be identified through annual reporting or a voluntary audit. The flexibility to impose mandatory audit conditions depending on particular circumstances of support enables a targeted, risk-based approach to complaints.

There are additional requirements for State significant development mining projects to comply with independent audit conditions that can be imposed on a development consent. If a titleholder does not demonstrate a satisfactory compliance with its environmental obligations, there is a risk of non-performance and a range of enforcement actions can be taken. For example, the titleholder can be directed to undertake specific rehabilitation works. In the case of serious breaches, the Resources Regulator can pursue prosecution. For example, contravention of an environmental condition on a title can attract a maximum penalty of $1.1 million for a corporation and $220,000 for an individual.

I remind members that the Government's reforms to resources regulations in 2015 ensured that a titleholder can be required to report any non-compliances as a condition of title. We stand firm on our record and will continue to deliver strong, credible resources regulation. In conclusion, I reiterate that this bill ensures New South Wales will continue to have a regulatory framework for the resources sector that is modern, fit for purpose and without compromise for the environment or community in this State. I commend the bill to the House.

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

Motion agreed to.

In Committee

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

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (17:45): I move Government amendment No. 1 on sheet C2017-049:

No. 1 **Grounds for refusal of applications**

Page 7, Schedule 1 [24], proposed clause 6 (d), line 10. Omit "under section 13 (4) (c)".

Under the Mining Act a decision-maker has powers to refuse an application for an authorisation. Authorisations include exploration licences, assessment leases or mining leases. One of the issues the bill seeks to address relates to applications for exploration licences over an area that is already covered by another title for the same mineral. The Act already requires that the applicant provide the written consent of the existing titleholder when the application is over land that is the subject of another title. However, the Act also gives operators a small window of 10 days to provide the required information before the decision-maker can refuse their applications. This has created a perverse outcome, enabling some operators to jump the queue by applying for an exploration licence over another operator's title without providing evidence of the other existing titleholder's consent.

This bill seeks to ensure that the decision-maker can refuse these applications without waiting for 10 days to pass. However, as currently drafted the bill could be construed in a way that narrows the decision-maker's ability to refuse applications for any type of authorisation. This was never the intention. The Government's minor amendment clarifies that the only change intended in this bill is that exploration licence applicants must provide written consent up-front from the existing titleholder if they are applying for an exploration licence over an existing titleholder's area for the same mineral. I commend the amendment to the Committee.

The Hon. ADAM SEARLE (17:47): The Opposition supports the amendment.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The Hon. Darwin has moved Government amendment No. 1 on sheet C2017-049. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. DON HARWIN: I move:

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

Motion agreed to.

Adoption of Report

The Hon. DON HARWIN: I move:

That the report be now adopted.

Motion agreed to.

Third Reading

The Hon. DON HARWIN: I move:

That this bill be now read a third time.

Motion agreed to.

The PRESIDENT: To suit the convenience of the House I will now leave the Chair. The House will resume at 8.00 p.m.

FIREARMS AND WEAPONS LEGISLATION AMENDMENT BILL 2017

In Committee

The CHAIR: There being no objection, the Committee will deal with the bill as a whole. I have two sets of amendments, being Shooters, Fishers and Farmers Party amendments on sheet C2017-045B and The Greens amendments on sheet C2017-046, which overlap in some instances.

The Hon. ROBERT BORSAK (20:02): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 1, 21, 25 and 50 on sheet C2017-045B in globo:

No. 1 **Lever action shotguns**

Pages 3 and 4, Schedule 1 [7]–[10], line 30 on page 3 to line 5 on page 4. Omit all words on those lines.

No. 21 **Lever action shotguns**

Page 9, Schedule 1 [58], lines 34–37. Omit all words on those lines.

No. 25 **Lever action shotguns**

Pages 10–12, Schedule 1 [59], line 5 on page 10 to line 5 on page 12. Omit all words on those lines.

No. 50 **Lever action shotguns**

Pages 23 and 24, Schedule 4 [3], line 41 on page 23 to line 5 on page 24. Omit all words on those lines.

These amendments seek to stop the reclassification of lever action shotguns from category A to categories B and D. There is no scientific or evidence-based reason for the reclassification of lever action shotguns from category A to categories B and D. The reasons were given during the second reading debate by speakers including me. There simply is no rational reason for doing this; it is all down to propaganda in politics with the need to be seen to be doing something and pretending to be tough on firearms owners in this State, if not the whole of Australia. No crime in New South Wales has ever been committed with a lever action shotgun. Lever action firearms do not need to be reclassified to a more restrictive category. The proposed reclassification begs the question: Why is the Government not also acting in relation to other lever action firearms that are, to use the Government's own terminology, just as lethal if not more lethal than lever action shotguns? Shooters, hunters and farmers are being punished for no reason whatsoever through the reclassification of lever action shotguns.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:04): The Government opposes Shooters, Fishers and Farmers Party amendments Nos 1, 21, 25 and 50. The bill implements the decision of the Council of Australian Governments [COAG] meeting of 9 December 2016 concerning lever action shotguns. The relevant communiqué stated:

> COAG agreed to strengthen the National Firearms Agreement [NFA] by reclassifying lever action shotguns with the magazine capacity of no greater than five rounds to category B and those with a magazine capacity of greater than five rounds to category D, and to task the COAG Law, Crime and Community Safety Council to finalise and implement the updated NFA as soon as practicable.

It is, of course, desirable to arrive at a consensus position across Australian jurisdictions. It was clear from our discussions with other jurisdictions that there was a strong desire to strengthen the categorisation of lever action shotguns as reflected in this bill. This position was based largely on concerns about the number of lever action shotguns being imported and a desire to align lever action shotguns of more than five rounds with pump action and self-loading shotguns in category D. There has naturally been considerable debate in the community about whether the decision of COAG was the right decision, and the Government recognises the strongly held positions of all stakeholders. The bill as introduced represents the position of the New South Wales Government, which is to implement the reforms agreed to at the COAG meeting of 9 December 2016.

The Hon. LYNDA VOLTZ (20:06): The Opposition also does not support Shooters, Fishers and Farmers Party amendments Nos 1, 21, 25 and 50. The Opposition has previously stated its commitment to the requirements set out in the National Firearms Agreement, which has been negotiated across jurisdictions including with the Premiers of other States. Therefore the Opposition will not support these amendments.

Mr DAVID SHOEBRIDGE (20:06): The Greens oppose Shooters, Fishers and Farmers Party amendments Nos 1, 21, 25 and 50. Indeed, I think it is appropriate for me to move The Greens amendment No. 1 on sheet C2017-046B:

> No. 1 **Lever action shotguns**
>
> Page 3, Schedule 1 [8], line 35. Omit "category B licence". Insert instead "category C licence".

This amendment, rather than the proposal to leave lever action shotguns with a magazine capacity of five rounds and fewer in category A, which is what the Shooters, Fishers and Farmers Party amendments would do, would seek to properly categorise lever action shotguns in category C. We say that category B, which is the proposal from the Government for these weapons, is basically a pretend toughening up of classification. When we look at the list of weapons in category C we find that a six-round lever action shotgun far more reasonably falls within a category C classification. There would be a significant reduction in the number of shotguns that eventually would be able to be lawfully held in New South Wales. We have seen the numbers, and there are somewhere of the order of 9,800 lever action shotguns in New South Wales.

As I understand, the majority of them have a magazine capacity of five or fewer. By allowing them to be accessed by anyone with a category B licence, we would effectively be green-lighting somewhere of the order of 217,000 to 220,000 recreational shooters simply using them for recreational shooting in New South Wales. They can be used for recreational shooting in New South Wales. We think the people of New South Wales do not want to share their public forests with these kinds of dangerous weapons. We think the people of New South Wales do not want 220,000 of their neighbours having access to these dangerous weapons. We believe they are appropriately categorised as category C.

When the Government tells us a Kumbaya moment was experienced federally under the National Firearms Agreement, we need to remember a few things about the way that agreement was achieved. The Federal Minister for Justice privileged submissions from the gun lobby and freedom of information documents eventually confirmed that. The State Minister for Police pursued an agenda of deregulation, trying to destroy a consensus. The result was a compromise that The Greens believe has compromised community safety. That is why we say

New South Wales should proudly stand for having tougher and community-minded gun laws, and categorise these weapons as category C.

The Hon. ROBERT BROWN (20:10): I support the amendments proposed by my colleague and argue against the amendment moved by Mr David Shoebridge. In the second reading debate the House heard extensively from someone who knows a fair bit about firearms—not me, not Mr Borsak, but the Hon. Dr Peter Phelps. He explained fairly clearly, so that most members would understand, that lever action shotguns like the Adler are not, as Mr Shoebridge would seek to describe them, dangerous or more dangerous. There probably would be less risk of a person in a forest using a shotgun than a rifle because of the limited ballistics of shotguns.

In most shotgun ranges in New South Wales, the safety envelope is only 300 metres, whereas with firearms it could be three miles, five miles, 5,000 metres or something like that. Therefore, there is no validity in the argument that all these firearms should be categorised as category C. Earlier my colleague mentioned that farmers, or any person now, have enormous difficulty obtaining a category D firearm. Category C firearms, while not being as difficult to obtain as category D, are not handed out readily either. Lever action shotguns have been category A—the lowest category—firearms since 1996. They are in the same category as .22 calibre pea rifles. We cannot support Mr Shoebridge's amendment to put lever action shotguns into category C.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:12): The Greens moved this amendment after my last contribution, and the Government opposes this amendment for the same reasons we oppose the amendments of the Shooters, Fishers and Farmers: We believe in consistency across all jurisdictions and that the position from the Council of Australian Governments' meeting is that the Government's position is the consistent one and the right one.

The Hon. LYNDA VOLTZ (20:13): The Opposition also opposes The Greens amendment No. 1. As I previously stated, we are committed to the National Firearms Agreement negotiated over jurisdictions. This has been a contentious issue, but this is what we have arrived at and we will stick with the Government's bill on this matter.

The Hon. Dr PETER PHELPS (20:12): I find myself caught between multiple chairs. On the one hand, I am not enamoured of the idea of leaving lever action shotguns in category A, which is by definition the lowest category of shotgun. I think any fair assessment would say that both lever action shotguns and pump action shotguns probably should be in category B; however, I have not been given that option. Alternatively, The Greens proposal is to have everything stuffed into category C or category D—

Mr David Shoebridge: No, this one is just C.

The Hon. Dr PETER PHELPS: That is almost as bad. I have no intention of supporting that. Given the situation, I will support the Shooters, Fishers and Farmers Party amendment on the basis that the difference between category A and category B for members of the public to obtain those firearms is so minimal that the detriment that would be occasioned by keeping them in A is less than it would be by moving them into C. It is fair to say that if I had the option of moving an amendment—which I do not because as a Government member I am one of the few people in this place who is actively prohibited from seeking legislative drafting from—

Mr David Shoebridge: No, you're not.

The Hon. Dr PETER PHELPS: Yes, I am—from Parliamentary Counsel without the official approval of the Premier or the Attorney General. I am one of the most helpless people in this place, far more helpless than The Greens, the Christian Democratic Party, the Shooters, Fishers and Farmers Party or even the Animal Justice Party. If I were to have my way, I would be putting lever action shotguns of all magazine capacities and pump action shotguns of all magazine capacities into category B where they belong with centrefire rifles. However, not given that option, I will support the amendment proposed by the Shooters, Fishers and Farmers Party.

Mr DAVID SHOEBRIDGE (20:15): I am confused by the rationale of the former Government Whip. He said he believes that for consistency these kinds of lever action shotguns with these magazine capacities should be categorised the same as pump action shotguns. Tick—I agree with that. What does The Greens amendment do? It seeks to do exactly that—categorise them as category C, the same as pump action shotguns. Yet the member then said he would not support that, and he now supports the Shooters, Fishers and Farmers Party amendment, which has lever action shotguns characterised as the least dangerous weapons, as category A. I cannot follow that kind of tortured logic. It is as if the member is trying to find any argument to disagree with everybody else, to find a reason to be some kind of noble dissident. The member should follow his own logic, support The Greens amendment and categorise lever action shotguns as category C.

The Hon. Dr PETER PHELPS (20:16): I will keep doing this every time that the member wants to have a go at me. I can explain in detail—

The CHAIR: I do not want to be dictatorial, but I was tempted to say to Mr Shoebridge, and I will say it now: Members will speak to the amendments, not about the motivations of various people. If the Hon. Dr Peter Phelps intends to have a shot at Mr David Shoebridge over that, and vice versa, I will rule that as being outside the leave of the amendment.

The Hon. Dr PETER PHELPS: Obviously my communication skills were insufficient and limited, so I will make my position exactly clear. I believe that pump action shotguns and lever action shotguns should be in the same category. I believe that pump action shotguns are currently mischaracterised as being in category C or category D. On that basis I believe that, while they should be in the same category, the current characterisations of pump action shotguns is a mischaracterisation of their lethality and thus they should be in category B. On that basis, lever action shotguns should also be in category B.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos. 1, 21, 25 and 50 on sheet C 2017–045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 4
Noes 30
Majority.....26

AYES

Borsak, Mr R (teller)	Brown, Mr R (teller)	Green, Mr P
Phelps, Dr P		

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Cusack, Ms C
Donnelly, Mr G	Farlow, Mr S	Faruqi, Dr M
Field, Mr J	Franklin, Mr B (teller)	Graham, Mr J
Harwin, Mr D	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
Pearson, Mr M	Primrose, Mr P	Secord, Mr W
Sharpe, Ms P	Shoebridge, Mr D	Taylor, Ms B
Veitch, Mr M	Voltz, Ms L	Walker, Ms D

Amendments negatived.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 1 on sheet C2017-046B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 6
Noes 29
Majority.....23

AYES

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

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Borsak, Mr R	Brown, Mr R	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Donnelly, Mr G
Farlow, Mr S	Franklin, Mr B (teller)	Graham, Mr J
Green, Mr P	Harwin, Mr D	MacDonald, Mr S

NOES

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
Secord, Mr W	Sharpe, Ms P	Taylor, Ms B
Veitch, Mr M	Voltz, Ms L	

Amendment negatived.

The Hon. ROBERT BORSAK (20:31): by leave: I move Shooters, Fishers and Farmers Party amendments Nos 2, 13 and 20 on sheet C2017-045B in globo:

No. 2 **Pump action shotguns**

Page 4, Schedule 1. Insert before line 6:

[11] Section 8 Licence categories and authority conferred by licence

Insert in the matter relating to category B licence as the third dot point in the list of firearms to which the licence applies:

- pump action shotguns

[12] Section 8 (1)

Omit the following from the matter relating to category C licence:

- pump action shotguns with a magazine capacity of no more than 5 rounds

[13] Section 8 (1)

Omit the following from the matter relating to category D licence:

- pump action shotguns with a magazine capacity of more than 5 rounds

No. 13 **Pump action shotguns**

Page 5, Schedule 1. Insert after line 31:

[25] Section 32 (5A)

Omit "or pump action".

No. 20 **Pump action shotguns**

Page 9, Schedule 1. Insert after line 33:

[58] Schedule 1 Prohibited firearms

Omit "or pump action" from item 4.

These amendments seek to grant licensed law-abiding firearm owners fairer access to the use of pump action shotguns. Despite what gun control advocates say, pump action shotguns in the hands of licensed shooters and hunters cause no public safety issues and therefore should not be restricted to category C. In debate on the Shooters, Fishers and Farmers Party's previous amendments, which were defeated, the Government insisted on having lever action shotguns in category B, which includes shotguns that shoot five shots or fewer. From a lethality point of view, from a shooting point of view, and from a shotgun point of view, a pump action shotgun is no different from a lever action shotgun. There is no good reason to have a pump action shotgun in category C if a lever action shotgun is in category B. The Government should reconsider this issue and support having pump action shotguns reclassified to category B.

Criminal misuse of shotguns occurs regardless of the category to which they are assigned. The Man Monis tragedy 2½ years ago involved a shotgun that had never been registered or legally recorded anywhere in Australia. Monis also used ammunition that had been obtained illegally. Any amount of registration, categorisation or anything else like that made no difference whatsoever to a lunatic like him. The issue is how he got his hands on that weapon and the ammunition. As far as the Shooters, Fishers and Farmers Party is concerned, we are arguing about stopping criminals, not law-abiding firearms owners having legitimate and legal access to firearms. This is restriction for the sake of restriction, and nothing else. As I said, this recategorisation would be consistent with the lever action five-shot or less shotgun being in category B.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:34): The Government believes it is appropriate for firearms that shoot no more than five rounds to remain in category C, and for those that shoot more than five rounds to be in

category D. At close range and in the right hands, pump action shotguns can inflict great harm. These firearms are often the choice of criminals who saw off the barrel to aid concealment. The Government therefore opposes these amendments.

The Hon. LYNDA VOLTZ (20:34): As I have previously stated, the Opposition supports the National Firearms Agreement. Category C contains semiautomatic and pump action shotguns with magazines with a capacity no greater than five rounds. I note that the agreement provides that primary producers can have one pump action shotgun; that is, a category C shotgun. The Opposition believes that is reasonable, and therefore will not support the amendments.

Mr DAVID SHOEBRIDGE (20:35): The Greens oppose the Shooters, Fishers and Farmers Party amendments. I acknowledge the rationale of one argument that was raised; that is, how we can have a six-shot lever action shotgun in category B, but a six-shot pump action shotgun in category C. The Shooters, Fishers and Farmers Party correctly points out that that is incoherent. The Greens have been attempting to a make this legislation coherent by having them all in category C. Like most people, I think we accept that pump action shotguns are lethal weapons. In the 1970s and 1980s, when bank robberies were rife in Sydney and around New South Wales, they were the criminals' weapon of choice.

I accept that in large part the current weapon of choice for criminals is a semiautomatic handgun. However, these guns are seriously more dangerous and there is an excellent reason for placing them in category C or above. The Greens oppose the Shooters, Fishers and Farmers Party's attempts to move these weapons to category B. That is clearly misconceived from a community safety perspective; they should be at a minimum in category C. Anyone listening to this debate who understands the reality of a pump action shotgun as opposed to a lever action shotgun would acknowledge the argument that, if they are to be categorised, they should be in the same category.

The Hon. ROBERT BROWN (20:37): The arguments in support of the Shooters, Fishers and Farmers Party amendments and those opposing them put by Mr Shoebridge are swirling around the question of lethality. While I acknowledge the stance the Opposition is taking—and I do not mean to be rude—simply saying that something is in the National Firearms Agreement is not good enough. The Shooters, Fishers and Farmers Party recently lost an argument about the number of nurses who should be in nursing homes because it was said the Commonwealth Government wanted it that way. We represent the citizens of New South Wales, and they expect us to make laws that do not criminalise them. There is no difference in the lethality of a pump action shotgun and a lever action shotgun. My reading of history tells me that the criminal gangs running amok in Kings Cross were not using pump action shotguns; they were using double-barrel side-by-sides. Why? Because they are an extremely frightening weapon.

The Hon. Dr Peter Phelps: They were using sawed-off coach guns; that is exactly what they were using.

The Hon. ROBERT BROWN: Sixteen inches long or shorter. They used them because they are extremely frightening firearms. There are two big holes staring at the target instead of one. The Hon. Lynda Voltz's recollections will not be any better than mine; in fact, they are probably not as good.

The Hon. LYNDA VOLTZ (20:38): I note the comments made by the Shooters, Fishers and Farmers Party. The Opposition supports the National Firearms Agreement. However, unlike some members, I have used both a lever action shotgun and a pump action rifle, and I do not think the loading times are similar. There is a difference and that is why they are in a different category. I do not agree with the argument of either The Greens or the Shooters, Fishers and Farmers Party. Obviously the national agreement has placed them into two different categories for two different reasons. Having used those weapons, I tend to agree. Putting that aside, the Opposition supports the National Firearms Agreement.

The Hon. Dr PETER PHELPS (20:39): As I mentioned previously, I support the idea that firearms should be placed in their appropriate categories. It has been the decision of this Chamber that lever action firearms of a certain capacity should be in category B. That is a decision of this Chamber and I accept it. To then say that pump action shotguns of five-round capacity should remain in category C is utterly irrational because, as I am sure you, Mr Chair, would be aware, the difference is so minimal as to be ridiculous. For example, a pump action shotgun that has five-round capacity is loaded by the movement—and please excuse me because I am right-handed—of a person's left hand some 10 or 15 centimetres towards them and then moved forward again.

For a lever action shotgun, a right-handed person moves their right hand approximately 10 or 15 centimetres forward, depending on the length of the pull of the lever, and then back again—that action versus that action. To suggest there is a material difference between a pump action and a lever action that has a material effect on the volume of fire or the lethality of fire is ridiculous. If this Chamber is to put these lever action weapons

into category B, then the only logical thing to do would be to agree that pump action shotguns should also be in category B.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 2, 13 and 20 on sheet C2017-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 4
Noes 30
Majority.....26

AYES

Borsak, Mr R (teller)	Brown, Mr R (teller)	Green, Mr P
Phelps, Dr P		

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Cusack, Ms C
Donnelly, Mr G	Farlow, Mr S	Faruqi, Dr M
Field, Mr J	Franklin, Mr B (teller)	Graham, Mr J
Harwin, Mr D	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
Pearson, Mr M	Primrose, Mr P	Secord, Mr W
Sharpe, Ms P	Shoebridge, Mr D	Taylor, Ms B
Veitch, Mr M	Voltz, Ms L	Walker, Ms D

Amendments negatived.

