



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Tuesday, 21 November 2017**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

**Tuesday, 21 November 2017**

**The PRESIDENT (The Hon. John George Ajaka)** took the chair at 14:30.

**The PRESIDENT** read the prayers and acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

*Members*

### LEGISLATIVE COUNCIL VACANCY

**The PRESIDENT:** Further to the communication from the Official Secretary to His Excellency the Governor acknowledging receipt of the resignation of the Hon. Greg Pearce dated 15 November 