The Hon. ROBERT BORSAK (20:54): I move Shooters, Fishers and Farmers Party amendment No. 3 on sheet C2017-045B:

No. 3 **Use of pistols on private land**

Page 4, Schedule 1. Insert after line 9:

[12] Section 8 (1)

Insert at the end of the matter relating to category H licence:

> Despite any other provision of this Act or the regulations, a category H licence authorises the licensee, if the licensee has been the holder of a category H licence for at least 2 years, to possess or use a registered pistol (for the purpose established by the licensee as being the genuine reason for having the licence) on any land on which that possession or use is not otherwise unlawful.

The amendment seeks to allow licensed, law-abiding owners of firearms to use a pistol for the purpose established under the owner's licence as being a genuine reason for the said pistol after a period of holding a category H licence for two years. This already occurs in other States and the amendment is relatively uncontroversial when one considers the rigorous hurdles that licensed pistol holders have to overcome to acquire and maintain their licences. We are talking about law-abiding pistol shooters, and there are many thousands of them in the State, who regularly attend pistol clubs but who would also like to use their pistols to hunt on private land. This is not an unusual practice and it occurs all over the world. Pistol shooters who already participate in competitions as well as Olympic and Commonwealth sports should be allowed to use their pistols on private land. This bill places an unnecessary restriction on their ability to use pistols for hunting to control game and feral animals.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:56): The Government will continue to provide for responsible and accountable hunting of game and feral animals on public and private land. The current level of regulatory oversight of all forms of hunting on private land is necessary to protect private landholders from ethical, dangerous and/or illegal hunting practices. Many landholders express frustration, anger and fear in relation to the activities of illegal hunters. Rural land owners have told the rural crime authority group that they have been threatened by trespassing hunters and have experienced damage and loss due to illegal hunters and sometimes their dogs. Sufficient genuine

reasons exist to allow for the possession and use of a pistol. The genuine reason of hunting is appropriately applied to long arms. Proportionate handgun control remains a key feature of the overlap between the regulation of legitimate firearms and ensuring that they are not accessible to criminals to be used in crime, which handguns feature in significantly. The Government opposes the amendment.

The Hon. LYNDA VOLTZ (20:57): The Opposition opposes this amendment. While it is appropriate for these weapons to be category H, particularly for sport and target shooting, it is a stretch for them to be taken home and used for hunting purposes.

Mr DAVID SHOEBRIDGE (20:57): The thought that we would ever be proposing to allow pistols to be used as a viable and appropriate weapon for hunting on private land is quite remarkable. This is clearly a stretch for the Shooters, Fishers and Farmers Party. They want to water down the use of handgun controls. Anyone who bothers to watch the news knows that handguns are used in crime and semiautomatic handguns, in particular, are the weapon of choice for the criminal class in New South Wales and the rest of Australia. The idea that we would increase their use, especially for hunting on private land, is not only dangerous but also contrary to any element of common sense.

The Hon. ROBERT BROWN (20:58): The proposition put by my colleague the Hon. Robert Borsak is logical. Given that persons from the Northern Territory are no more law-abiding, upstanding or of good repute than persons from New South Wales, I do not understand why New South Wales would not extend the use of handguns to feral animal control. Handguns are strictly controlled at the moment. They have been licensed since 1927 but, generally speaking, the laws relating to owning and using pistols were tightened in the late 1980s and early 1990s. In the Northern Territory—I am not sure about Queensland—a person can use a category H firearm. They come under the H category; nothing changes there. The safe-keeping requirements remain. The transportation requirements, which are different from categories A and B, remain exactly the same; just the use has changed.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 3 on sheet C2017-045B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R	Brown, Mr R (teller)	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendment negatived.

The Hon. ROBERT BORSAK (21:08): I move Shooters, Fishers and Farmers Party amendment No. 4 on sheet C2017-045B:

No. 4 **Protection of property**

Page 4, Schedule 1. Insert after line 25:

[15] Section 12 Genuine reasons for having a licence

Omit section 12 (2) and (3).

[16] Section 12, Table

Insert after the genuine reason of business or employment:

Reason: personal and property protection in the home

The applicant must state that he or she intends to possess or use the firearm for the protection of the person, other persons and property in the person's home. This amendment seeks to establish the genuine reason of personal and property protection in the home requiring a firearms licence. We are all well aware that in 1996 under the John Howard-forced amendments to the firearms Acts around Australia, a genuine reason for personal and property protection was removed completely. In Australia we may have a common law right to own a firearm but we certainly have no legislative right to legally own or use a fireman for our own personal or property protection or, even worse, we cannot own a firearm to protect our family. Currently, criminals and home invaders intent on harming people have more rights than innocent law-abiding firearms owners who are helpless to defend themselves and their families. Almost weekly my office is regaled by law-abiding firearms owners who have been caught in "got you" moments—for example, if for some reason police inveigle themselves into someone's house and see a firearm lying on a table or some unsecured ammunition, they automatically assume that the firearm and ammunition are not being stored in the appropriate manner. Consequently, that firearm, which has recently been used for other genuine purposes, is then not allowed to be used for the purposes of family protection.

Nine times out of 10 in those cases when people return from a hunting trip—and I do this myself—they put their firearm down for an hour, or even perhaps overnight, before placing it into a gun safe with the ammunition. Those caught in between often find themselves in a situation where their firearm is confiscated and their licence removed. They then have to work through a process to try to get back their licence at the NSW Civil and Administrative Tribunal [NCAT]. However, I have hundreds of examples in my office, if anyone wants to see them, where the Firearms Registry will not give those licences back despite favourable NCAT decisions. In fact, a number of cases going through that process now are ending up in the Supreme Court based on silly examples such as that. The Shooters, Fishers and Farmer Party believes that every person has a fundamental human right to defend themselves and their families in the confines of their home.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:11): The preamble of the National Firearms Agreement now clearly states that home and family defence is neither a principle behind firearms possession and use nor an agreed model for firearms regulation in Australia. Those who promote home and family defence in countries like the United States of America aim to justify this policy based upon the high volume of firearms already available in their communities. Such circumstances do not exist in New South Wales. The National Firearms Agreement states:

> The National Firearms Agreement constitutes a national approach to the regulation of firearms. The Agreement affirms that firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety, and that public safety is improved by the safe and responsible possession, carriage, use, registration, storage and transfer of firearms.

The Government opposes this amendment.

The Hon. LYNDA VOLTZ (21:13): The Opposition opposes Shooters, Fishers and Farmers Party amendment No. 4, which states:

No. 4 **Protection of property**

Page 4, Schedule 1. Insert after line 25:

[15] Section 12 Genuine reasons for having a licence

Omit section 12 (2) and (3).

[16] Section 12, Table

Insert after the genuine reason of business or employment:

Reason: personal and property protection in the home

The applicant must state that he or she intends to possess or use the firearm for the protection of the person, other persons and property in the person's home.

There is no justification for this amendment. It is clearly outside the National Firearms Agreement. The idea that someone can only be safe in their own home if they carry a weapon is foreign to our State. The NSW Police Force is the appropriate body for ensuring law and order in this State, and that is where it should rest.

Mr DAVID SHOEBRIDGE (21:14): The Greens oppose the Shooters, Fishers and Farmers Party amendment No. 4. I note the Minister's response included the statement from the National Firearms Agreement, which is the broad political consensus in Australia. This amendment is predicated on the idea that our personal

safety is somehow improved by having loaded firearms lying around our homes and not in a gun storage area. It also stems from the self-defence fantasy, which is the continuing rhetoric of the gun lobby in the United States [US], that somehow we are made safer by having immediate access to a fully loaded high-powered weapon.

These ideas are anathema to most people in Australia. There may be a minority in the gun lobby who say that our safety is improved by having a bunch of loaded semiautomatic pistols lying around the bedroom. However, overwhelmingly, Australians reject the US path of laissez-faire firearm ownership. We know how dangerous it is because we look at the statistics for homicide deaths by firearm in the US and we are appalled by these statistics. Yet that is exactly what this amendment of the Shooters, Fishers and Farmers Party is aiming for. The Shooters, Fishers and Farmers Party often pretends to be the commonsense, moderate voice on firearms, but this amendment shows that the party wants to take us straight down the path of the US. Indeed, it is worse than that because in moving this amendment the party told us exactly what it hoped to achieve from it.

The Shooters, Fishers and Farmers Party wants to undermine the safe storage requirements under our current law. The party wants to be able to say when police come knocking and want to see whether safe storage is being complied with, "No, I am allowed to leave a loaded shotgun on the kitchen table, because I am using it in accordance with my new reason, which is personal and property protection in the home. I am complying with my licence by leaving loaded guns littered around the house, and therefore you cannot say I am not complying with safe-storage requirements." This amendment would utterly undermine all that has been achieved in the two and a bit decades of lifesaving work that State and Federal parliaments have done on safe storage of firearms. The Greens wholly reject this amendment.

The Hon. Dr PETER PHELPS (21:17): I have a great deal of sympathy for the Shooters, Fishers and Farmers Party amendment No. 4, but I will not be supporting it. A classical liberal believes in three great rights: the right to life, the right to liberty and the right to own property. Without a means to enforce those rights, they are nothing more than words. I will give the example of a gay American economist called Tom G. Palmer, who was walking with a colleague in San Jose when around 19 or 20 men approached them and wanted to bash them because they were gay. Mr Palmer drew a pistol that he was legally allowed to carry, and they ran off. He did not fire a shot, he did not wound anyone, he did not kill anyone, but he was not bashed. People say, "Well, these stories from the United States are all a myth." But Mr Palmer's story is not a myth; it is an actual case of a person using a firearm to defend his rights. Probably, in Mr Palmer's case, he was defending his right to life.

What we have in New South Wales is a situation where, as has been rightly pointed out, the ability to defend ourselves in our own homes has been withdrawn—except it has not really been withdrawn. For example, say I owned a shotgun and put it underneath my bed, which would mean it was not well stored, because in the case of a home invasion I wanted some sort of defence. If there was a home invasion and I used that shotgun, I would have a case for self-defence. If I did not use that shotgun, I might well be dead, but I would have a case for self-defence. If the police asked, "Why did you have your shotgun laying about?" I could lie to them and say, "It was not laying about, I was actually in the process of cleaning it. I was adjusting the trigger weight. I was making sure that the magazine did not have any fouling in it. I was recalibrating the sights."

I could lie to my heart's content and I would have a valid reason, within that lie, for not having my shotgun in the safe at the time. The law at the moment is effectively encouraging people to lie about something that we all know certain people in the community will do, and that is a bad state of affairs in the law. On a whole range of issues in this State we would be much better accepting that certain practices take place and to regulate and legitimise them. For example, I do not agree that anyone should be able just to go out and buy a firearm without at least having some sort of ability to show that they can use the firearm accurately and appropriately and demonstrate some competency with it.

Mr David Shoebridge may well be right: An incompetent person with a firearm, in attempting to defend themselves, may just as well shoot themselves or some other innocent person. While I have a great deal of sympathy with the principle behind it—and, indeed, recognise the Shooters, Fishers and Farmers Party's concerns about the ridiculous state of affairs that the current law necessitates for firearm owners who may wish to use their firearm, held for some other purpose, for the legitimate defence of themselves and their homes and property—I cannot support it in its current form. But I endorse the principle wholeheartedly. If people wish to maintain a voluntary helplessness and wait for the police to arrive 10, 15 or 20 minutes after they have been murdered or raped or their children have been murdered or raped, that is entirely their prerogative. But had I the opportunity to defend myself, I would absolutely do it.

Mr JEREMY BUCKINGHAM (21:21): I will limit myself to a brief contribution in regard to this amendment from the Shooters, Fishers and Farmers Party. I wholeheartedly support my colleague Mr David Shoebridge. He made a very important point. I do not accept the case put by the Hon. Dr Peter Phelps that we should consider our right to defend ourselves as carrying more weight than our collective safety. Our laws and our police are responsible for protecting us and our society, but adding firearms into the mix does not help. I will

put on record a personal experience because I think it is a case in point about what happens when someone inadvertently leaves a firearm lying around—potentially to be used in self-defence, as the Hon. Robert Borsak said—but it falls into the wrong hands. That is what happens in the United States. Firearms fall into the hands of children, who use those firearms and they kill themselves and scores of other people. I know that is a real situation because I have been in a similar situation.

When I was 15 years old a friend of my father's came to stay with us. He was a shooter, and he and his wife were estranged. Tasmania had particular laws that allowed him to carry a number of firearms, including a .22 calibre handgun. He was reloading the handgun before meeting his estranged wife. He was going to give her the handgun but he forgot it and left it in our house, next to the toilet. I came home and went to the toilet. I looked across and there was a small, rusty handgun. I picked it up and walked out of the toilet, bouncing the gun in my hand. I had never seen a handgun in my life. I walked into the kitchen, put it underneath my brother's chin and pulled the trigger.

It clicked. I looked around. I pulled the trigger again and I blew a hole in the wall—gunpowder everywhere. The only reason I did not kill my brother was that the first chamber of the revolver had been left empty. My father's friend had inadvertently left that handgun in the house. Having firearms in the house did not make anyone safer. It did not make his wife safer; it did not make me safer. For that reason, I completely and utterly oppose any attempt to water down the safe storage of firearms. I join my colleague Mr David Shoebridge in making that case.

The Hon. ROBERT BROWN (21:24): I support my colleague and the amendment he has moved and I want to put a few things straight on the record. This party, originally the Shooters Party, was formed in 1992 by John Tingle—who was by no means a radical, a redneck or a member of any fringe group—because he objected, on behalf of thousands and thousands of people in this State, to the National Firearms Agreement of 1996 and to the fact that the government of the day was virtually bullied into accepting it. I joined a political party not because I am a fringe—

The CHAIR: Order! Debate on this amendment is straying well away from the substance of the amendment.

The Hon. ROBERT BROWN: I take the point. I support my colleague.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 4 on sheet C2017-045B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R (teller)	Brown, Mr R	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendment negatived.

The Hon. ROBERT BORSAK (21:33): I move Shooters, Fishers and Farmers Party amendment No. 5 on sheet C2017-045B:

No. 5 **Licence collection**

Page 4, Schedule 1. Insert after line 40:

[17] Section 18 Form of licence

Insert after section 18 (2):

(2A) A licence must be collected at an office of Service NSW by the person to whom it is issued.

This is a simple amendment seeking to ensure that firearms licences are not sent out in the mail, which runs the risk of them being mislaid, which occurred earlier this year. As members know, Service NSW sent out 3,000 items of mail, all wrongly addressed, and 80 of them were firearms licences. The Government understandably wanted to provide a better service. However, one of the few things that worked well under the old system was that firearms licences had to be collected from a Roads and Maritime Services office. Licence holders would present with a letter saying their licence was due for renewal and it would be processed on the spot. A photograph was taken and the licence was issued. There was no risk of it going astray, getting into the wrong hands, or someone attempting to buy ammunition or parts at a gun shop with a firearms licence they were not entitled to have.

As often happens with this Government when it is trying to save a dollar, security has been thrown under the bus. This amendment simply restores the requirement that a licence holder collect his or her licence from Service NSW after having been notified that it is available for collection. There is no extra cost involved, other than holding it at the Service NSW centre. This is a simple, logical and, given the current circumstances, reasonable amendment that should be supported by the Committee. There is no reason for not having this sort of secure arrangement for the shooters and law-abiding firearms owners of New South Wales.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:36): The Government intends to continue to mail licences via Australia Post. As the Hon. Robert Borsak mentioned in his contribution, and the Government acknowledges, a number of firearms licences were recently sent to incorrect addresses. The error was unrelated to the systems at the Firearms Registry or to the information provided to Service NSW. Service NSW has indicated that it was an isolated incident and that it has taken steps to improve its processes. The Government believes the current delivery method will continue to serve the people of New South Wales, especially those in remote locations. Therefore, the Government opposes the amendment.

The Hon. LYNDA VOLTZ (21:37): The Opposition supports the Shooters, Fishers and Farmers Party amendment. Licences will be more secure if they are personally collected at a Service NSW centre. We must go to great lengths to prove our identity to get a pass for use in Parliament House. Therefore, it is not unreasonable to expect people to go to a Service NSW centre to collect their firearms licence.

Mr DAVID SHOEBRIDGE (21:37): The Greens oppose this amendment. We cannot understand where the Shooters, Fishers and Farmers Party is coming from. They say they want to get rid of red tape and the unnecessary burdens that are imposed on licensed firearm owners. However, this amendment would impose a huge administrative burden on hundreds of thousands of licensed firearm owners. The Shooters, Fishers and Farmers Party cannot on the one hand say they want to remove all red tape and on the other hand impose a heavy burden that will cause compliance difficulties, particularly for regional and rural firearms owners. It is utterly incomprehensible, and for the reasons presented by the Government, The Greens believe the amendment is misconceived, to say the least.

The Hon. LYNDA VOLTZ (21:39): Obviously the member has never had a Working With Children Check. Anyone who applies for a Working With Children Check in New South Wales, including regional New South Wales, is required to turn up at Service NSW and provide a photo of their licence. This amendment is not inconsistent with measures the Government has in place for those who work with children. I had to do it in order to coach a soccer team. This is not an unreasonable requirement for someone applying to obtain a licence to possess what The Greens consider to be a very dangerous weapon.

The Hon. MARK PEARSON (21:39): The Animal Justice Party supports the amendment. It is just common sense, particularly when we remember that these are licences to possess mechanisms that can cause considerable harm, injury and death. The person making the application for the licence or licence renewal merely has to set time aside to go through the process of ensuring that the licence is issued to the right person and who understands the responsibility of holding such a licence. The Animal Justice Party supports the amendment.

The Hon. ROBERT BROWN (21:40): I will be brief and to the point. Mr David Shoebridge's assertion that this amendment loads up the 237,000-odd licence shooters with an onerous obligation is incorrect. For years

those 237,000—and it was not always that many—licensed shooters were accustomed to going to the Roads and Traffic Authority [RTA] or Service NSW, having their photograph taken and getting their licence. It is not an onerous obligation. They have been prepared to do it. That is the first point. Secondly, it is those shooters or their representative groups that have come to the Shooters, Fishers and Farmers Party and asked us to put forward such an amendment. Thirdly, the Hon. Lynda Voltz is correct in saying that it is an additional small security check on the issuing of a licence that an applicant presents themselves to someone who will look at them, check the old licence or, if it is a new licence, check the coded sheet from the Firearms Registry. The applicant will then have his or her photograph taken. It is very difficult for someone to forge that licence in that case, whereas we have seen what happens if they go flying around in the mail. We strongly urge the Government to go back to the way it was.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 5 on sheet C2017-45B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 13
Noes 21
Majority.....8

AYES

Borsak, Mr R (teller)	Brown, Mr R	Donnelly, Mr G
Graham, Mr J	Green, Mr P (teller)	Mookhey, Mr D
Moselmane, Mr S	Pearson, Mr M	Primrose, Mr P
Secord, Mr W	Sharpe, Ms P	Veitch, Mr M
Voltz, Ms L		

NOES

Amato, Mr L	Blair, Mr N	Buckingham, Mr J
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Farlow, Mr S	Faruqi, Dr M	Field, Mr J
Franklin, Mr B (teller)	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
Shoebridge, Mr D	Taylor, Ms B	Walker, Ms D

PAIRS

Houssos, Ms C	Ajaka, Mr J
Searle, Mr A	Gay, Mr D
Wong, Mr E	Mason-Cox, Mr M

Amendment negatived.

The Hon. ROBERT BORSAK (21:51): I move Shooters, Fishers and Farmers Party amendment No. 6 on sheet C2017-045B:

No. 6 **Licence conditions**

Page 4, Schedule 1. Insert after line 40:

[17] Section 19 Conditions of licence

Insert "with reasonable cause (proof of which lies on the Commissioner)" after "impose" in section 19 (1):

The commissioner should be required to justify his or her decisions in respect of licensing without undue restrictions and imposing conditions just for the sake of it. This is not fair on law-abiding firearms owners. They are entitled to know exactly why undue restrictions and certain conditions are placed on their licences but that information is not given to them. This is a simple matter of natural justice.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:52): The Commissioner of Police has significant responsibilities under the Act to ensure that licence holders are fit and proper persons and to minimise the risk of legal firearms coming onto the illegal market at the same time as providing for legitimate licence applicants to have access to their firearm-related sport or activity. The commissioner imposes licence conditions appropriately and in a fair and balanced way. No further limitation is required on how the commissioner exercises his functions under the Act. Therefore, the Government opposes the amendment.

The Hon. LYNDA VOLTZ (21:53): The Opposition opposes the amendment. It may not necessarily be in the public interest to make clear some of the reasons why a commissioner may impose conditions or restrictions on a licence. As I said, Labor opposes the amendment.

Mr DAVID SHOEBRIDGE (21:53): The Greens oppose this amendment. Having a firearm in New South Wales is a privilege, not a right. At least that is the way the current law operates. This Shooters, Fishers and Farmers Party amendment is effectively trying to move firearm ownership towards being a right rather than a privilege. We think seeking to tie the hands of the Commissioner of Police in how and when conditions can be imposed is offensive to that basic principle. It is a privilege, not a right.

The Hon. ROBERT BROWN (21:54): Obviously I support the amendment moved by the Hon. Robert Borsak. In our position as representatives of the Shooters, Fishers and Farmers Party we receive hundreds and hundreds of representations from law-abiding citizens—not rednecks—who feel they have been unfairly treated by the Firearms Registry, which is the delegate of the commissioner. In this case, the reference to the commissioner also includes the commissioner's delegates. This is a denial of natural justice to one group of citizens. Mr David Shoebridge would be the first to stand up for natural justice for all citizens. We think this is unfair. I support the amendment.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 6 on sheet C2017-45B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R (teller)	Brown, Mr R (teller)	Green, Mr P

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendment negatived.

The Hon. ROBERT BORSAK (22:04): I move Shooters, Fishers and Farmers Party amendment No. 7 on sheet C2017-045B:

No. 7 **Licence suspension**

Page 4, Schedule 1. Insert after line 40:

[17] Section 22 Suspension of licence

Omit section 22 (1A).

This amendment is not dissimilar to our amendment No. 6 in relation to licensing. As our amendment No. 6 dealt with changes to licence conditions, so this one deals with changes to suspension of licences. Currently the commissioner does not need to provide any reason for the suspension of a firearms licence which, in any society, is anathema. If the commissioner deems a person unfit and that a person should not have a licence, he should be required to explain why that is the case. He should allow an individual to understand the detail of his reasoning and the basis in law on which he is suspending or removing the licence. This amendment seeks to reverse that situation as it is patently unjust.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (22:06): The provision that provides the commissioner with the ability to protect criminal intelligence or information contained in criminal records is an important feature of where the firearms regime overlaps with criminal networking. The relevant criminal intelligence would need to satisfy the commissioner that the person is a risk to public safety and the issuing of the licence would be contrary to the public interest. If a person has their licence suspended because of classified information this should not be detailed on any documentation as most often it is serious or organised crime information which is not appropriate to circulate in the community. Therefore, the Government opposes the amendment.

The Hon. LYNDA VOLTZ (22:06): This amendment is similar to amendment No. 6 and for similar reasons, the Opposition will oppose it.

Mr DAVID SHOEBRIDGE (22:07): The Greens also oppose this amendment of the Shooters. I hear what they say about wanting to know the case against a person. I accept as a general rule the principle is that a person should see the case against them. But in relation to dealing with firearms and when the Commissioner of Police has been informed for the reasons stated by the Minister, based upon criminal intelligence that there is a reason to suspend the firearm licence, it is one of those areas where the competing priorities between the right to know and community safety has to be balanced. I am not suggesting the argument is without merit, but it is a balancing point and The Greens believe that the current law gets it right.

The Hon. ROBERT BROWN (22:08): I put on the record my appreciation of the members in this Chamber going through this process in the manner in which they are. I want them to understand that the job that my colleague I are employed to do is to prosecute the cases that are put to us by our constituents in the best manner we can, and that is why are doing it in this way. In this particular case Mr David Shoebridge has it right, although I do not agree with the side of the argument he has taken. I have seen this situation result in a man and a woman losing their livelihood and their superannuation and they have still not been told what they did wrong, and that is bad. It does not matter that the gentleman is a firearms dealer—I will not go much further as he might be identified—but he does other work with firearms and explosives and such.

All of his strands of business were closed with revocation of his licences, including his personal licences, with no requirement other than to state that it was "in the public safety". I have known this man for 20 years and I back my professional reputation in saying that no criminal intelligence would be involved here. But that may well be a case argued by the Government. When we tried to argue that the appellant in the Administrative Decisions Tribunal [ADT] should be supplied with information it was argued. It was voted down in the last Labor Government but the principle still applies—one set of principles of law cannot be applied to some groups of people and not to others. Even the most heinous, mongrel, bastard criminals appear to me to get a better run in having their cases put to them, and in fighting those cases, than some ordinary citizens who are conducting honest enterprises. It is just not fair.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (22:10): Just to clarify, the amendment that we are currently discussing relates to the suspension, not the revocation, of a licence.

The Hon. Robert Brown: The effect is the same.

The Hon. NIALL BLAIR: I just wanted to make that point.

The Hon. ROBERT BORSAK (22:10): The reality is that quite often licences are suspended for indefinite periods. Suspension with no reasons, no logic, no discussion—

The Hon. Robert Brown: No court.

The Hon. ROBERT BORSAK: No court, not having a day in court so one can understand why or what one has done wrong. It can go on for years that one is not properly considered or fairly treated and, ultimately, it may end with one's licences being removed. But it inevitably always starts with a suspension process. I have seen dealers in various cities around this State who have been vilified and put out of business for three to five years. One in particular, whom I will not mention—and it is not the same person to whom the Hon. Robert Brown was

referring—had a personal problem with a particular police officer and within a week he found himself on the receiving end of a raid by the Black Shirts from Sydney. He was put out of business for 3½ years and virtually bankrupted.

In the end he was not charged with anything and he got all his licences back. That was totally unsatisfactory and totally unfair, yet it is allowed to continue. How the hell can it go on? It can only be based on the fact that someone in this society, starting with The Greens, the Government and the Labor Party, assume that these people are criminals and that they should be treated as such. They should not even be given the common justice and decency that a criminal gets in a court of law. If one is a firearms owner in this country one is less than that—one is a second-class, third-class or fourth-class citizen whose licence, livelihood and family can be destroyed with no recourse.

Mr DAVID SHOEBRIDGE (22:12): As The Greens spokesperson on justice and police I often take issue with the way in which police operations happen in this State, but I would never call them Black Shirts.

The Hon. Robert Borsak: Black shirts is what they turned up in.

Mr DAVID SHOEBRIDGE: That is entirely inappropriate because it is a reference to a particularly nasty group of paramilitary units in the middle of the twentieth century, which I do not think is a fair comparison to the NSW Police Force. We should not go down that path. I understand that the Shooters, Fishers and Farmers Party has issues with the Firearms Registry. The Greens believe that the Firearms Registry is under-resourced and that it could do with better resourcing, but it does the best job it can with the resources to hand. As to the argument about licenced firearms owners being treated worse than criminals, it is a regular occurrence that people charged with criminal offences are not given access to all the police criminal intelligence. Even in contested criminal matters there is Crown immunity and certain privileges that see this kind of information not provided to people where it can get into the wrong hands.

The Hon. ROBERT BORSAK (22:13): Again The Greens are obfuscating in this matter. We are not talking about anyone being charged; we are talking about the suspension of licence and the process. They do not get charged; they have their licences suspended and in having their licences suspended they lose their livelihoods and their assets. They lose everything. It is simply not right and it is not fair. It is just not decent and it should not be happening. Why can this Parliament and every parliament in Australia not start treating shooters decently and not assume that they are all criminals in waiting? They are not criminals in waiting; they are the best people by definition because of the fact that they have a firearms licence.

It is extremely hard to get a firearms licence and those who have them have had background checks. Also, given the way the Firearms Registry operates these days, it is difficult to keep a firearms licence. I do not accept the assertion by Mr David Shoebridge that somehow it is the under-resourcing of the Firearms Registry that is to blame. This has nothing to do with resourcing of the registry. The Shooters, Fishers and Farmers Party has gone out of its way to support logical, useful and proper resourcing of the Firearms Registry. This is down to law; this is down to the discretion of the commissioner; this is down to the administration of the law by this Government and the Government before it. It needs to change.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 7 on sheet C2017-045B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R	Brown, Mr R (teller)	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Martin, Mr T

NOES

Mitchell, Ms S	Mookhey, Mr D	Moselmane, Mr S
Pearce, Mr G	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendment negatived.

The Hon. ROBERT BORSAK (22:23): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 8 to 11 and 27 on sheet C2017-045B in globo:

No. 8 **Licence revocation**

Page 4, Schedule 1. Insert after line 40:

No. 9 **Licence revocation**

Page 4, Schedule 1. Insert after line 40:

[17] Section 24 Revocation of licence

Insert ", but only if the licensee has been convicted of an offence in respect of the contravention" after "licence" in section 24 (2) (b) (iii).

No. 10 **Licence revocation**

Page 4, Schedule 1. Insert after line 40:

[17] Section 24 Revocation of licence

Insert ", based on evidence provided by the Commissioner to the licensee," after "opinion" in section 24 (2) (c).

No. 11 **Licence revocation**

Page 4, Schedule 1. Insert after line 40:

[17] Section 24 Revocation of licence

Insert ", but only if the Commissioner has provided evidence to the licensee that the reason has been satisfied" after "regulations" in section 24 (2) (d).

No. 27 **Licence revocation**

Page 13, Schedule 2. Insert after line 14:

[2] Clause 19 Revocation of licence—additional reasons

Insert "but the Commissioner must first provide the licensee with a detailed explanation as to why the Commissioner is so satisfied" after "hold the licence". These amendments also seek to inject some fairness into the licence revocation process. In particular, they seek to redress the arbitrary use of the commissioner's powers in respect of the revocation of firearms licences. We are not suggesting for one second that when firearms licence holders have done something wrong that warrants a serious penalty they should not receive it. Rather, when there are accusations against a firearms licence holder who denies them, that firearms licence holder deserves to be treated justly. It ultimately comes down to injecting some procedural fairness into law-abiding firearm ownership.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (22:24): Revoking a licence is a serious step that the commissioner does not take lightly or without due regard to the circumstances of the situation. It is important that the commissioner retains the capacity to consider situations in which a person has been found guilty of an offence but no conviction is recorded, pursuant to section 10 of the Crimes (Sentencing Procedures) Act 1999, in order to assess properly whether an individual continues to be fit and proper. The commissioner has the requisite ability to make those determinations within the current regulatory framework. The Government opposes the amendments.

The Hon. LYNDA VOLTZ (22:25): Along the same lines, the Opposition will also oppose these amendments around licence revocation.

Mr DAVID SHOEBRIDGE (22:25): The Greens oppose the amendments moved by the Shooters, Fishers and Farmers Party. Concerns were raised in relation to suspension of licence or the indefinite nature of it with no review, but this is quite different. This is about the revocation of licence. I will say two things about it. The first is that revocation of licence is dealt with on a civil standard rather than a criminal standard. So requiring

a criminal conviction would raise the requirement to beyond a reasonable doubt rather than on the balance of probabilities. That is not the way civil licensing regimes operate in any other part of the law.

Implicit in what the Shooters, Fishers and Farmers Party is saying is that you would need to have a criminal standard before you could revoke a licence, which is not the way any licensing provision operates in New South Wales or indeed in Australia. We believe the civil standard is the correct standard, and that is one reason we oppose the amendments. The second reason we do not support them is that, unlike suspension—I will not repeat our earlier argument about suspension—the decision on revocation is reviewable before an independent tribunal, the NSW Civil and Administrative Tribunal. The decision is effectively re-done in front of the NSW Civil and Administrative Tribunal, which determines the licence holder. For those two reasons, we do not support the amendments.

The Hon. ROBERT BORSAK (22:27): Mr David Shoebridge is obfuscating again. He said that a licence revocation is reviewable by the NSW Civil and Administrative Tribunal [NCAT], and it is. There are many NCAT decisions on this issue of revocation where it has not supported the commissioner's position and has awarded licences back to the individuals concerned. On occasions too numerous to mention, the commissioner still fails to comply with the NCAT decision. It happens all the time, and no reasons are given. In fact, in some circumstances the commissioner notifies the previous licence holder—the appellant, if you like—that the commissioner will appeal the NCAT decision, and goes back to NCAT to appeal again. There are cases where the commission has lost for a second time but to this day refuses to reissue the licence in compliance with the NCAT decision.

Members should not talk to me about NCAT being a body that can review and to which the commissioner must then conform. The commissioner does not conform to NCAT and does not give reasons for failing to do so. One can be left dangling even though one has done the yards and the homework and been to NCAT. It is supposed to be a cost-free appellant environment, and it is not. Even though one may prevail in that NCAT decision, one does not get one's licence back and no explanation is given. It is a dead-end for the law-abiding citizen who is a shooter. If members need names and examples, they can come to my office at any time and I am happy to provide them.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 8 to 11 and 27 on sheet C2017-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R (teller)	Brown, Mr R	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendments negatived.

The Hon. ROBERT BORSAK (22:36): I move Shooters, Fishers and Farmers Party amendment No. 12 on sheet C2017-045B.

No. 12 **Reasons for not issuing a permit**

Page 5, Schedule 1. Insert after line 16:

[20] Section 29 (3B)

Omit the subsection.

This amendment simply seeks to remove the subjective, arbitrary use of power currently bestowed on the commissioner in respect of issuing a permit to an individual who already owns a firearms licence and has been deemed a fit and proper person.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (22:36): Section 29 (3B) provides the commissioner with the ability to protect criminal intelligence or information contained in criminal records as an important feature of where the firearms regime overlaps with criminal networking. Section 29 (3A) provides:

> A permit must not be issued to a person if the Commissioner is of the opinion, having regard to any criminal intelligence report or other criminal information held in relation to the person, that:
>
> (a) the person is a risk to public safety, and
>
> (b) the issuing of the permit would be contrary to the public interest.

If a person is not issued with a permit because of classified information, this should not be disclosed. It is most often serious organised crime information that it is not appropriate to circulate to the community. Therefore, the Government opposes the amendment.

The Hon. LYNDA VOLTZ (22:37): The Opposition opposes the amendment. Section 29 provides:

> (3) Subject to this Division, a permit must not be issued to a person who:
>
> …
>
> (b) has, within the period of 10 years before the application for the permit was made, been convicted in New South Wales or elsewhere of an offence prescribed by the regulations, whether or not the offence is an offence under New South Wales law…

It is somewhat consistent with spent convictions legislation.

Mr DAVID SHOEBRIDGE (22:38): I understood the Shooters, Fishers and Farmers Party was seeking to remove section 29 (3B) of the Firearms Act, which says that the commissioner is not under this or any other Act or law required to give reasons for not issuing a permit. It says that the commissioner is not required to give reasons for not issuing a permit on the grounds referred to in subsection (3A), which has a narrow remit. Section 29 (3A) states:

> A permit must not be issued to a person if the Commissioner is of the opinion, having regard to any criminal intelligence report or other criminal information held in relation to the person, that:
>
> (a) the person is a risk to public safety, and

—it is cumulative; it is both—

> (b) the issuing of the permit would be contrary to the public interest.

This is in circumstances where the Commissioner of Police has criminal intelligence that makes it clear for reasons of criminality or potential violence that the person should not be issued with a firearm. This is not a question of doubt. There may be cases where the criminal intelligence is questionable but to require the reason to be given would certainly see criminals in New South Wales being given access to police criminal intelligence, which would undoubtedly prejudice public safety.

The Hon. LYNDA VOLTZ (22:40): My colleague Mr David Shoebridge is correct; I was reading section 29 (3) (b). I note that it does in fact require the commissioner not to give reasons for issuing a permit on the grounds referred to in subsection (3A) and, as such, is consistent with the arguments the Opposition has made to prior amendments on this matter.

The Hon. ROBERT BROWN (22:40): In most of these amendments the argument has been used that to support the amendment would potentially harm police intelligence or criminal intelligence. On the other hand, we have to prosecute the case for 237,000 honest people. One could argue that of all the licensed shooters in New South Wales there might be a few scallywags, but generally speaking we are not here to prosecute the case for criminals, organised crime, terrorists or anybody else. We move these amendments on the basis that we believe there are too many instances of honest citizens being disadvantaged. We talked before particularly about those in business having their businesses and lives destroyed. We prosecute these amendments on the basis that it is not an attempt to attack the gathering or the holding of criminal intelligence; it is simply trying to inject some fairness into the process. We see that the current process fails the fairness test.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 12 on sheet C2017-045B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R	Brown, Mr R (teller)	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendment negatived.

Mr DAVID SHOEBRIDGE (22:49): I move The Greens amendment No. 3 on sheet C2017-046B:

No. 3 **Seizing firearms if storage requirements not met**

Page 6, Schedule 1 [29], lines 6–13. Omit all words on those lines.

This amendment seeks to remove item 29 from the bill, which The Greens believe is a significant watering down of safe storage requirements in New South Wales. The Government is proposing, without remit from the amended National Firearms Agreement [NFA]—this is just something the Government has dreamt up—a new provision in section 42. Currently section 42 of the Firearms Act is quite simple. Where there has been unsafe storage, it provides that:

> A police officer must seize any firearm or ammunition that the officer has reasonable grounds to believe is not being kept in accordance with this Part.

If a person is not complying with safe storage, it is a simple, no questions asked process: The ammunition or the firearms that are not being kept in accordance with that storage are seized. Why is that important? Because we need this type of zero tolerance policy to ensure safe storage. If firearms owners are aware that if the police come knocking and there are guns out on the kitchen table or loaded next to the bed, or ammunition is scattered throughout the house and not being safely stored, those items will be seized, no questions asked. That provision under the current law encourages good conduct and safety. It protects not just the firearms owner but all other members of a household and people visiting that household. The Greens believe it is an essential safety measure, but the Government is proposing to water that down and then provide a new subsection to section 42 that says:

> (2) This section does not require the seizure of a firearm or ammunition if the police officer is satisfied that the failure to keep the firearm or ammunition in accordance with this Part has been rectified or will be rectified without delay. A decision not to seize a firearm or ammunition on that basis does not prevent the taking of a prosecution …

It does not matter how serious the breach is or if it is repeated. If the police officers come around and repeatedly find a gun fully loaded on the kitchen table, provided they accept that the firearm will be put away—the "she'll be right" promise—then there is no seizure of the weapon. The Greens do not believe that the "she'll be right" protection is at all adequate for community safety. Safe storage saves lives. Safe storage particularly saves the lives of young men in regional New South Wales. Watering it down will put those lives at risk. That is why The Greens oppose the Government's amendment to section 42 contained in the bill and support The Greens amendment.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (22:53): To start my contribution, the Government supports its amendment in the bill and opposes The Greens amendment No. 2. The current arrangements regarding safe storage do not allow police any options regardless of the nature of the breach nor the action they may take. The amendment contained in the bill allows police to determine the appropriate and proportionate response, having regard to the circumstances. This may include seizure of the firearms and prosecution. The person may also elect to be heard in court following the issuing of a penalty notice, if they prefer. NSW Police Force officers are well aware of the importance of the safe storage regime and the need for vigilance with regard to public safety. The bill strikes the right balance. For those reasons, the Government opposes The Greens amendment.

The Hon. ROBERT BORSAK (22:54): It behoves me to give credit to the Government on this matter, but the issue arises out of long-term representations by the Shooters, Fishers and Farmers Party to the Firearms Registry about proportionality in the seizure of firearms and the issues that Mr Shoebridge raised. This is not about safe storage, although he is trying to pretend it is. It is about making the penalty fit the purported crime. This issue has come about through a long and tortuous process of discussion and consultation with the user groups and the Firearms Registry. The Shooters, Fishers and Farmers Party will not support Mr Shoebridge's amendment but we may think about supporting the Government's amendment to section 42 that is contained in the bill.

The Hon. LYNDA VOLTZ (22:55): The Opposition opposes The Greens amendment but we support the original amendment to section 42 that the Government put forward in the bill. Storage of firearms is complicated; weapons often do not come in one piece. For example, in the Army we would store rifles in one safe and the bolts in another safe. If a bolt was left out, it was a technical breach of standard operating procedures. When looked at in that context, a police officer should be able to make a decision whether a weapon should be seized. The Opposition does not oppose the amendment to section 42 contained in the bill.

Mr DAVID SHOEBRIDGE (22:56): Members of the Shooters, Fishers and Farmers Party, the Government and Labor have talked about proportionality when referring to this section. If it is a minor breach, police can leave the weapons in place; if it is a major breach, police can seize the weapons. That is not what section 42 says. It only specifies whether the breach can be rectified without delay. It could be a gross breach. For example, weapons as well as ammunition could be laid out on the kitchen table, or the weapons could be loaded. That situation could be fixed without delay by putting the weapons back in the safe but it could still constitute a gross safety breach. Children could be playing in the area or the neighbours could have ready access. Labor and the Government are giving cover to the Shooters, Fishers and Farmers Party. Section 42 is not drafted in reference to proportionality. It is about whether the breach can be rectified without delay. The change to section 42 is an insidious attack on safe storage in New South Wales and I am surprised that Labor is jumping in bed with the Shooters, Fishers and Farmers Party on it.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 3 on sheet C2017-046. The question is that the amendment be agreed to.

The Committee divided.

Ayes 6
Noes 29
Majority.....23

AYES

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

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Borsak, Mr R	Brown, Mr R	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Donnelly, Mr G
Farlow, Mr S	Franklin, Mr B (teller)	Graham, Mr J
Green, Mr P	Harwin, Mr D	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
Secord, Mr W	Sharpe, Ms P	Taylor, Ms B

NOES

Veitch, Mr M	Voltz, Ms L

Amendment negatived.

The Hon. ROBERT BORSAK (23:04): I acknowledge the presence in the President's gallery of the member for Orange, Mr Phil Donato,. He is very interested in the issues relating to shooters, fishers and farmers. By leave: I move Shooters, Fishers and Farmers Party amendments Nos 14, 16 and 17 on sheet C2017-045B in globo:

No. 14 **Ammunition**

Page 6, Schedule 1 [32], lines 23 and 24. Omit all words on those lines. Insert instead:

[32] Section 45A Recording of ammunition transactions

Omit the section.

No. 16 **Ammunition**

Page 8, Schedule 1. Insert after line 20:

[49] Section 65 (1A)

Omit the note to the subsection.

No. 17 **Ammunition**

Page 8, Schedule 1 [51], lines 29–32. Omit all words on those lines. Insert instead:

[51] Section 65A Supply of ammunition by firearms dealers—additional requirements

Omit the section.

These amendments seek to remove the draconian and dangerous Firearms Amendment (Ammunition Control) Bill 2012 laws that were introduced by former Premier Barry O'Farrell. The recording of the purchase of the sale of ammunition has done absolutely nothing for public safety and, in fact, has put law-abiding firearm owners at risk by handing criminals a shopping list of firearms owners to target. Since that bill was introduced and enacted we have seen many raids on gun clubs and firearm shops and the robbery of Zions ammunition registers. It is another clear breach of the security that was built into the firearms Act in 1996. When the Government enacted the 2012 bill and its related regulations it gave scant regard to the security requirements of the holders of licences, and even less regard to the owners of, primarily, firearms shops and their staff. This must be repealed.

Mr DAVID SHOEBRIDGE (23:07): I move The Greens amendment No. 4 on sheet C2017-046B:

No. 4 **Recording ammunition transactions**

Page 6, Schedule 1 [32], lines 23 and 24. Omit all words on those lines.

The Greens oppose the Shooters, Fishers and Farmers Party amendments which seek to strip the ammunition recording provisions from the Firearms Act. We have had this debate before when legislation was introduced in this House under Premier Barry O'Farrell. I have made my submissions in relation to ammunition in my contribution to the second reading speech so I will not repeat it in full but I refer members to my comments in that speech. In summary, ammunition controls and the recording of ammunition sales are essential if we are going to get anything like real-time information for the police when we are dealing with serious concerns about criminal activity in New South Wales and tracking down where guns are. The best way to get live information about where guns are is to follow where the ammunition is going because ammunition expires and needs to be regularly replaced and extended, unlike firearms.

The Hon. Dr Peter Phelps: That's nonsense.

Mr DAVID SHOEBRIDGE: You can argue the toss later if you want. Secondly the argument about security relates to the near-conspiracy argument that is run by the Shooters that if we record where guns are kept, in a vault in the firearms registry or wherever, that information will get into the hands of criminals. The Greens do not believe that is a fair assessment of the way in which the regime operates in New South Wales. However, when the ammunition reforms passed through the Parliament the Government promised there would be an electronic, encrypted online service available to firearms dealers. The Greens believe the preferable outcome is to move away from registers in individual firearms dealers to an entirely online, encrypted system for the data. This would be quicker, more secure, more thorough and more timely. We think it is wrong to reduce the data being

included in the ammunition laws because addressed data is essential so that police can at least identify where the ammunition went in the first place. I repeat: We should be getting to that online, encrypted data system as a matter of priority.

The Hon. ROBERT BROWN (23:10): I support my colleague's amendments. Some of the amendments the Government has put forward in this bill go some way towards increasing the security of firearms owners, but they do not go far enough. The Firearms Amendment (Ammunition Control) Act was a mistake. We argued that it was a mistake and, despite any assertions otherwise, it has proven to be a mistake from a security point of view. I challenge the Minister, Commissioner of Police or any forensic expert in this State to prove to me that the Firearms Amendment (Ammunition Control) Act has assisted them in the arrest of a criminal using a firearm. I went through a detailed explanation before as to how that is just a myth on night-time television.

Mr David Shoebridge: You did that at the second reading.

The Hon. ROBERT BROWN: Yes, and I am not about to do it again. That is why I support my colleague's amendments which state, "Let us deal with this once and for all. Let us get rid of the damn thing; it is useless."

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (23:12): The amendment that the Government put forward in this bill strikes the right balance. We will therefore be opposing the Shooters, Fishers and Farmers Party and The Greens amendments. I will start with the Shooters, Fishers and Farmers Party amendment. Prior to the commencement of the Firearms Amendment (Ammunition Control) Act 2012, firearms dealers were not required to record transactions in relation to ammunition. At that time the Firearms Act 1996 contained legislative obligations to record transactions involving firearms and firearms parts but it did not obligate dealers to keep records in relation to sales involving ammunition.

The bill removes one of the record-keeping obligations created by the aforementioned 2012 reforms—that is, to record the address of the licence holder purchasing ammunition. This requirement has been removed because it poses a safety risk to both the licence holder and the community at large. The current register has the capacity to provide a shopping list for criminals should it fall into the wrong hands. This change has the support of the NSW Police Force. Police are aware of a situation in which a break and enter has resulted in the theft of an ammunition register. It should also be noted that the Firearms Registry already has the addresses of all firearms licence holders, and pursuant to section 45A of the Firearms Act 1996 firearms dealers would still be required to obtain detailed records regarding ammunition sales, including an individual's name, firearms licence number and details of their registered firearms.

In addition, clause 36 of the Firearms Regulation 2006 requires firearms dealers to record the quantity of ammunition, the name of the manufacturer or the brand of the ammunition and a full description of the calibre of the ammunition. These amendments inappropriately remove the remaining record-keeping obligations involving the sale of ammunition without adequate justification. Therefore the Government cannot support the Shooters, Fishers and Farmers Party amendments Nos 14, 16 and 17.

In relation to The Greens amendment No. 4, I have indicated what the Government bill will do. The Firearms and Weapons Legislation Amendment Bill removes one of the record-keeping obligations created by the aforementioned Act of 2012—that is, to record the address of the licence holder purchasing ammunition. As I mentioned in my contribution in relation to the Shooters, Fishers and Farmers Party amendments, there is the potential for police records to become a shopping list for criminals. The Greens amendment also follows concerns raised by the NSW Privacy Commissioner, who recommended that the NSW Police Force review the provisions. The Privacy Commissioner stated in her February 2015 report, under section 61B of the Privacy and Personal Information Protection Act 1998 that:

> I am mindful, however, of the possibility of unintended consequences to the safety of individuals and the community. I am concerned to ensure that the arrangements for the collection, security and storage, access to, and use and disposal of personal information relating to the purchase of ammunition or registration of firearm ownership address any privacy risks including those that may lead to safety risks for individuals and the community. Accordingly, I raised with the NSW Police Commissioner the feedback received to ensure that the Firearms Register and implementation of provisions relating to the sale of ammunition reflect the information protection principles [IPP] in so far as is possible without adversely affecting law enforcement.

As already noted, the NSW Police Force has considered this issue and supports the Government's amendments. It should also be noted that the Firearms Registry already has the addresses of all firearms licence holders. I believe all the other issues have been adequately covered in my contribution in relation to the amendments of the Shooters, Fishers and Farmers Party. Therefore the Government opposes the amendments of both the Shooters, Fishers and Farmers Party and The Greens.

The Hon. LYNDA VOLTZ (23:17): As the Minister has stated, the bill was drafted in consultation with the NSW Police Force, which obviously believes the ammunition provision within the legislation is a requirement. The Opposition would be loath to oppose legislation that is endorsed by the NSW Police Force. I believe the amendments the Government has put in place to capture the address of the person providing ammunition gets around the privacy issues concerning the security of information regarding firearms and ammunition. Therefore the Opposition opposes the amendment of The Greens. We believe it is important that the addresses are not held by firearms suppliers because the Firearms Registry already holds that information.

The Hon. ROBERT BORSAK (23:18): I will address a couple of issues raised by Mr David Shoebridge. He said that ammunition would expire and therefore there is a need to record where new ammunition is being purchased so the expired ammunition can be traced. I have never heard such a laughable proposition in my life. I am still shooting ammunition that was loaded before World War I, in the Boer War, through an 1896 Mauser. Mr David Shoebridge suggested that somehow old ammunition gets lost, expires or dies and anyone wanting to use a firearm has to buy new ammunition. That assumes that for some reason each item of ammunition is individually stamped and therefore known, so it can be traced from the manufacturer, through the purchaser to wherever it happens to go after that. That is absolute, total and complete nonsense. The simple fact is if you want to know where ammunition is and who has it, why not just simply look at the list of licensed firearms owners? I bet they will have some ammunition. I bet they are the ones who have purchased the ammunition. If you think you will trace ammunition that is legally acquired to people who find themselves in possession of ammunition that is illegally acquired, the current system does not do that. The current system does not go within a bull's roar of doing that.

Pistol licensing requirements for the purchase of pistol ammunition under this regime is much stricter based on the protests made by the National Party. I am sure the Hon. Rick Colless remembers the nonsense in 2012 that everyone was going to be stuck with: We would all have to produce our registration papers for every firearm we owned and when we went to the gun shop to buy ammunition we had to produce them and we would then be rationed in whatever we wanted to buy, it would be recorded and all that sort of nonsense. That was done away with, thank goodness. There is still recording; that is still required for pistol ammunition. People have to prove that they want a 9mm pistol or they want a 357 or a 35 or whatever ammunition there happens to be.

Mr David Shoebridge: They are the guns criminals use.

The Hon. ROBERT BORSAK: I acknowledge the interjection. Criminals do use that ammunition, but how do you trace that ammunition back to the legal purchaser, as Mr David Shoebridge asserts? It cannot be done, and he knows it. As for purchased ammunition, it does not matter whether it is PMC, Federal or Winchester. You have only one chance of tracing any of that ammunition—and the Hon. Robert Brown spoke about this during the second reading debate. Provided you have the pistol that the projectile was fired from, perhaps there will be an indentation on the primer. That is the only way you are going to do it. All factory-manufactured ammunition looks the same; it all is the same. Recording whether you buy one round or 10,000 rounds a year is of absolutely no relevance because you cannot trace where that ammunition has gone once it has been purchased. It is simply impossible.

Mr David Shoebridge asserts, "Hang on a second, we will go and talk to the people who bought thousands of rounds of ammunition." Do members know how many rounds of ammunition a pistol shooter purchases each year? They are required to complete at least six compulsory events every year. How much ammunition do they need to participate in those programs? Law-abiding shooters purchase literally thousands of rounds of ammunition every year—in the sorts of calibres that criminals use. They are recorded in the registers and I defy any police officer to trace anything to anybody based on the volume of ammunition they use. It is an impossibility; it cannot be done.

This is an exercise in control—nothing more, nothing less. Where is the police intelligence in relation to this? It is nowhere. This is being done because it is item 9 on the National Firearms Agreement of 1996, which New South Wales did not comply with to the letter. Now we comply with that particular requirement to the letter, and to what benefit? There is none; none whatsoever. It does not matter whether you digitise the data, it does not matter whether you make the data secure—it is garbage in, garbage out. That is exactly what this is all about. This is a wasted exercise and a wasted process; it does not need to be done.

Our amendment seeks to set that process right. If anyone in government thinks there will come a day when they will be rationing out ammunition—"Here is one round for you and here is another round for you, and, by the way, here is one for you and you have got a number on it and you will have to account for it"—I remind them that that does not even happen in Zimbabwe. It does not happen in any country where totalitarianism rules, yet for some reason or other Australia has all the answers. John Howard came up with all the answers in 1996. We will count every round that everybody gets, we will use that as criminal intelligence and it will tell us where

the Lebanese or Middle Eastern crime gangs get their ammunition. That is rubbish and all members know it, especially The Greens.

The Hon. Dr PETER PHELPS (23:24): As a Government member who expressed scepticism about the original bill, I am pleased to see that this refinement has come in through a Government amendment. I strongly oppose The Greens amendment. I have concerns about the Shooters, Fishers and Farmers amendment, but I also have some sympathy with it, not least regarding the requirement to collect names. If your name is John Smith and your name goes on a roll in the office of a firearms dealer and it is subsequently stolen and taken to the local library, when the person attempts to search the electoral roll to find out where you live it will be quite difficult to find you. But what if your name is Peter Phelps or Robert Borsak—maybe not Robert Brown? The problem remains for people with unusual surnames.

Your name could be Despotovski, which is not a common surname. A criminal could break into the premises of a firearms dealer in Queanbeyan and grab the register of ammunition that records the calibre of weapons for which the ammunition is being bought. They could notice a particular firearm calibre that they believe would be useful—for example, the .40 Smith & Wesson cartridge is the typical ammunition for a Glock handgun—and work out pretty clearly from the electoral roll, which is freely available at any library or indeed online, that Mr Despotovski is from 12 Smith Street, Queanbeyan. I strongly agree with those who have said that there needs to be a secure online service if this is to be maintained. The basic principle remains.

In relation to the expired ammunition, I reiterate that when I was captain of Sydney University Rifle Club in the late 1980s we explicitly sought out L1A1 ammunition, which was produced in Australia in the 1970s. Why? It was because it was literally the best 7.62 millimetre ammunition you could buy, even better in terms of target rifle accuracy standards than the stuff produced in the mid-1980s. We actively sought out ammunition that at that stage was around 25 or more years old. So the idea that you have to go in because your ammunition expires is a load of nonsense. If the Government has success with this, it should be more open in advocating and highlighting the successes of the ammunition recording program.

Part of the problem shooters face is that they were told the Government would do certain things. If the Government has done those things, we should be shouting them from the rooftops—not necessarily giving away operational information but certainly saying that, in the case where we prosecuted Joe Bloggs for underworld activity, the information we obtained through this process was vital, or at least significant, in helping us to achieve a conviction. If we do not sell that message, people will come to believe it is not the case. If the Government has instances where the recording of ammunition purchases has been useful in the prosecution of criminal cases, we should make it better known to individual shooters, shooting organisations, the Shooters, Fishers and Farmers Party and anyone else who has an interest in the matter. If it has happened and been successful, let us know; otherwise it simply appears to be yet another example of red tape for law-abiding firearms owners that has no material effect upon the people we are trying to stop from having access to firearms and ammunition.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 14 on sheet C2017-045B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R (teller)	Brown, Mr R (teller)	Green, Mr P

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P

NOES

Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendment negatived.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 4 on sheet C2017-046B. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR: The Hon Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 16 and 17 on sheet C2017-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R	Brown, Mr R (teller)	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendments negatived.

Mr DAVID SHOEBRIDGE (23:40): I move The Greens amendment No. 5 on sheet 2017-046B:

No. 5 **Acquisition of imitation firearms**

Page 7, Schedule 1 [37], lines 1–9. Omit all words on those lines.

I foreshadowed this amendment in the second reading debate. It is about the watering down of the controls on imitation firearms. Effectively, the Government is saying that once somebody has a licence to acquire a substantive firearm, not an imitation firearm, that person then does not need a permit to obtain imitation firearms of the same category. The Greens believe with respect to public safety, particularly in circumstances where we know imitation firearms are being used in hold-ups and criminal activities in New South Wales, that there is no case for watering down the controls on imitation firearms. If someone is in a 7-Eleven, a bank or a convenience store and a criminal approaches with an imitation Glock, that person cannot tell the difference from the other side of the barrel. It is deeply frightening and deeply dangerous and we cannot see a reason for watering down of controls on imitation firearms. That is why we move the amendment,

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (23:42): Under the bill, the existing controls on possession and use of imitation firearms remain. Currently, a permit to acquire [PTA] is required for a person to purchase any firearm, including an imitation firearm from a dealer. A PTA acts as the commissioner's approval to purchase a registrable firearm and facilitates the auditing and tracking of registered firearms. Imitation firearms are considered to be firearms for the purpose of the Act but are treated in a slightly different way. Imitation firearms are exempt from

being registered. Rather, the commissioner may issue a permit, not a licence, authorising the possession and use of an imitation firearm. The issuing of a PTA therefore does not serve any practical purpose in this circumstance. It does not in any way contribute to community safety but, rather, imposes unnecessary regulatory burdens. All necessary controls of imitation firearms remain unaffected by the bill's amendment. The Government therefore opposes The Greens amendment.

The Hon. LYNDA VOLTZ (23:43): I reiterate that police have been consulted on all parts of this legislation and do not see any problem with section 51, which, as the Minister noted, makes no difference to the requirements. It is bureaucratic procedure. It is interesting that The Greens, who were not keen to have licence holders pick up their licences from Service NSW because of bureaucratic measures now seek to introduce this measure.

The Hon. ROBERT BORSAK (23:44): It is interesting to hear The Greens talk about how dangerous imitation firearms are. As the Minister said, they are issued under permit as a matter of course. They are not registered. They do not have numbers, so it would be difficult to register them. They have a special purpose for people that have permits to use them. To suggest that it will compromise safety by removing the requirement for a permit to acquire [PTA] a firearm for a firearm that is not a firearm other than by definition in the Act is patently ridiculous, and therefore must come from The Greens.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 5 on sheet C2017-046B. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. ROBERT BORSAK (23:45): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 15 and 49 on sheet C2017-045B, in globo:

No. 15 **10 round magazines**

Page 7, Schedule 1. Insert after line 25:

[43] Section 51E (2)

Insert at the end of section 51E:

(2) This section does not apply to a magazine that has a capacity of more than 10 rounds but that is prevented from being loaded with more than 10 rounds by a robust mechanical obstruction (such as crimping) that is not easily removed.

No. 49 **10 round magazines**

Page 22, Schedule 3. Insert after line 14:

[7] Schedule 1 Prohibited weapons

Insert ", not including a magazine that has a capacity of more than 10 rounds but that is prevented from being loaded with more than 10 rounds by a robust mechanical obstruction (such as crimping) that is not easily removed" after "10 rounds" in clause 4 (4) (f).

These two amendments seek to bring New South Wales into line with other States to allow standard legal factory-crimped magazines to be safely used and not be classified as a prohibited weapon. This is an anomaly that has existed for years. I have explained the issue to the Government ad nauseam. It was explained to former Premier Baird ad nauseam. I was told this was a relatively simple matter to fix and it would be fixed. But it was not fixed. No-one is seeking to do anything that is underhanded. The amendment seeks to fix an anomaly in the law to allow pistol shooters to legally own and possess factory-crimped magazines for pistols. Presently, they can potentially be prosecuted because they possess magazines that were crimped in the manufacturing process to make them useful in more than one firearm.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (23:46): I understand that under current law the possession of a magazine that has a capacity of more than 10 rounds but is crimped to hold 10 rounds or less is an offence in New South Wales. The NSW Police Force advises me a combined application of section 51E of the Firearms Act 1996 and section 4 (2) of the Weapons Prohibition Act 1998 renders unlawful the possession of magazines which have a capacity of more than 10 rounds and are crimped to hold only 10 rounds or less. The New South Wales Government is aware of concerns raised by a number of shooters about the law in New South Wales. The context of concern is often an individual's participation in sporting events that require such a magazine. In this circumstance, a shooter can apply to the Commissioner of Police for a permit to possess the magazine for the purpose of participating in the sporting event. The Government is not convinced of the merits of this amendment at this time and, therefore, does not support the Shooters, Fishers and Farmers Party amendments.

The Hon. LYNDA VOLTZ (23:48): I note the comments of the Minister regarding the right of the commissioner to grant a person holding a category H licence permission to hold a prohibited item, such as the magazine. Therefore, the Opposition will not support the amendments. There would be public concern about allowing magazines with a capability of more than 10 rounds with crimping, even though it is not easy to remove that criteria. Given that a shooter can make an application to the Commissioner of Police, Labor will support the legislation as presented by the Government.

Mr DAVID SHOEBRIDGE (23:48): The Greens do not support the Shooters, Fishers and Farmers Party proposal to effectively allow larger magazines although with a crimp to hold them at 10. It is not easy to remove crimps, but they can be removed. That is a very real safety concern. I think the Shooters are trying to undermine the hard and fast rule on maximum magazine capacity, with a long-term view to getting rid of the maximum. That is the reality of where we are going. Allowing magazines with a capacity of greater than 10 is a significant community safety concern. The Greens do not support it in any way, shape or form.

The Hon. Dr PETER PHELPS (23:49): I am somewhat surprised that the Government is not supporting this amendment because it does not seek to increase magazine capacity. By its very definition, crimping reduces magazine capacity. For example, a weapon with a magazine capacity of 14 rounds in its normal manufactured state could be crimped to reduce its capacity so that it becomes physically impossible to put in more than 10 rounds—in other words, the legal maximum for certain magazines in relation to either detachable magazines under the Weapons Prohibition Act or integrated magazines under the Firearms Act.

The idea that we are doing something bizarre or unusual here is completely wrong. Crimping is accepted in every jurisdiction in which there are magazine capacity limits—for instance, Canada, certain States in America, and Great Britain. Indeed, every jurisdiction with magazine limits accepts crimping for the simple reason that some firearms are manufactured with set magazine sizes that do not meet the particular local law requirements. Crimping makes magazine fit the requirements of local laws. I hear what Mr David Shoebridge says in relation to potential reversion of magazines. The simple fact is that crimping is done in such a way someone who tried to change it would effectively destroy the magazine. A magazine with no bottom, no spring and no plate cannot feed rounds into the chamber.

Another point is that someone with the gunsmithing capacity to take off the rather fragile metal which normally encases magazines—particularly detachable magazines—and remove the crimping could make their own magazine of any capacity or size. If a person has the intention to do something illegal and the gunsmithing or even basic metalworking skills to do it, it can still happen. This amendment simply allows for the aesthetic use of magazines that are above capacity to make them legally and physically smaller. This is a good amendment. I am surprised the Government is not supporting it. I encourage the Minister, when he is reading the transcript of this very enlivening debate, to give consideration to making a change along these lines.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 15 and 49 on sheet C2017-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 3
Noes 31
Majority.....28

AYES

Borsak, Mr R (teller)	Brown, Mr R (teller)	Green, Mr P

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Donnelly, Mr G	Farlow, Mr S	Faruqi, Dr M
Field, Mr J	Franklin, Mr B (teller)	Graham, Mr J
Harwin, Mr D	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
Pearson, Mr M	Phelps, Dr P	Primrose, Mr P
Secord, Mr W	Sharpe, Ms P	Shoebridge, Mr D
Taylor, Ms B	Veitch, Mr M	Voltz, Ms L

NOES

Walker, Ms D

Amendments negatived.

The CHAIR: I note that at approximately 11.15 p.m., Mr Shoebridge distributed an amendment, which, according to the date stamp, was received at 10.29 p.m. I saw Mr Shoebridge handing it to some people at 11.15 p.m.; I am not quite sure whether all members have received it. If they received it at 11.15, and noting that it will probably not be dealt with for another hour, I will allow the amendment to be moved. I draw the attention of all members to the fact that in October 2015, as a result of a previous Greens amendment, a memorandum was issued that indicated that members who distribute amendments after the commencement of the Committee of the Whole risk the amendment not being accepted. But because of the time involved tonight, I will allow the amendment to be moved.

The Hon. LYNDA VOLTZ (00:01): I seek clarification. I obviously have to seek advice in regard to amendments.

The CHAIR: Indeed you do. I notice that the shadow spokesperson is present now, and has been here for much of the night, as is the Minister. That is one of the reasons I will allow the amendment to be moved.

Mr DAVID SHOEBRIDGE (00:02): I move The Greens amendment No. 6 on sheet C2017-046B:

No. 6 **Prohibition on increasing capacity of firearm magazines**

Page 8, Schedule 1. Insert after line 11:

[46] Section 62A

Insert after section 62:

62A Increasing capacity of firearm magazines

A person must not, unless authorised to do so by a permit, alter a magazine for any firearm so as to increase the capacity of the magazine.

Maximum penalty: 50 penalty units.

This amendment covers a gap in the New South Wales Firearms Act. Currently, under the Firearms Act there is no penalty provision for a person who alters a magazine of any firearm so as to increase the capacity of the magazine. We heard, in the contribution of the former Government whip, about how somebody with basic metalworking skills can remove a crimp or create their own magazine. Anybody who has been following the discussions about the Adler would know that one of the real concerns is that the distinction between the Adler which has a magazine capacity of five, and the Adler which has a magazine capacity of seven is simply the difference in one tubular extension on that firearm. There are real concerns that there is already a series of YouTube videos about how to extend and increase the capacity of a magazine—how to do it in the backyard.

It is not technically difficult to extend the capacity of a magazine. One of the key safety requirements under the Firearms Act is clear for the maximum size of magazines, that is, no greater than 10 in any circumstance and for most categories five or less. The best way to send a very clear message that it is inappropriate is to make it unlawful. At the moment nothing in the Firearms Act makes that unlawful. The Greens cannot understand why the Firearms Act does not already make it unlawful to increase the capacity of a magazine, which is why we have moved this amendment to insert a new section 62A which provides that a person must not, unless authorised to do so by a permit, alter a magazine for any firearm so as to increase the capacity of the magazine. We have set the appropriate penalty of 50 penalty units which we think is commensurate with other provisions of a similar nature in the Firearms Act. We commend the amendment to the Committee.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (00:05): In New South Wales it is illegal to manufacture, convert or repair any firearm or firearm part unless a person is an authorised firearms dealer and even then only to a firearm to which the existing licence applies. This means a magazine cannot be modified unless a person holds an appropriate licence to suit the modification, that is, they already have a licence and/or permit for a higher capacity magazine, and it is undertaken by an authorised dealer. A person may not modify their own firearm, or firearm part, to make it into a different category firearm from that detailed on their licence. If the magazine is detachable it is also regulated under the Weapons Prohibition Act. There are sufficient controls on converting firearms and parts, therefore, the Government opposes The Greens amendment.

The Hon. LYNDA VOLTZ (00:06): Section 50A (5) of the Act notes that the manufacture of a firearm includes assembling a firearm from firearm parts, as well as the firearm parts. I can understand why Mr David Shoebridge is confused because the Hon. Dr Peter Phelps explained at length how to manufacture magazines, which perhaps was not helpful. But these weapons and the magazines in particular are covered by the Act. The Opposition will be supporting the Government.

The Hon. Dr PETER PHELPS (00:07): I too oppose The Greens amendment. I should point out that the manufacture of an illegal magazine is covered if it is detachable under the Weapons Prohibition Act and, if it is non-detachable, under the Firearms Act. Any suggestion that I gave any encouragement or indeed any detailed plans as to how to manufacture a magazine is completely wrong because I do not have the metalworking skills to give plans as to how to manufacture a magazine.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 6 on sheet C2017-046B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 5
Noes 29
Majority.....24

AYES

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

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Borsak, Mr R	Brown, Mr R	Clarke, Mr D
Colless, Mr R	Donnelly, Mr G	Farlow, Mr S
Franklin, Mr B (teller)	Graham, Mr J	Green, Mr P
Harwin, Mr D	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
Pearson, Mr M	Phelps, Dr P	Primrose, Mr P
Secord, Mr W	Sharpe, Ms P	Taylor, Ms B
Veitch, Mr M	Voltz, Ms L	

Amendment negatived.

The Hon. ROBERT BORSAK (00:16): I move Shooters, Fishers and Farmers Party amendment No. 18 on sheet C2017-045B:

No. 18 **Firearms Ombudsman**

Page 8, Schedule 1. Insert after line 40:

[55] Part 6A

Insert after Part 6:

Part 6A Firearms Ombudsman

72A Appointment of Firearms Ombudsman

(1) The Governor may, on the recommendation of the Attorney General, appoint a Firearms Ombudsman.

(2) The office of Firearms Ombudsman is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office.

(3) The Firearms Ombudsman holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

(4) The Firearms Ombudsman is entitled to be paid remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*. That Act is taken to be amended by including the office of Firearms Ombudsman in Part 1 of Schedule 2 to that Act.

(5) The office of Firearms Ombudsman becomes vacant if the holder:

(a) dies, or

(b) completes a term of office and is not re-appointed, or (c)resigns the office by instrument in writing addressed to the Governor, or

(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

(e) becomes a mentally incapacitated person, or

(f) is convicted in New South Wales of an offence that is punishable by imprisonment or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or

(g) is removed from office under subsection (6).

(6) The Governor may, on the recommendation of the Minister, remove the Firearms Ombudsman from office, but only for incompetence, incapacity or misbehaviour.

(7) If the office of Firearms Ombudsman becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

72B Functions of Firearms Ombudsman

(1) The Firearms Ombudsman may:

(a) receive and investigate complaints that relate to the exercise of any of the Commissioner's functions under this Act or the *Weapons Prohibition Act 1998*, and

(b) review any decision made by the Commissioner under this Act or the *Weapons Prohibition Act 1998*, being a decision in respect of which a person may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*.

(2) In reviewing any such decision made by the Commissioner, the Firearms Ombudsman may exercise all of the functions that are conferred or imposed on the Commissioner by or under this Act or the *Weapons Prohibition Act 1998*.

(3) The Firearms Ombudsman may, after reviewing the Commissioner's decision, do any one or more of the following:

(a) affirm or vary the decision,

(b) set aside the Commissioner's decision and make a decision in substitution for the Commissioner's decision,

(c) set aside the decision and remit the matter for reconsideration by the Commissioner in accordance with any directions or recommendations of the Firearms Ombudsman.

72C Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Firearms Ombudsman to exercise his or her functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Firearms Ombudsman makes use of) may be referred to as officers or employees, or members of staff, of the Firearms Ombudsman. Section 47A of the *Constitution Act 1902* precludes the Firearms Ombudsman from employing staff.

This amendment seeks to establish a firearms ombudsman. A firearms ombudsman in New South Wales would go a long way towards fixing the current system, which is not working as it should. The ongoing abuse of power and lack of due process of the NSW Firearms Registry has to be stopped. Often firearms owners and licensed dealers with unblemished records, in some cases over 40 years, are being targeted by police and the registry as criminals. The Firearms Registry is also not complying with the New South Wales Government's model litigant policy. This means, amongst other things, that the State and its agencies have an obligation to act honestly and

fairly without taking advantage of a person who lacks the resources to fight decisions by the Firearms Registry in court.

It takes substantial financial resources to pursue a review of a Firearms Registry decision through the NSW Civil and Administrative Tribunal [NCAT], which can leave an ordinary firearms owner financially and emotionally crippled. The Firearms Registry, on the other hand, has virtually unlimited financial resources of the State at its disposal, and retains the services of commercial lawyers to represent the commissioner and NCAT. This is simply wrong and unfair. The creation of the position of a firearms ombudsman would do a lot to level the playing field and bring some natural justice into the process of dealing with firearms owners to avoid subsequent litigation and persecution.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (00:18): The Government acknowledges that it is important that those subject to the decisions of the Firearms Registry have a quick and inexpensive mechanism for both appeals and complaints. It is also important that any system for complaints and the review of decisions is as simple as possible. That is why the Government created the NSW Civil and Administrative Tribunal [NCAT], which combined 22 tribunals and other bodies into one. If we need to look at better aligning the processes of the Firearms Registry and NCAT, we are happy to do so. In the interests of simplification, we commissioned Mr Andrew Tink, AM, to review police oversight. In response to the Tink report, the Government will soon commence the Law Enforcement Conduct Commission [LECC]. The LECC will oversight the NSW Police Force and the NSW Crime Commission, and will be responsible for detecting and investigating serious misconduct and oversighting complaints handling.

The Firearms Registry will be subject to the oversight of the LECC. The LECC will replace the Police Integrity Commission [PIC], the Police Division of the Ombudsman Office and the Inspector of the Crime Commission. The LECC will be accountable to an inspector, who will replace the inspector of the PIC. Given the reforms to NSW Civil and Administrative Tribunal and police oversight, we do not support the creation of a firearms ombudsman. However, the Government acknowledges that checks and balances are crucial to proper decision-making and will work with stakeholders in order to improve systems where appropriate. For those reasons the Government opposes the Shooters, Fishers and Farmers Party amendment.

The Hon. LYNDA VOLTZ (00:20): The Opposition supports the amendment moved by the Shooters, Fishers and Farmers Party. We feel that a firearms ombudsman goes a long way to resolving the issues that have been raised previously in Shooters, Fishers and Farmers Party amendments regarding the rights of shooters and protections. With the extraordinary powers that this Parliament often gives to our police forces on behalf of the people of New South Wales, also comes oversight. As the Minister noted, there is the Police Integrity Commission, the Independent Commission Against Corruption and a raft of other oversight bodies, so it would not, in the Opposition's view, be extraordinary to allow an ombudsman to oversee the use of police powers in regard to the firearms Act.

Mr DAVID SHOEBRIDGE (00:24): Probably the single-most important recommendation that came out of the first committee hearing into Operation Prospect—and I think members may recall the first one—was that we have a single, well-resourced oversight body for New South Wales police. We should get rid of the multiplicity of oversight bodies and have just one, so people know exactly where to go if they have complaints or concerns in relation to New South Wales police. We no longer have some of it going off to the Police Integrity Commission, some of it going off to the Ombudsman and other little bits trickling off here and there; people have one place to go.

That is what led eventually to the Law Enforcement Conduct Commission [LECC] legislation passing this House. We have yet to see it implemented—I only wish the Government was holding its breath waiting for the LECC. We want to see the LECC implemented. Having just one place to go is a major reform. The amendment proposed by the Shooters, Fishers and Farmers Party is directly contrary to that. It wants one part of the police, the Firearms Registry, to have multiple oversight bodies. Where does the new Ombudsman start? Where does the LECC go? None of that is explained in this amendment. We will go back to the bad old days—the current situation—of having multiple oversight bodies for the New South Wales police: One place for guns and one place for everyone else, or maybe two places for guns and one place for everyone else. It is a mess.

Worse still, the amendment seeks to allow the Ombudsman to second-guess the Commissioner of Police on key things like public safety and on the basis of criminal intelligence. What checks and balances are proposed in relation to the Ombudsman accessing police criminal intelligence? Nothing in this amendment will protect police criminal intelligence if it has been passed to the Ombudsman. Has the Labor Opposition seriously thought this through? Is it proposing to give criminal intelligence to this new ombudsman? It is not clear from the amendment how the New South Wales police commissioner can give criminal intelligence to the Firearms

Ombudsman, and if police do give criminal intelligence to the Firearms Ombudsman there is no statutory protection built in.

This is really the Labor Opposition playing footsies with the Shooters, Fishers and Farmers Party without thinking through the very serious community safety concerns that this amendment would create. It undermines the whole concept of having a single oversight body for the police and it creates real risks for community safety by potentially exposing criminal intelligence to the very people we want to prevent it from going to. It is a dangerous amendment that The Greens do not support.

The Hon. WALT SECORD (00:24): I support the Shooters, Fishers and Farmers Party amendment, my colleague the Hon. Lynda Voltz and the creation of a Firearms Ombudsman. This is about creating a more level playing field in response to issues raised by the Shooters, Fishers and Farmers Party. I am familiar with appearing before the NSW Civil and Administrative Tribunal [NCAT] against the resources of Government. We once took then Premier Barry O'Farrell to NCAT over 88 boxes that he wanted to keep out of the public arena. When a member of the public resists or challenges a Government decision, it is a case of David versus Goliath. So a Firearms Ombudsman is a small step towards redressing this imbalance. A staff member and I once appeared against a Crown Solicitor in a matter at NCAT. The Greens have overstated the matter. I support the amendment.

The Hon. ROBERT BROWN (00:25:3): I support the Shooters, Fishers and Farmers Party amendment. Key to it is the statement made by the Hon. Walt Secord when he referred to trying to find balance in this situation. As members of Parliament, we are familiar with arguments about oversight. We have these arguments all the time and understand what they are about. The Shooters, Fishers and Farmers Party supported the idea of a single oversight committee for police and so on. For the average person in the street who has little to do with bureaucracy, other than for things like licences, it is bewildering to consider going to some sort of supreme body to try to find justice. The concept behind and the value of the word "ombudsman" is that it appears to instil a fair degree of confidence in average consumers. There is a Telecommunications Industry Ombudsman, a banking ombudsman and so forth. Why do we have those sorts of—

Mr Jeremy Buckingham: They've really helped!

The Hon. ROBERT BROWN: Yes, but the point is that ordinary citizens—not the smartypants folk in here—probably think it is a lot easier to approach an ombudsman than it is to go either to the NSW Civil and Administrative Tribunal or to some super oversight power. Our amendments are moved in this Parliament on behalf of hundreds of thousands of fairly ordinary citizens—yes, there are lawyers, doctors, plumbers and labourers who own firearms licences—the vast majority of whom, generally speaking, are scared of big government and big government bureaucracies. The term "ombudsman" probably comes as close as one can get to giving them an idea of a level playing field. It is not just about the application of fairness; it is about the perception of the voters and citizens of the State that they will get fairness and equity. I support the amendment.

The Hon. ROBERT BORSAK (00:28:0): I have heard numerous arguments in this debate from our esteemed friends in The Greens saying that firearms legislation is special, criminal intelligence is special and that firearms owners need to be treated separately and in a special way and need to be persecuted properly so that they can be singled out for special treatment. But when we, as the Shooters, Fishers and Farmers, bring to this place a perfectly reasonable proposal for a form of tribunal where ordinary people, as my colleague the Hon. Robert Brown said, can put their case, all we hear are reasons that firearms owners are not special, that they should not receive special treatment and that they should not get a level playing field and there is a weird voodoo campaign about criminal intelligence being revealed.

I repeat: We are not dealing with criminals. We are dealing with law-abiding citizens who have issues around their firearms licence, their permits, their ownership of firearms, the operation of their shops and businesses and even their paintball fields. We are talking about a group of people who at times regarded as extra special and can be persecuted at the discretion of the commissioner based on the Government's laws. But when it comes to being dealt with fairly they are said to be not special at all. They can be lumped in with all the other mongrel rubbish we saw coming out of the Operation Prospect inquiries and the LECC can deal with it.

We supported the umbrella organisation—which of course still has not been set up—but that organisation should be dealing with the minutiae of individual applications for a licence and from time to time whether a licence is issued. It is just too small and granular for that. We need a firearms ombudsman that will deal properly and fairly with matters, quietly hear the issues and get on with it, and has nothing to do with anything else. It is absolute nonsense to suggest that criminal intelligence will be leaked to these "criminals". They are simply law-abiding citizens who are trying to get a fair hearing.

The Hon. LYNDA VOLTZ (00:30): The Opposition received these amendments this morning. It does not make these decisions in isolation. We contacted the Police Association and others to see what they thought

about a firearms ombudsman. They thought it was a good idea. When industries are regulated, quite often they are overseen by an ombudsman. The telecommunications industry is regulated and an ombudsman oversees that industry. The firearms industry is being regulated and it is seeking to have an ombudsman. I believe there is a confection here between an industry that is being regulated, which is both an industry and a recreational sport, and the role of the police. I do not know if that is an appropriate way forward. Given the nature of the industry and the sport involved, and given the numerous concerns that have been raised, a firearms ombudsman would seem to be a sensible suggestion.

Mr DAVID SHOEBRIDGE (00:32): Simply calling somebody an ombudsman does not mean that they have been given ombudsman's powers. This is a review body and that is what subsections 72B (2) and (3) make very clear. This is not someone just oversighting the industry, and checking administrative decisions and reviewing it at an administrative level; this is a direct review body. If a person does not like what the commissioner said on the revocation of a licence or a suspension of a licence—and often the commissioner is doing that based upon criminal intelligence—to simply say that nobody who has a firearms licence or wants to get a firearms licence is ever a criminal is just nonsense. Yet that is the position of the Shooters, Fishers and Farmers Party. Their argument is that no-one who has a firearms licence could ever be a criminal.

The commissioner knows from experience and the New South Wales police know from experience that someone can have a firearms licence and then get involved in criminal activity. That is when they should have their licence and their guns removed. Under this model, if that criminal then challenges that decision before the ombudsman, what does the commissioner do? The commissioner cannot give the criminal intelligence to the ombudsman because there is nothing that protects it, and therefore the ombudsman will be making a decision upon the information given by the person challenging the decision. There is no way that the police or the community can have that important criminal intelligence protected.

The Opposition is saying they received the amendments at short notice and that the Police Association has signed off on the legislation. I doubt the Police Association has had a proper look at this legislation. The association is signing off on a process that will see criminal intelligence handed over to criminals and will not able to be used. Therefore, it will allow criminals to have their licence reinstated by this mock ombudsman who is actually second-guessing the commissioner.

The Hon. ROBERT BORSAK (00:34): We are again listening to a diatribe. The Shooters, Fishers and Farmers Party today had a discussion with representatives of the Police Association, who expressed support for this amendment. They understand the reality of what we and the Labor Party are suggesting. The example that Mr Shoebridge gave is nonsense. There is more than one way to skin a cat, and the member knows that. As I have said before, we need an appeal body that can deal with these issues fairly, cheaply and easily. The NSW Civil and Administrative Tribunal [NCAT] is not the answer; it has not worked and it never will. The commissioner takes no notice of NCAT decisions, and simply does what he wants because he knows he has the big stick. He has taxpayer-funded lawyers who turn up and belittle whatever is said, and repeatedly lodge appeals. The situation is never fair.

Criminals get better treatment in our legal system than someone lodging an appeal under the Firearms Act, and Mr Shoebridge knows that. Those appealing have no chance whatsoever. As soon as they get out of step, they are gone. No matter how much they appeal, no matter what they try to do, they will not prevail because the commissioner or his delegate will decide. Their decision is final and they will not provide any explanation, nor are they required to. They hide behind the cloak of criminal intelligence. It is a lack of intelligence that often gets us into these positions, and that is what has happened tonight.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 18 on sheet C2017-045B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 12
Noes 22
Majority.....10

AYES

Borsak, Mr R	Brown, Mr R	Donnelly, Mr G (teller)
Graham, Mr J	Green, Mr P	Mookhey, Mr D
Moselmane, Mr S (teller)	Primrose, Mr P	Secord, Mr W
Sharpe, Ms P	Veitch, Mr M	Voltz, Ms L

NOES

Amato, Mr L	Blair, Mr N	Buckingham, Mr J
Clarke, Mr D	Colless, Mr R	Cusack, Ms C
Farlow, Mr S	Faruqi, Dr M	Field, Mr J
Franklin, Mr B (teller)	Harwin, Mr D	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Martin, Mr T
Mitchell, Ms S	Pearce, Mr G	Pearson, Mr M
Phelps, Dr P	Shoebridge, Mr D	Taylor, Ms B
Walker, Ms D		

PAIRS

Houssos, Ms C	Ajaka, Mr J
Searle, Mr A	Gay, Mr D
Wong, Mr E	Mason-Cox, Mr M

Amendment negatived.

The Hon. ROBERT BORSAK (00:43): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 19 and 47 on sheet C2017-45B, in globo:

No. 19 **Delegation**

Page 9, Schedule 1. Insert after line 33:

[58] Section 81 Delegation

Insert after section 81 (3):

(4) A function is not to be delegated or subdelegated to a person under this section unless the person has the requisite level of training, knowledge and technical expertise for the competent exercise of the function.

No. 47 **Delegations**

Page 22, Schedule 3. Insert after line 14:

[7] Section 41 Delegation

Insert after section 41 (3):

(4) A function is not to be delegated or subdelegated to a person under this section unless the person has the requisite level of training, knowledge and technical expertise for the competent exercise of the function.

These two amendments seek to ensure that when the commissioner delegates or sub-delegates his powers to another person, that person has the requisite level of training, knowledge, technical expertise and competency to exercise that function. Over many years shooters have experienced a situation where a person within the registry delegated to perform a particular task will provide a different answer to the same question asked of another delegate the week prior. For example, there are adjudications in relation to ranges where a range manual has been created by people who know nothing about range management or creation. It is then administered by people with no technical knowledge skill or experience, and it has no effect in law.

There are varying levels of expertise—if there is any expertise at all—in relation to adjudicating and decision-making. The Shooters, Fishers and Farmers Party asks that the Government require that persons with the requisite qualifications and technical expertise be put in place to deal on a day-to-day basis with law-abiding firearms owners, owners of firearms shops and people who have paintball as part of their business arrangements. This is a commonsense reform that should be in practice, but in reality it does not happen. In many cases, it is the blind leading the dumb and at times the really quite stupid.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (00:46): The Commissioner of Police may delegate to a relevant person certain functions of the commissioner as prescribed by section 81 of the Firearms Act 1996 and section 41 of the Weapons Prohibition Act 1998. The Government believes the commissioner has the requisite ability to determine who has the appropriate training, knowledge and technical expertise before he delegates these functions. Having

met and spent time with the new Commissioner of Police, I believe he has the requisite ability. The Government opposes the Shooters, Fishers and Farmers Party amendments.

The Hon. LYNDA VOLTZ (00:47): The Labor Party opposes the Shooters, Fishers and Farmers Party amendments. The section for "authorised person" under "delegated authority" outlines police officers, members of the police force, public servants or any other person prescribed by regulation. I understand that there are no persons prescribed by regulation. We do not know all the circumstances in which the Commissioner of Police will delegate. To place limitations on his delegation authority would not be appropriate at this point.

Mr DAVID SHOEBRIDGE (00:47): It is fair to say that a function should not be delegated or sub-delegated to a person unless the person has the requisite level of training, knowledge and technical expertise for the competent exercise of the function. To that extent, I agree with the Shooters, Fishers and Farmers Party. In almost every statute where there is a delegation power, it is just described as a "delegation power". The officer, whether a Minister, a chief executive officer, the head of an agency or the police commissioner, is presumed to be exercising that delegation power at law with competence and intelligence and on the basis of informed decision-making. If we amend each delegation power, 30 per cent of the statutes in New South Wales will have to be rewritten. The Greens disagree with many NSW Police Force operational procedures, but we do not believe the commissioner delegates matters in a cavalier fashion. The Greens do not join with the fringe Right in its criticism of the firearms registry. The Greens do not believe these amendments are necessary.

The Hon. ROBERT BROWN (00:49): My colleague the Hon. Robert Borsak moved this amendment because what Mr David Shoebridge just said is exactly what has happened over the past 10 or 15 years. In my view, the people who are responsible for managing the range management section of the Firearms Registry, without naming names, are incompetent. I know how they do their work, I see the results, and it is substandard. We have been complaining to the Minister about that work being substandard—not necessarily to the Commissioner of Police because we do not have access to him—both in writing and orally for years.

I agree with Mr David Shoebridge that all delegators should be delegating within the general description of how and to whom they should delegate in terms of the person's skills. It has not happened in this particular case and that is why the Shooters, Fishers and Farmers Party has moved this amendment. It is not only in one section; it is in a couple of sections. The consumers of the firearms licensing system do not get competent or consistent decisions made and they do not get decisions made with any degree of science. All over the world those who administer shooting ranges now do so using computer models that perform risk analysis and probability analysis. They develop their designs based on that. For live firing exercises even militaries worldwide use the same sort of capabilities. Those capabilities are available in this country in the Australian Defence Force.

We have suggested to the police Minister's representatives and to the Firearms Registry on numerous occasions that they get it off the shelf for free from the Australian Government or another government. They can then train their people to use it or, if their people are not capable, they can hire a couple of mathematics graduates who can use this sort of technology. Instead, some guy rocks up at a range with his hands in his pockets, makes his determinations on the back of a piece of paper and says, "I can see daylight. I'm going to close your range." I will not get into the detail but in some circumstances it goes well beyond that into what I would call an abuse of power. Getting back to the essence of the amendment, we need quality in the delegation. We also need the commissioner to listen to what we are saying and try to provide quality in the Firearms Registry.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 19 and 47 on sheet C2017-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R (teller)	Brown, Mr R	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)

NOES

Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendments negatived.

The Hon. ROBERT BORSAK (01:00): I move Shooters, Fishers and Farmers Party amendment No. 22 on sheet C2017-045B:

No. 22 **Prohibited firearms—firearm appearance**

Page 9, Schedule 1. Insert after line 37:

[59] Schedule 1, item [7]

Omit the item.

The most ridiculous firearms laws are appearance laws: certain firearms that appear too much like another firearm are outlawed. Even worse, sometimes they are outlawed because of their colour. The notion that if it is a black firearm it is more dangerous is completely ridiculous. It is like saying to Roads and Maritime Services that it should restrict the use of red coloured cars with spoilers because they appear as if they would go too fast. These laws are some of the most draconian, bizarre restrictions on law-abiding firearms owners. Just because a firearm looks like another firearm should be no reason whatsoever to outlaw that firearm.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (01:01): Effective firearms regulation involves ensuring that criminals do not have access to real firearms and things that appear to be firearms, and can therefore be used to threaten, harass and intimidate victims. This is a key component of defining a prohibited firearm, as one would include those firearms which are the most threatening if they closely resemble a militaristic firearm or machine gun. These also require a higher level of oversight. Imitation firearms also fall into these two categories—those that are imitation for legitimate purposes, such as theatrical productions, and those that may be used in crime to intimidate. As those used in crime are defined by their appearance as seen by a victim, this is the appropriate measure. Adequate provision is made in the legislation for permits for legitimate use. The Government therefore opposes the Shooters, Fishers and Farmers Party amendment.

The Hon. LYNDA VOLTZ (01:02): The Labor Party also opposes the amendment for the obvious reason that firearms that look substantially like pump-action shot guns or submachine guns would represent a significant risk if they were used by criminals or other people who may wish to create a sense of fear in the community.

Mr DAVID SHOEBRIDGE (01:03): The Greens oppose this amendment proposed by the Shooters, Fishers and Farmers Party. Just for a moment think about a circumstance like the Lindt Cafe siege. If the gunman in that case had had what looked like a Kalashnikov, an M16 or a submachine gun, the police outside would not have been able to tell if it was an imitation or the real thing. The response formulated by them would be on the basis that the guns were the real thing. Until the point when they were fired, those guns would have all the effect of the most lethal classes of weapons. That is exactly what our firearms laws are designed to avoid—people having the power of this extraordinarily lethal weaponry and being able to intimidate, frighten and, potentially, escalate a police response. There is a good reason these provisions are in the Firearms Act. These laws are in the Firearms Act and in the *National Firearms Agreement [NFA]* for a very good reason and that is because allowing imitation Kalashnikovs or M16s to circulate freely in New South Wales would be a serious risk. Even to allow a .22 calibre gun that is dressed up to look like an M16 is probably more dangerous. I have seen them for sale. I think Queensland allows that to happen and it is a dangerous precedent that should not be set in New South Wales.

The Hon. ROBERT BROWN (01:04): Again the Shooters, Fishers and Farmers Party has moved a sensible amendment. This amendment is designed to take the poo out of the milkshake. The Hon. Dr Peter Phelps was correct in his speech in the second reading debate. Government members talk about how good this law is and about what it is intended to do. For example, members may not be familiar with Olympic sports, particularly target rifling shooting, air rifle 10 metre shooting, what used to be called small bore shooting and free-position shooting.

Even the Commonwealth Games competitions were full bore-type shooting. Most of those rifles now have a tubular metal fore end on them because it cools the barrel evenly.

All of them have what I call pistol grips on their stocks because it is much more comfortable and has been customised for rake and yaw and many other adjustments. They have adjustable length stocks on them to suit different sized shooters and different shooting positions. They have adjustable cheek pieces on them that go up and down so that the shooter has a good weld, as it is called, to their cheek. They are done for a specific purpose. In fact, probably a lot of the military designs were stolen from the target rifle because it is logical that a target rifle shooter have a tubular fore end on their firearm, which might look a bit space-age but I guarantee—

The CHAIR: Order! This is very interesting, but how does it relate to the amendment?

The Hon. ROBERT BROWN: It is very late and I will get to the point. The amendment seeks to undo an over-reaching part of the legislation that has negative effects.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 22 on sheet C2017-045B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R	Brown, Mr R (teller)	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendment negatived.

The Hon. ROBERT BORSAK (01:15): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 23 and 48 on sheet C2017-045B in globo:

No. 23 **Silencers**

Page 9, Schedule 1. Insert after line 37:

[59] Schedule 1, item [10]

Omit the item.

No. 48 **Silencers**

Page 22, Schedule 3. Insert after line 14:

[7] Schedule 1 Prohibited weapons

Omit clause 4 (3).

These amendments seek to remove firearms suppressors, often referred to as silencers or sound moderators, from the list of prohibited weapons. Silencers reduce the incidence of hearing damage and assist farmers and hunters with feral animal control. They would also reduce the noise complaints from neighbours who live close to shooting ranges, so people could enjoy shooting as a sport for longer hours. Silencers do not pose a danger to the public. Unlike in the silly images from James Bond 007 films, they do not render a firearm completely silent, but only

serve to moderate the noise that firearms produce. We want to see these suppressors become more readily accessible for law-abiding firearms owners, much as we see them used on a day-to-day basis in New Zealand, the United Kingdom [UK] and other parts of the European Union, where in many areas they are compulsory.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (01:16): New South Wales has a strict legislative and regulatory framework governing the use of firearms and prohibited weapons including the use of silencers, also known as moderators or suppressors. Stakeholders have for some time advocated the use of silencers on ranges to protect hearing or to reduce environmental noise pollution and during hunting so as not to scare off game. A silencer does not completely eliminate the sound of a gunshot, but may suppress or moderate it. It is only effective with certain ammunition, and not at all effective with some ammunition. Currently, the use and possession of silencers is regulated by the Weapons Prohibition Act 1998, and a prohibited weapons permit is required for its possession and use.

Once a silencer is attached to a firearm, the firearm becomes a prohibited firearm and is therefore regulated under the Firearms Act 1996, which requires a prohibited firearms permit for its possession and use. One of the genuine reasons a person may apply for a permit includes recreational or sporting purposes. The NSW Police Force does not support any lessening of the regulation of silencers. However, the force is giving effect to a recent NSW Civil and Administrative Tribunal decision and amending internal processes to clarify application processes and permit conditions without diminishing public safety. On the advice of the NSW Police Force and according to the information I have provided, the Government opposes these amendments of the Shooters, Fishers and Farmers Party.

The Hon. LYNDA VOLTZ (01:18): The Opposition likewise opposes these amendments regarding silencers. We note that shooters can make an application for special consideration of a permit for muffling or silencing devices. Quite frankly, if I were to face a shooter, I would like to know exactly where they are and where they are coming from.

Mr DAVID SHOEBRIDGE (01:19): The Hon. Lynda Voltz has basically summarised the arguments of The Greens about silencers and noise suppressors. If someone is shooting in your vicinity, you want to know. The least painful way of knowing is by actually hearing the shot. The idea that there would be some grand advantage and that people could shoot closer to residential properties if the guns were not making such a loud noise is a frightening prospect.

The Hon. ROBERT BORSAK (01:19): Again, I comment on the flippant remarks made by Mr David Shoebridge. Why people should have access to suppressors is no laughing matter. It has nothing whatsoever to do with knowing where someone is shooting from or the amount of noise coming from the end of a gun barrel somehow informing you that you might be shot. The reality is that if you are going to be shot, you will never hear the noise. I have used suppressed firearms in New Zealand and the United Kingdom over the years. They are not silent but they protect your hearing and allow you, if you are hunting animals, to more easily get a second and if necessary a third shot at the animal you are trying to kill. It is better, more efficient and more humane.

These are silly arguments about wanting to hear where the shots are being fired from. I have heard Mr David Shoebridge say in the past when he has whinged about hunting in State forests that if people in State forests hear where the shots are coming from, somehow or other they will be able to stay away from them. What an absolute load of crap. The reality is that people do not hear the shooting because the majority of the time they are nowhere near the vicinity of the shots. The first and most important thing that properly trained and licensed recreational shooters deal with is identifying their target. That is why in New South Wales since 1996—and it hardly ever happened before that—there has not been a situation where a bystander has been shot accidentally. It just does not happen. The issue of sound is a complete fiction, and members know it is.

Mr DAVID SHOEBRIDGE (01:22): The Shooters, Fishers and Farmers cannot have their venison and eat it too. If they argue the benefit of having a noise suppressor or silencer when hunting animals is that if you miss with your first shot you do not scare them and you will get them with your second or third shot, what is the difference between animals and people in those circumstances? They cannot have one argument for animals and another for people.

The Hon. ROBERT BORSAK (01:22): Honestly, talk about misrepresentation and obfuscation! Who talked about missing? I said that if you hit the animal the first time and you want to kill a number of pigs you can shoot the second, the third or the fourth. That is the reality of what I said. It makes no difference whatsoever. That is the reason you have silencers—because you can be more efficient in controlling feral animals, for example. Do not try to compare it to human beings; do not talk in terms of, "If I can hear this distant shooting, somehow or other I'll be safe." What a load of rubbish.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The Hon. Robert Borsak has moved amendments Nos 23 and 48 on sheet C2017-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R (teller)	Brown, Mr R (teller)	Green, Mr P

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendments negatived.

The Hon. ROBERT BORSAK (01:31): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 24 and 26 on sheet C2017-045B in globo:

No. 24 **Paintball**

Page 9, Schedule 1. Insert after line 37:

[59] Schedule 1, item [13]

Omit item [13] (c).

No. 26 **Paintball**

Page 13, Schedule 2. Insert after line 14:

[2] Clause 4 Things declared not to be firearms

Insert after clause 4 (k):

(l) a paintball gun.

These are two of the most interesting amendments moved tonight. It is beyond my comprehension how paintball markers and the paintball industry can somehow be construed to be a danger to the public, a threat to society and all those other epithets that The Greens like to throw around in this place. Perhaps it is people covered in paint running around a paintball field with paintball markers and shooting at one another that worries the hell out of them. Then again, it is probably about control. While they have control of people they can do whatever they like, and that is really what this is all about.

Paintball has been caught up in the 1996 gun law reforms regulation process. Everybody I speak to, whether they be in government, in opposition, in the Firearms Registry or in the industry itself, agrees that this is wrong. In the past five years, one Premier, four Ministers, and a fifth just the other day, have said they agree with the Shooters, Fishers and Farmers Party on this issue. Yes, it is going to Cabinet; yes, it will be done. It does not make any sense to waste police and Firearms Registry resources regulating an industry that is simply a game—it is a business like any other.

Somehow or other the Government cannot bring itself to cross the line and to move paintball businesses, paintball players and their terribly dangerous paintball markers—to use The Greens expression—out of the Firearms Registry. The registry does not require players to have permission to acquire a paintball marker. How terrible. This whole process is stupid, and I do not know how many times I have said that. I also do not know how

many times people have agreed with me that it should be done. However, yet again it does not appear in the bill for some reason or another. The Government has promised it on numerous occasions in the past four or five years, but it simply does not appear. Obviously there is something devious going on in the paintball industry that should not be allowed. If it is so vicious, dangerous and such a threat to public safety maybe we should also look at regulating the issuing of a permit to acquire [PTA] for someone who wants to get a computer game because in many cases that is a hell of a lot worse than what happens on the paintball field.

The Hon. Dr Peter Phelps: Ban Nerf guns.

The Hon. ROBERT BORSAK: I acknowledge that interjection. I think Nerf guns are a real problem, especially when painted black; they are a real threat to society. This is just plain stupid. The amendments seek to remove paintball markers, with which no-one could commit a crime. They do not even look like firearms in the way that they are made or structured. The police have made sure that is the case and, of course, they shoot paintballs not bullets. They should be completely removed from the Firearms Act. At least there is one small concession: people who buy paintballs do not have to register them and have them written in the ammunition register—not yet anyway—at least if the yellow ones are used; people might have to do it with the red ones.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (01:35): The Government acknowledges the concerns raised by the Shooters, Fishers and Farmers Party about whether the Firearms Registry is best suited to the task of regulating the activity of paintball, which of course is a sport that does not involve weapons firing live bullets. There is a further concern that the classification of paintball markers as firearms will result in the availability of disproportionate penalties under the Firearms Act because it does not recognise the inherent and obvious differences between a firearm that fires bullets and a paintball marker. The Government recognises those are legitimate and reasonable concerns. However, it is important that an alternative and appropriate regulatory scheme is available for the paintball industry. The Government is currently considering how best this is achieved. As these amendments simply remove the governance of paintball markers from the Firearms Act and regulation while providing no alternative regulatory regime, the Government cannot support the amendments and as a result opposes them.

The Hon. WALT SECORD (01:36): As Deputy Leader of the Opposition I speak on behalf of Labor on the Shooters, Fishers and Farmers Party amendments Nos 24 and 26 relating to paintball and paintball guns. Labor will support the amendments. It is difficult to see the case to treat paintball and its related apparatus as firearms under the legislation. They are not similar to guns or ammunition. They discharge paint not bullets. They are markers not guns. Currently clause 58 of the Firearms Regulation 2006 requires a firearm gun permit and schedule 1 13 (c) to the Firearms Act 1996 defines a firearm as a prohibited firearm—a firearm capable of discharging by any means any article known as a "paint-ball". It was introduced into the legislative process in 1996. This legislation should not apply to paintball. Paintball is a game, an extreme sport, but there are fewer injuries in paintball than in tennis.

It is estimated that there are 45 injuries for every 100,000 participants a year so there are very few injuries involved with paintball. It is an opportunity for young people and not so young people to exercise. The aspect of the legislation pertaining to paintball is a bridge too far and that is why we support the amendments. Paintball is highly regulated and it has a roof body—the Australasian Paintball Association—bringing in tough rules for its members. Currently New South Wales participants are required to provide photo identification to play paintball. The minimum age limit in New South Wales is 16. For the record, I do not support reducing the age. In December 2010 there was a move to reduce the age from 16 to 12, but that was resisted by the then Minister for Police, Michael Daley, and the then Premier, Kristina Keneally. I have to declare an interest because I was the chief of staff at the time and we resisted moves to drop the age. I do think the age limit is appropriately set. If these amendments are successful—and it seems they will not be—the Parliament should look at reviewing it in 12 months. For the aforementioned reasons, I support the amendments.

Mr DAVID SHOEBRIDGE (01:39): The Greens do not support the amendments, primarily because there would be no regulation of paintball at all.

The Hon. Lynda Voltz: Why do you need to regulate it?

Mr DAVID SHOEBRIDGE: I acknowledge the interjection by the Hon. Lynda Voltz. The legitimate reason form, which is currently required by the Firearms Registry for a paintball game permit, explains why. It requires evidence of appropriate approvals for the game field and details about the public safety measures that have been taken.

The Hon. Walt Secord: They can do it in a development application.

Mr DAVID SHOEBRIDGE: I acknowledge that interjection.

The CHAIR: This debate has progressed well until this point. I ask the Hon. Walt Secord to cease interjecting.

Mr DAVID SHOEBRIDGE: It would be entirely inappropriate to pass all of the regulatory burden onto local government, which it appears the Opposition wishes to do. It is another burden on local government without being given any additional funding to deal with it. "Suck it up", is the Labor Opposition's approach to this issue. There is currently a successful safety regime in place that is operated by the NSW Police and, on the Opposition's own case, it has been operated in a way that has greatly limited the number of injuries. I am speaking in particular of eye injuries from paintball and the safe storage requirements for paintball guns. The present regime is producing good public safety outcomes. The Opposition approach will remove any kind of regulation.

The Hon. Walt Secord: That is not what we say.

Mr DAVID SHOEBRIDGE: That is exactly what the Opposition says.

The Hon. Niall Blair: Point of order: The debate has gone well to this point. We are at the Committee stage, which means that members can seek numerous calls to contribute to the debate. That is why we are moving through the process efficiently. This is not a second reading debate; members can provide further contributions. I ask the Chair to direct members to cease interjecting.

The CHAIR: I uphold the point of order. I ask members to listen in silence. If they continue to interject they will be called to order.

Mr DAVID SHOEBRIDGE: The Shooters, Fishers and Farmers Party amendments remove all regulation in relation to paintball. This is another hope and prayer exercise by the Shooters, Fishers and Farmers Party and the Labor Opposition. They have not thought through the effects of the amendments. It is a matter of hope and pray. Maybe the industry will self-regulate; maybe it will provide the appropriate safety measures and maybe it will not. These devices fire projectiles at a significant velocity. There must be a safety regime in place. There is a current working safety regime in place and removing it would be downright dangerous.

The Hon. ROBERT BROWN (01:43): First, the industry presently self-regulates. That is the reason there is such a low number of injuries. The owners want people to return to paintball gaming. Secondly, a paintball marker fires a soft plastic globule of splatterball paint at velocity, but the velocity of the projectile is nowhere near that of a golf ball and it does not go as far. Do we require the Government to regulate the game of golf? No. Golf courses operate under development applications with local government. This industry does not need heavy-handed regulation, although I acknowledge the points made by the Minister that the Government is considering it. As the Hon. Robert Borsak said, the trouble is the Government has been considering it for five or six years, to the best of my knowledge.

Mr JEREMY BUCKINGHAM (01:44): I have had a go at paintball and I found it quite a compelling game. I got shot in the mouth, members will be interested to know. It was terrible. But I am very glad that that the compressed air or CO2 paintball marker—

The Hon. Dr Peter Phelps: Did you offset the CO2?

Mr JEREMY BUCKINGHAM: We planted trees for weeks afterwards. I was glad it was not a ball bearing or a frozen paintball. In this State, slingshots with ball bearings are banned. They travel at 90 metres per second—a similar velocity to that of paintball markers.

The Hon. Penny Sharpe: There are no slingshot ranges.

Mr JEREMY BUCKINGHAM: For the exact same reason, there are no slingshot ranges; that is exactly right. It is not possible to fire a paintball with a slingshot because they will burst. My point is that these markers are easily modified. I googled them and the internet is full of people saying they have modified these weapons to fire ball bearings and frozen paintballs. It does not happen often but the fact that it happens means there is cause for these items to be properly regulated. Paintball markers are comparable to slingshots, and slingshots are illegal. With a slingshot, it is very easy to walk up to someone, take aim and ping them. Hitting a golf ball is a lot harder. I support Mr David Shoebridge in his position.

The Hon. WALT SECORD (01:47): I want to respond to Mr David Shoebridge. He has misrepresented Labor's position. Labor supports a strong and tough regime and it supports the minimum age limit of 16 years.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 24 and 26 on sheet C2017-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 13

Noes 21
Majority.....8

AYES

Borsak, Mr R	Brown, Mr R	Donnelly, Mr G (teller)
Graham, Mr J	Green, Mr P	Mookhey, Mr D
Moselmane, Mr S (teller)	Pearson, Mr M	Primrose, Mr P
Secord, Mr W	Sharpe, Ms P	Veitch, Mr M
Voltz, Ms L		

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Farlow, Mr S	Faruqi, Dr M
Field, Mr J	Franklin, Mr B (teller)	Harwin, Mr D
MacDonald, Mr S	Maclaren-Jones, Ms N (teller)	Mallard, Mr S
Martin, Mr T	Mitchell, Ms S	Phelps, Dr P
Shoebridge, Mr D	Taylor, Ms B	Walker, Ms D

PAIRS

Houssos, Ms C	Gay, Mr D
Searle, Mr A	Mason-Cox, Mr M
Wong, Mr E	Pearce, Mr G

Amendments negatived.

The CHAIR: Earlier tonight the Hon. Robert Borsak moved a number of amendments relating to lever action shotguns in globo. This included amendment No. 25, which omitted a number of words from schedule 1. I failed to recognise that The Greens amendment No. 7 should have been moved at the same time because it also omitted the same words as the Shooters, Fishers and Farmers Party amendment but then sought to insert new words. The Committee has rejected the Shooters, Fishers and Farmers Party amendment to omit the words and so to put the Greens amendment now would be putting the question again, which we cannot do. In the circumstances it seems appropriate to invite Mr Shoebridge—if he believes he has had insufficient opportunity to speak to the issue covered by his amendment—to make a statement in support of what would have been his amendment, although the question cannot be put. Does Mr Shoebridge wish to address the matters dealt with in The Greens amendment No. 7?

Mr DAVID SHOEBRIDGE (01:56): Yes. I was not advised of the conflict at the time but I accept that these things happen when there is a large number of amendments. The Greens amendment No. 7 seeks to recast the transitional arrangements that the Government is proposing in relation to lever action shotguns. Effectively, the Government's amendments to the Firearms Act grandfather the ownership of Adler lever action shotguns.

The Hon. Dr Peter Phelps: Not just Adlers. It's all of them.

Mr DAVID SHOEBRIDGE: I note the interjection. The Government's provisions grandfather the ownership of any lever action shotgun. The Government says that lever action shotguns with a magazine capacity of five or fewer are being recategorised as category B and those with a capacity greater than five are being recategorised as category D. Any owner of a lever action shotgun with a magazine capacity of five or fewer that acquired it under the category A licence can keep it under that licence. It is directly contrary to the provisions of the National Firearms Agreement [NFA]. The Greens say that the provisions of the NFA that these weapon have to be held by a category B licenced owner are very weak, but this Government is ignoring even those weak provisions in the transitional arrangements.

This Government is allowing people to have multi-shot lever action shotguns on a category A licence. I think there is something in the order 120 or 130 of them, but The Greens can see no reason why people should be getting multi-shot lever action shotguns on a category A licence. It is contrary to the NFA and to the other

changes proposed in the bill. Similar provisions exist in relation to category D weapons. As I recall, the transitional provisions proposed by the Government allow people who have a category C licence, and are in possession of a multi lever action shotgun with a magazine capacity greater than five, to keep them without having to get a category D licence. These grandfathering provisions are directly contrary to the NFA. We say that they prejudice public safety and that is why The Greens proposed amendment No. 7.

The CHAIR: I invite the Hon. Robert Borsak to move Shooters, Fishers and Farmers Party amendment No. 28. We do not need to take that debate any further because of the earlier vote.

The Hon. ROBERT BORSAK (01:59): I move Shooters, Fishers and Farmers Party amendment No. 28 on sheet C2017-045B:

No. 28 **Recreational hunting**

Page 13, Schedule 2. Insert after line 19:

[3] Clause 28 Recreational hunting/vermin control—persons who are not members of approved hunting clubs

Omit "48 hours" from clause 28 (4) (b).

Insert instead "7 days".

This amendment seeks to extend the time for evidence of permission to hunt of persons who are not members of an approved hunting club from two days to seven days, which is in line with the time period to notify the registry of a change of address.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (02:00): The requirement to provide evidence of permission to shoot on rural land within 48 hours when hunting under a recreational hunting licence, when asked to do so, is a reasonable balance of giving a licence holder sufficient time to locate the permission which they are expected to have obtained prior to entering the land for hunting and to be carrying, and preventing an illegal hunter from absconding or falsifying the permission. Law-abiding licence holders carry their permission and produce it when asked without issue. If hunters are far from home it is more imperative that they remember the responsibilities that accompany their firearm possession and use. Providing for such a substantial increase in the relevant time limit undermines this responsibility and increases the risk that an illegal hunter will abscond or falsify the permission. Therefore, the Government opposes Shooters, Fishers and Farmers Party amendment No. 28.

The Hon. LYNDA VOLTZ (02:01): The Opposition considers seven days excessive in this amendment. If it had been closer to a period of, say, 72 hours to take into consideration that they may have been in remote areas over weekends, that would allow them time to get back and present evidence to the police station by the morning. In lieu of any amendment that specifies 72 hours, the Opposition will not support removing the 48 hour requirement that is currently in the clause.

Mr DAVID SHOEBRIDGE (02:02): The Greens do not support Shooters, Fishers and Farmers Party amendment No. 28 largely for the reasons identified by the Minister for Primary Industries.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 28 on sheet C2017-045B. The question is that the amendment be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R	Brown, Mr R (teller)	Green, Mr P (teller)

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Martin, Mr T

NOES

Mitchell, Ms S	Mookhey, Mr D	Moselmane, Mr S
Pearce, Mr G	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendment negatived.

Mr DAVID SHOEBRIDGE (02:10): I move The Greens amendment No. 8 on sheet C2017-046B:

No. 8 **Powerheads**

Page 14, Schedule 2 [12], lines 18–37. Omit all words on those lines. Insert instead:

[12] Clause 63 Permit for powerheads

Omit the clause.

The Firearms and Weapons Legislation Amendment Bill seeks for the first time to expressly permit the use of ugly little devices called "powerheads". What is a powerhead, one might ask. It is not a super-sour lolly—a powerhead is effectively a .303 cartridge at the end of a stick that can be taken under water and pushed against the body of a shark or any marine creature to deliver an explosive charge the equivalent of a .303 cartridge.

The Hon. Robert Brown: Or a 12 gauge shotgun.

Mr DAVID SHOEBRIDGE: I note the interjection. A .303 cartridge or a 12 gauge shotgun cartridge tend to be the two explosive devices, from what I can tell, that are used on powerheads. In the bill before us, powerheads are permitted to be used in the course of an occupation. As we understand it, the Government is currently thinking about underwater welders using powerheads to defend themselves from sharks. Of course, the bill does not limit their use to underwater welders or even mention underwater welders; it talks about the use of powerheads in the course of an occupation. There is nothing in the legislation that would suggest that permits for the use of powerheads would not be issued for abalone divers or other classes of occupations.

The Greens say a couple of things about powerheads. First, we wonder how the Government envisages underwater welders will use a powerhead, because to us it seems to be a mystery. Welders would have to put down the welding apparatus, pull out the powerhead, turn around and defend themselves in an effective way from a shark attack. This proposed scenario is more *Marvel* comic than reality and it will not work in reality. Secondly, we see legislating for the use of powerheads as the thin end of the wedge in getting these devices into the marine environment. There is a strong likelihood that powerheads would inflict awful wounds on marine animals but not immediately kill them. There is a strong concern that powerheads would be misused. There is a strong concern that powerheads would then become regular features of underwater occupations such as those in the abalone industry, and we have safety concerns about their use. The Greens do not support the issuing of permits for powerheads and we do not support the use of powerheads in the marine environment in New South Wales.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (02:13): Clause 55 of the Fisheries Management (General) Regulation 2010 prohibits a person from taking any fish in any waters by means of a spear gun that is fitted with an explosive device. Clause 63 of the Firearms Regulation 2006 provides that a permit under this clause authorises the holder of the permit to possess and use a powerhead, but only for the purposes of underwater spearfishing. The two regulations are inconsistent, and the legal advice found that an amendment would be necessary to resolve the inconsistency. Essentially the legal advice is that clause 63 of the Firearms Regulation was repealed by clause 55 (2) of the Fisheries Management (General) Regulation. Permits would not be affected by the implied repeal if they were issued before 1 September 2010 but are invalid if issued since that date. The Department of Primary Industries has agreed that, for fairness, transitional provisions could preserve permits already issued under clause 63 of the Firearms Regulation and section 28 (g) of the Firearms Act since 2010.

In February 2016 when these discussions occurred, there were approximately 19 of these permits. The NSW Police Force and Fisheries NSW also agreed that the amendment should still enable such a device to be used for the limited purpose of protection from sharks while engaged in a business activity. The bill's amendment will address the inconsistency mentioned before and also provide for permits already issued under clause 63 of the Firearms Regulation and section 28 (g) of the Firearms Act. This will allow such a device to be used for the limited purpose of protection from a shark in certain professional and employment related circumstances. Fisheries accepts that the use of such a device is required in circumstances such as that where a person's work, such as underwater welding, puts them in danger.

The provision under the Firearms Regulation recognises that the existing prohibition on the use of explosive devices including powerheads in conjunction with a spear gun or similar to take fish under clause 55 of the Fisheries Management (General) Regulation 2010 is continued. Most underwater professionals have a variety of skills to protect themselves from shark attack but, unlike when on land, the situation is further complicated by their environment and isolation. For this reason we have agreed to allow a limited number of permits for this purpose. The Government opposes The Greens amendment.

The Hon. MARK PEARSON (02:16): The Animal Justice Party will support the Greens amendment, mainly because our concern is that such a device is destructive and can cause such injury, harm and death to an animal. Given the description of the apparent purpose of this, there are other devices available to be aversive to a sea animal. The operator could use an aversive instrument to safely ensure that the animal moves away so that the operator could get out of the water and into safety. The instrument proposed is too aggressive and will cause harm, injury and death to many animals that should be protected. We support The Greens amendment.

The Hon. LYNDA VOLTZ (02:17): The Opposition does not support The Greens amendment and supports the original intent of the bill as introduced by the Government. This is a measure that is meant to protect people who are working in underwater conditions, and we feel it is appropriate.

The Hon. ROBERT BORSAK (02:18): The Shooters, Fishers and Farmers Party does not support The Greens amendment. We support the changes made by the Government in relation to this matter. Yet again we are seeing, not just from The Greens but from the Animal Justice Party, that animal life is more important than human life. Those members are quite happy to see a situation where underwater welders, scuba divers, scallop divers and other professions that work underwater have no protection whatsoever. Abalone divers are regularly killed in numbers on the New South Wales South Coast, as are other divers around Tasmania.

The Hon. Mark Pearson said that other means should be arrived at, but he did not give us any suggestions. Should they get out a bubble wand or a magic wand and wave it in front of the animals to make them go away? The reality is that human life in these circumstances is more important than the animal that is trying to attack and should be protected. If we want to protect humans, simply saying that they should not be in that environment when they are there for their work is simply not good enough.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 8 on sheet C2017-046B. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. ROBERT BORSAK (02:20): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 29 to 46 on sheet C2017-045B in globo:

No. 29 **Amnesties**

Page 18, Schedule 2 [25], lines 10 and 11. Omit all words on those lines.

No. 30 **Amnesties**

Page 18, Schedule 2 [25], line 21. Omit **"Temporary amnesty"** insert instead **"Amnesty".**

No. 31 **Amnesties**

Page 18, Schedule 2 [25], line 22. Omit "during the amnesty period".

No. 32 **Amnesties**

Page 18, Schedule 2 [25], line 32. Omit "during the amnesty period".

No. 33 **Amnesties**

Page 18, Schedule 2 [25], lines 35 and 36. Omit "during the amnesty period".

No. 34 **Amnesties**

Page 18, Schedule 2 [25], line 37. Omit **"Temporary amnesty"**. Insert instead **"Amnesty"**.

No. 35 **Amnesties**

Page 18, Schedule 2 [25], line 38. Omit "during the amnesty period".

No. 36 **Amnesties**

Page 18, Schedule 2 [25], line 43. Omit "during the amnesty period".

No. 37 **Amnesties**

Page 18, Schedule 2 [25], lines 44 and 45. Omit "during the amnesty period".

No. 38 **Amnesties**

Page 19, Schedule 2 [25], line 3. Omit **"Temporary amnesty"**. Insert instead **"Amnesty"**.

No. 39 **Amnesties**

Page 19, Schedule 2 [25], line 4. Omit "during the amnesty period".

No. 40 **Amnesties**

Page 19, Schedule 2 [25], line 7. Omit "during the amnesty period".

No. 41 **Amnesties**

Page 19, Schedule 2 [25], line 13. Omit "and is made during the amnesty period".

No. 42 **Amnesties**

Page 19, Schedule 2 [25], lines 15 and 16. Omit "made during the amnesty period".

No. 43 **Amnesties**

Page 19, Schedule 2 [25], line 32. Omit "made during the amnesty period".

No. 44 **Amnesties**

Page 19, Schedule 2 [25], line 35. Omit "during or after the end of the amnesty period".

No. 45 **Amnesties**

Page 19, Schedule 2 [25], lines 39 and 40. Omit all words on those lines.

No. 46 **Amnesties**

Page 20, Schedule 2 [25], line 5. Omit "during the amnesty period".

These amendments seek to provide for a permanent, no-questions-asked firearms amnesty rather than a temporary amnesty. We need to have an amnesty for black market firearms so that we can get them off our streets, but we believe that should be a permanent, ongoing practice rather than just for three months.

The CHAIR: Before I call the Minister, I indicate that Mr David Shoebridge will not seek to move a late Greens amendment.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (02:21): There is value in drawing some conclusions regarding the effectiveness of the temporary amnesty prior to any consideration of a permanent amnesty or an extension of the amnesty. The bill, as drafted and presented by the Government, reflects the terms of the national firearms amnesty. The Government will need the opportunity to make some sort of assessment of the temporary amnesty to inform future decisions. As a result, the Government cannot support the amendments in their current form.

The Hon. LYNDA VOLTZ (02:21): The Opposition does not support the amendments. The Opposition believes a limitation on the amnesty is appropriate and that it can be reviewed at a later date. But when an amnesty is in place there needs to be a point at which it stops and a regulatory framework is brought in.

Mr DAVID SHOEBRIDGE (02:22): The Greens do not support the Shooters, Fishers and Farmers Party permanent amnesty. I have not seen any evidence anywhere from any jurisdiction around the world that suggests a permanent amnesty achieves the goals of getting large numbers of illicit firearms surrendered. Amnesties have effect if two things are in place: first, if they are time limited—and they need to go for an adequate period of work—and, secondly, there needs to be both carrot and stick. The Greens would support an amnesty that said people have six months to hand in their illicit weapons and at the end of six months the penalties would be ramped up. That sort of carrot-and-stick approach would be really effective in getting illicit weapons off our streets and out of the community.

The Greens have concerns about the very short three-month amnesty proposed by the Government. We were proposing to move an amendment that would have allowed the Minister to extend the amnesty for up to six months, but it was clear that nobody was going to support our amendment. Therefore, we will not waste the Chamber's time with it. But we think that three months is probably too short. I understand the experience in Queensland was that after three months there was a significant drop-off in the number of weapons being surrendered, which is probably why the three-month provision is being put forward. But we would have seen some merit in moving towards a six-month amnesty because we think that is a much more realistic time period. We do not support a permanent amnesty, which is in some ways just a permanent get-out-of-jail-free card. Amnesties need to be time limited and there needs to be a bit of carrot and stick to make them work.

The Hon. ROBERT BROWN (02:24): I support the Hon. Robert Borsak's amendments. I will correct some points that have been put on the record. From memory—I might be wrong—there have been at least two or three amnesties since 1996. I am sure that one of them was lengthy; it might have been six months or 12 months. Unfortunately, the term "black market" has been used when, in reality, amnesties collect only what are called

"grey market" firearms. They are firearms that are not being held for criminal purposes; people probably have them for other reasons. A relative might die leaving a firearm or someone might find one and want to hand it in. Therein lies the value of a longer amnesty, because it is better to have 1,000 firearms handed in over five years rather than people hand in 100 over three months and then not do it again.

I can understand the Government wanting to review the situation. However, I would have thought New South Wales, probably more than any other State—with the possible exception of Western Australia—has more experience with amnesties than any other jurisdiction. For New South Wales then to subvert its experience to the Commonwealth or to the federation of States makes no sense. This State probably has a better knowledge of what happens with amnesties than most other States. I support the amendments.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (02:25): To reiterate points made earlier, having a three-month amnesty would bring New South Wales legislation in line with the National Firearms Agreement. However, the bill provides for the Government to extend the amnesty by regulation. The Government believes its approach provides consistency, but it also allows for a further amnesty if the data suggests it is required or if it is deemed necessary.

The CHAIR: The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 29 to 46 on sheet C2017-045B. The question is that the amendments be agreed to.

The Committee divided.

Ayes 3
Noes 32
Majority.....29

AYES

Borsak, Mr R (teller)	Brown, Mr R (teller)	Green, Mr P

NOES

Ajaka, Mr J	Amato, Mr L	Blair, Mr N
Buckingham, Mr J	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Faruqi, Dr M	Field, Mr J	Franklin, Mr B (teller)
Graham, Mr J	Harwin, Mr D	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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Shoebridge, Mr D	Taylor, Ms B	Veitch, Mr M
Voltz, Ms L	Walker, Ms D	

Amendments negatived.

Mr DAVID SHOEBRIDGE (02:34): I move The Greens amendment No. 9 on sheet C2017-046:

No. 9 **Genuine reason for possessing/using prohibited weapons**

Page 21, Schedule 3. Insert after line 26:

[5] Section 11 Genuine reason

Omit the matter relating to the genuine reason of *recreational-sporting purposes* from the table to section 11 (2).

This amendment will remove recreational and sporting purposes as a genuine reason for having a prohibited weapon under the Prohibited Weapons Act. The principal concern in relation to this is hunting. The Greens do not believe that items such as missile launchers, bombs, grenades, rockets, flame throwers, crossbows, slingshots, maces or flails should be used for hunting. I will describe what a flail is under the Prohibited Weapons Act. It is an article that consists of a staff or handle that has fitted to one end by any means a freely swinging striking part that is armed with spikes or studded with any protruding matter. A mace is an article that consists of a club or staff fitted with a flanged or spiked head. The Usher of the Black Rod will be pleased to know it excludes ceremonial maces made for or used solely as a symbol of authority on ceremonial occasions. The Greens do not

believe that items such as flame throwers, crossbows, slingshots, maces and flails should be used for hunting and the law should not permit it. That is why The Greens move this amendment.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (02:36): While in the main prohibited weapons relate to very serious objects, there is a handful that may be used for recreational activities. The most obvious examples are laser pointers when used by amateur astronomers for recreational viewing of the stars. It is appropriate that this remains a genuine reason for the commissioner to make his determination on whether to issue a permit for a prohibited weapon. It is ultimately a matter for determination by the Commissioner of Police. For that reason the Government opposes the amendment.

As this will be my last address to the Committee regarding this bill, I commend all members on the manner in which the debate has taken place. This is a matter where strong opposing views exist and members have worked, as the Committee should, through a series of amendments, looking at the bill in detail and coming at the issues from very different ends of the spectrum. The way the Committee has performed tonight is a testament to all involved. Members have behaved in a professional manner. I thank the Minister for Police, Troy Grant, for his presence throughout the debate. I thank his chief of staff, advisers, department and the NSW Police Force for their work on the bill. I will be using my bill folder from tonight's debate as an example of how my agency and other agencies should work through amendments. It is a pleasure to work with his team. I reiterate, amongst those thanks, that the Government opposes the amendment.

The Hon. LYNDA VOLTZ (02:39): The Opposition opposes the amendment, of course. Labor made the point earlier on issues such as silencers that people would be able to apply to the commissioner directly within this part of the Act. That is why Labor has opposed the amendment when the Shooters, Fishers and Farmers has moved it in the past. There are certainly issues related to sports and sporting shooters. Labor will be supporting the legislation as presented by the Government.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (02:39): I have one more thank you. I thank the Clerks and you, Mr Chair, for working through these amendments. This has also been a challenging debate for Hansard, with members using a lot of acronyms and technical terms, which I am sure will appear perfectly in *Hansard*.

Mr DAVID SHOEBRIDGE (02:40): There is one other device that The Greens do not believe should be used for hunting and we cannot see why it is proposed to be used for hunting, that is, the Urban Skinner push dagger. This article consists of a single-edged or multi-edged blade or spike that has a handle fitted transversely. This allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action. We do not see why there should ever be any potential for these kinds of devices to be used for hunting. They are clearly grossly inhumane. Maybe a rocket launcher is not inhumane, but we would say it is inappropriate for hunting. We cannot understand why the law would permit it.

The Hon. ROBERT BORSAK (02:41): As a card-carrying hunter, I can indicate I will never, ever need a rocket launcher. I am really worried that Mr David Shoebridge omitted ninja stars. Why wouldn't I want one of those?

Mr David Shoebridge: A star knife.

The Hon. ROBERT BORSAK: Or a star knife. It is beyond belief to listen to that litany—

Mr David Shoebridge: You should use a cat-o'-nine-tails.

The Hon. ROBERT BORSAK: Yes, we should have a cat-o'-nine-tails as well. Why not? It would be lovely to apply one of those to Mr David Shoebridge in this place. It has been a long night. I thank members for persevering. I would have liked one of our amendments to be agreed to, but we will keep working. One day we will be back in the position of having the balance of power and then we will see what happens.

The CHAIR: Mr David Shoebridge has moved The Greens amendment No. 9 on sheet C2017-046B. The question is that the amendment be agreed to.

Amendment negatived.

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

Motion agreed to.

The Hon. NIALL BLAIR: I move:

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

Motion agreed to.

Adoption of Report

The Hon. NIALL BLAIR: I move:

That the report be now adopted.

Motion agreed to.

Third Reading

The Hon. NIALL BLAIR: I move:

That this bill be now read a third time.

The House divided.

Ayes 27
Noes 8
Majority.....19

AYES

Amato, Mr L	Blair, Mr N	Clarke, Mr D
Colless, Mr R	Cusack, Ms C	Donnelly, Mr G
Farlow, Mr S	Franklin, Mr B (teller)	Graham, Mr J
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	Pearson, Mr M	Phelps, Dr P
Primrose, Mr P	Secord, Mr W	Sharpe, Ms P
Taylor, Ms B	Veitch, Mr M	Voltz, Ms L

NOES

Borsak, Mr R (teller)	Brown, Mr R (teller)	Buckingham, Mr J
Faruqi, Dr M	Field, Mr J	Green, Mr P
Shoebridge, Mr D	Walker, Ms D	

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

GUNDAGAI COUNCIL AMALGAMATION

The Hon. MICK VEITCH (02:48): On 25 May 2017 the debate on the Local Government Amendment (Amalgamation Referendums) Bill 2017 was conducted in this Chamber. During the debate a contribution by the Hon. Scott Farlow caused me to reflect upon a public meeting I attended at Carberry Park in Gundagai on Friday 12 May. My reflections, spurred on by the words of the Hon. Scott Farlow, caused me to admire the tenacity, passion and spirit of the Gundagai community. It was all on show at the Carberry Park meeting. I admit that I am Gundagai born and I have many extended family members living in Gundagai—some of whom were at the public meeting. The purpose of the meeting was to acknowledge the anniversary of the merger between Gundagai and Cootamundra councils. Indeed, at 12.10 p.m. a minute's silence was observed to acknowledge the time the new council was proclaimed on 12 May 2016. Those to address the public meeting were the Hon. Robert Brown, Country Labor candidate for Monaro Bryce Wilson, Country Labor's Charlie Sheahan, former Mayor of Bombala Bob Stewart, Peter Gain and Amy Turner. I, of course, also had a bit of a say.

Anyone who listened to the speech of the Hon. Scott Farlow in this place would think that the council mergers undertaken by this Government were in accord with community consultation and that the Government has delivered everything the community requested. The Hon. Scott Farlow's speech clearly stated that the delegate process was successful, that the submissions and opinions expressed were carefully considered by each delegate,

and that the delegates' reports carefully considered the proposed benefits of each merger in the context of community feedback and submissions. With due respect, that is a load of rubbish.

The Hon. Scott Farlow has been drinking too much of the Liberal Party Kool-Aid. The public meeting at Gundagai, attended by more than 500 people, provided a very different view on his Government's merger process. I say to the member that he should go to Gundagai and repeat his speech—I dare him. He should tell the good folk of Gundagai that he thinks their views are wrong. The member should tell all 500 members of the community who turned up to a meeting on a workday that he is right. They are angry and they remain angry. The people of Gundagai believe that their views were not heard or considered. They feel that they have been dismissed. It is their view that the merger with Cootamundra is against the wishes of the residents of Gundagai and also against the best interests of the Gundagai community.

The Hon. Scott Farlow should have stood at the polling booths in Gundagai during the Federal election; then he would have known that his speech was wrong. The sentiments of the good people of Gundagai are similar to those of the good folk living in Harden and Bombala. The Harden example underlines the falsity of the statements the Hon. Scott Farlow delivered in this place. The Harden community went through the merger process in a positive way. The majority of the community actually voted to merge with Cootamundra, but the Government put them with Young. There was a model that matched the member's speech. The people of Harden and Cootamundra wanted to merge but the Government said that Harden would merge with Young and that Cootamundra would merge with Gundagai. The Hon. Scott Farlow should have delivered his speech in Harden and in front of the people of Gundagai. He should not stand up in this place and tell those good folk that they are wrong; he should deliver that speech in those country towns. He should drive down the Hume Highway and meet the people of those communities. They say that his Government has it wrong—and it has.

WORKERS' RIGHTS

Mr DAVID SHOEBRIDGE (02:52): Let us be clear: The Greens members support the right to strike. I will say it again: We support the right to strike. That is why we will always support the right of workers and unions to take collective action to protect their industrial rights and working conditions. Industrial action is how we got the eight-hour working day, collective bargaining, leave entitlements and a workers compensation scheme. Workers' rights were not just handed to them. Those rights were fought for on the picket line by generation after generation. But now, whether it is the slashing of penalty rates, attacks on building unions through a politicised royal commission or the increasing casualisation of our workforces, those hard-fought industrial rights have come under sustained attack. These attacks hit the disadvantaged in our communities the hardest—such as young university students who rely on their Sunday pay rate to make ends meet, women who are more likely to face job insecurity on casual contracts, or migrants who all too often find themselves being exploited in our workplaces. That is why The Greens fundamentally believe that standing up for workers' rights means standing up for a fairer society.

We recently learned that Domino's Pizza workers were being ridiculously underpaid. Several managers alleged that they were ordered to manipulate payroll data to ensure that labour costs were below 27 per cent of sales. This year it is Domino's, last year it was Coles and the year before that it was 7-Eleven. As former Commonwealth Director of Public Prosecutions Robert Corr put it: "Bosses rip off their workers because they can." The union movement has been hamstrung by anti-union laws like the Federal Fair Work Act that greatly limits the right to strike, effectively criminalising it in most circumstances, and the abolishment by the New South Wales Government of the Industrial Relations Commission. We are left with the Fair Work Ombudsman at the Federal level, which is a toothless tiger with no statutory power to enforce fairness. In fact, the last time that the Fair Work Ombudsman even mentioned a prosecution in its annual report was 2008.

If our industrial laws and our workplace rights are not being enforced, what chance do workers have of getting a fair go in their workplace? So much of the collective effort from the progressive side of politics has been spent on protecting and defending hard-won historic rights. However, The Greens strongly believe we must not remain on the defensive; we need to advocate and organise for new rights and fresh ways to support dignity and decency at the workplace. That is why we are working with unions and our members to bring in portable long service leave, new public holidays, more secure employment, a decent rate of superannuation and a much fairer share of work. I am proud to be a member of The Greens—a party that will always stand up for equal pay, safe workplaces and the right of workers to be members of strong and democratic unions.

POLITICAL LIFE

The Hon. BRONNIE TAYLOR (02:54): I came to this place more than two years ago. The excitement and honour of being here as part of the NSW Nationals to represent the communities I love was almost overwhelming. There are not too many days when I do not pinch myself to remind me of just how lucky I am—although today might be one of them. As members in this place would be aware, I came here after what most

would consider a short time as an active party member. My experience and expertise lay in my profession as a nurse specialist in cancer care. My activism started by fighting for my community and the health services they deserved. My experience did not lay in party politics. Something I love about The Nationals is that they saw in me a grassroots candidate and rewarded me with a winnable spot on their ticket.

In my years as a cancer nurse I spent a good deal of my time in cancer prevention education. I would always focus on a central theme to get my message across. It was a simple but strong message to not let abnormal become normal. I urged people to not let that sudden dark spot on their arm sit there for six months unchecked because it has become normal and not to ignore a dimpling or tiny lump in their breast that at first seemed odd but now seems almost normal. Such things are not normal; they are abnormal.

A great deal of abnormal has become normal in this place, and that is a real shame. It is not normal to plaster people's faces on a social media tile because they did not agree with you on a piece of legislation. It is not normal to be photographed with photos of your colleagues taped to coat hangers on the gates of Parliament House when you know that many of them supported the essence of the change you were trying to make, just not the process. My eldest daughter, who turns 21 this week, was targeted because of the way I voted in this Chamber recently. She knew what I stood for—she knew what I had taught her. She knew without speaking to me that I would have had a good reason for voting the way I did. She chose against my advice to publicly defend me. She chose to stand with her mum against a barrage of mistruths that were thrown at her. That is normal in my family. That tough week showed me that I had done something right in raising my daughter. She understands that we cannot let abnormal become normal. We have to stand up to people and do it with decency, integrity and respect. She learnt a lot about the ugly side of politics that day, and so did I. We do and we should disagree but serious conversations need to be had without political pointscoring. When we are discussing and debating significant social issues the community expects that we, the elected reflection of the community, will work together to thrash out a solution that reflects their wishes. We are all here because we believe passionately in many things. Obviously we believe that our own causes are right and others are perhaps wrong or misguided.

But if we work together on the issues that we can then we will bring about meaningful change. Political pointscoring is short-sighted. It is not what our communities want from us, particularly on strong, social issues. Last week my colleague the Hon. Paul Green, in talking about the importance of bringing people with us, used the analogy of a bus—we can get people on the bus at the first stop and we should keep trying to pull aboard those who did not get on at the first stop, through compromise and working together, at the second, third, fourth or fifth stops. Some may never get on the bus, but with respect and dignity we should keep trying.

We hear time and again that people are disappointed in politicians—at times it even feels as if we are hitting new lows. The community's faith in our social institutions—government, media and academia—is being challenged. They are hitting out at politics or, even worse, tuning out completely. It is not good enough when people tell me to get over the bad behaviour because that it is just how politics goes. That is a cop out. The bad behaviour we see in politics does not always impress the people of this State. It can derail meaningful reform, not to mention good will and good intentions. My values today are the same as when I came to this place, and I intend them to be the same when I leave. I do not want to hear another person in this place tell me to get over the bad behaviour because that is just how politics goes. We have all been given an incredible privilege to serve and represent our communities. They have elected us to lead, and we should lead by example.

FIRE AND EMERGENCY SERVICES LEVY

The Hon. PETER PRIMROSE (03:01): In the 2011 election the New South Wales Liberal-Nationals Coalition took a proposal to the electorate to look at alternative funding mechanisms for fire and emergency services in New South Wales. In March 2017 the Government finally got around to introducing a bill to establish the fire and emergency services levy [FESL]. It wanted it to be in place and ready to go by 1 July 2017. The Labor Opposition in both Houses broadly supported the principle of the legislation but said that the bill as introduced was unfair and would cause chaos. Our amendments to the bill were defeated and, accordingly, we voted against it in both Houses.

Yesterday, only one month before the first FESL notices were due to be sent out, the Government finally admitted what the rest of the community knew—the FESL was a big, dodgy and unfair new tax that just would not work. This is also another instance of the signature incompetence that so characterises the New South Wales Liberals and Nationals—whether it involves greyhounds, forced council mergers, privatisations, closures and now the FESL. My colleague in the other place the shadow Treasurer, Ryan Park, MP, has been relentless in exposing the risks posed by the New South Wales Liberals and Nationals FESL and unfaltering in saying why it is an unfair and unworkable new tax. To quote him:

> This is a government in a complete and utter crisis. After six years of trying to get it right they admit at the eleventh hour that they have got it wrong.

> They needed an urgent memo to tell them a lot of people's levy bills would rise by hundreds of dollars a year—pushing up the already high cost of living under this Government. That shows you how out of touch this lot are.

Insurance Council spokesperson Campbell Fuller said that resuming the old emergency services levy beyond June "will come with significant additional costs that the industry will be forced to pass on in full to policy holders". NSW Rural Fire Service Association President Ken Middleton said that he wants a guarantee from the Government that firefighters will not be affected. Local Government NSW President Keith Rhoades said that "councils have already done a lot of work to comply with the Government's FESL legislation and there will now be a need to undo this work—not to mention the associated costs".

In short, the FESL is a fizzer. How much money has been wasted preparing for this new tax? As late as today, the Government was still advertising the merits of its now defunct tax through paid advertisements. The Government also obliged councils to mail propaganda to every ratepayer in the State. One metropolitan council told me that it had been given $90,000 to upgrade its software for the FESL. Others have said they received around $70,000, but they all said that the funding did not meet their actual costs. Rather than local ratepayers being stung to cover the costs of the Government's incompetence, I call on Premier Berejiklian to guarantee that the costs that have been and will be incurred by all councils as a consequence of this fiasco are fully covered by the State Government, otherwise this will just be another instance of blatant cost-shifting onto local councils.

How many millions of dollars has the Government wasted on this fiasco? How much will be paid out now to turn back the clock? Then after all this, how much will it cost to start all over with yet another new tax being threatened for some time in the future? The Berejiklian-Barilaro Government now finds itself in another mess of its own making. Rather than admit that they got it wrong, rather than admit that they did not listen to advice the public service provided, the Premier and Treasurer are now making the unworthy excuse that Treasury's modelling was flawed. Yet as a member of the Legislative Council with only one staff member, my office managed to work out with some accuracy how the FESL would affect households and businesses. In fact, not listening seems to be another hallmark of this Government. As former mayor of Penrith Karen McKeown said:

> The NSW Liberal-Nationals Government has identified who matters to them—those in the Eastern Suburbs and North Shore. The people of Penrith have said to the Government that it is an impost to re-toll the M4—and we get silence.

Yet again I call on the Government to listen and be transparent. I call on the Government to release the secret $400,000 KPMG report that it based its forced council mergers on, release the business cases and capital costs for the Newcastle Light Rail Project and WestConnex, and release the information it used to back up its now repudiated claims that its FESL would be both fair and effective. How much has this mess cost the people of this State so far, and how much more will it cost them to clean it up?

STATE ECONOMY

Mr JUSTIN FIELD (03:06): Next month the Premier, Gladys Berejiklian, will deliver her first budget as Premier. No doubt the Government will make grand claims about infrastructure spending and the unrivalled privatisation push that has seen privatisations in this State top $53 billion since the Coalition came to power in 2011, and will try to convince the public it is serious about housing affordability. But I predict what we will not find in the barrage of budget facts and figures, graphs and spin, is the answer to what should be some of the fundamental questions for all of us in this place: Are things getting better for everyone in New South Wales? Are we building a fairer and more equitable society and economy? Are we investing in the challenges of the future?

We have had a shovelful of hype from the New South Wales Government about building a better New South Wales and a plan to make New South Wales number one. On the back of windfall gains from one-off privatisations and once-in-a-generation property speculation and consequent stamp duty gains, this Government has presided over the squandering of some of the State's most valuable assets, our essential services, has supported the profits of property developers and big business over the community, and has built megaroads to nowhere that will lock us into outdated infrastructure that the Government only plans to sell off anyway. That will see the community pay through the teeth for more tolls while still lacking public transport services.

Despite the claims of 30 per cent of the gains being delivered to regional communities, again, it seems all about roads and very little about people and what makes communities work, access to services and supporting the development of long-term and sustainable industries. One such industry is the renewable energy industry that can displace coal, work alongside agriculture and provide a vital income stream for regional communities—a win for the environment and a win for the economy.

Tonight I want to talk about a different way of thinking about the economy. We should judge our economic performance not only on surpluses and gross domestic product [GDP] growth but on fairness, equity, opportunity and support for those who are disadvantaged. Our measures of wealth must include our natural assets like clean air and water, natural habitats and biodiversity, a safe climate as well as human assets in terms of time spent with our children, access to educational opportunities at all stages of life, investment in research and building

our knowledge, health outcomes and wellbeing and, indeed, happiness. It cannot all be about assets sold, government services cut in the name of reducing red tape, property starts, coal exported and gas exploration expenditure.

What matters is what we measure, and it is clear that we are not measuring the right things. The Government has sold off $53 billion of public services and assets since coming to power. Its privatisation agenda is how it has brought the budget into surplus. The bumper sticker for the O'Farrell, Baird and now Berejiklian governments reads, "They came, they saw and they sold". But what does the public have to show for it and for the loss of these often essential and monopoly assets and services? New South Wales still faces growing inequality, some of the worst housing affordability in the world, massive queues for public housing and crowded public transport. Energy prices are spiralling up while we fail to take action to mitigate the worst impacts of climate change.

There is growing youth unemployment in regional areas, with 23.7 per cent of young people unemployed on the South Coast. The Government's obsession with selling off the State's assets and services provides only a one-off sugar hit of funds. It does not result in long-term benefits or better services for the New South Wales community. The budget next month should be judged not on the year ahead or four years ahead but on its vision for the future of this State. It must be a vision for building a better and fairer community and a healthy and vibrant natural environment. There is still time for the Premier to craft a budget that can point towards that vision, and I suspect the Government and the Premier would be well rewarded if she did. I said in this place not long after being elected:

> Time has well passed for a debate in this place and in the community about what kind of economics we need to create a more equitable, resilient and cohesive New South Wales. How can we create an economy that serves people—

And not where we are all simply servants of the economy. I am committed to taking this conversation forward to challenge the growth mantra, the privatisation agenda and the deals with special interests over the interests of the community.

LENNOX HEAD SKI JUMP RALLY

The Hon. BEN FRANKLIN (03:11:2): It is an incredible privilege and honour to be a member in this place; to identify and articulate our personal priorities and our party's policy platform; to consider, in a serious and thoughtful way, legislation that comes before us to improve and strengthen it for the good of the people of this State; to always act with integrity and honesty; and to uphold the standards that the community expects of us. Yesterday those standards were not met. I could make an allegation about any member of this place under parliamentary privilege if I wanted to. I could make something up that does not in any way represent reality to score some cheap political point. But I would not do that, and nor would most members in this Chamber.

Unfortunately that is not the case with the motion that The Greens' member Mr Jeremy Buckingham moved yesterday about the Lennox Head Ski Jump rally. That motion made a number of allegations about me that were both offensive and utterly false. The first is that I told the group two days before the rally that "the Minister had decided to take the project elsewhere". That is untrue. After confirmation I advised Michelle Shearer, the spokesperson of the Lennox Head Against the Ski Jump group that it would not be proceeding at around 10.00 a.m. on the Saturday morning of the rally.

The second allegation is that I swore the group to secrecy and insisted the rally needed to be held to somehow seek to big-note me. That is also untrue. Both Michelle and I agreed that announcing the outcome at the rally would be a wonderful way to let the community know that the ski jump would not proceed, and it would turn the rally into a celebration. The third allegation is that I apparently told the group, "If the member for Ballina spoke at the rally the deal was off." This is not only untrue but also offensive in the extreme. I did not have any conversation about the member for Ballina either speaking or not speaking at the event. I am not that petty.

To suggest that I would link a public policy outcome to some sort of petty egomania is repugnant, and I reject it out of hand. I am saddened that the member for Ballina has also made similar comments over the past few days. These suggestions by Mr Jeremy Buckingham and Ms Tamara Smith are cheap, infantile and utterly untrue. Members should not just take my word for it: Today I rang Michelle Shearer, the coordinator of the campaign against the ski jump and put these ridiculous allegations to her. Her response was, "That's just a load of baloney as far as I'm concerned. It's just rubbish, and you can quote me on that."

It is rubbish. Frankly, it makes me sad that Mr Jeremy Buckingham and Ms Tamara Smith would play petty gutter politics and spin their web of lies rather than acknowledge a wonderful community outcome, because that is what it should be about—outcomes. This is not an anti-Greens speech. I have worked with some Greens members to achieve good outcomes for the community. Working closely with Ms Jan Barham on the stolen generations inquiry, or Mayor Simon Richardson on the Suffolk Park land and the Old Mullumbimby Hospital

site spring to mind. They are people who put aside party differences to help the community, which is exactly what I always try to do and which is what I did last weekend.

To Ms Tamara Smith and Mr Jeremy Buckingham I say: Follow the example of Ms Jan Barham and Councillor Richardson. Stop peddling nasty little lines for perceived political gain. Start supporting and working with the community. Respect what it means to be a member of Parliament, and stop embarrassing yourselves with your pettiness. On this side of the Chamber we listen to the community and we act, and I know that we will continue to do so, in government, for many years to come. I had always thought Tamara Smith to be a pleasant person—quite ineffective, of course, but perfectly pleasant. Now I am not so sure even about that. And Mr Jeremy Buckingham? This motion has just exposed him for what he is—someone who will say anything without foundation to try to score some cheap political point. It is just pathetic.

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

Motion agreed to.

The House adjourned at 03:16 on Thursday 1 June 2017 until 10:00 on the same day.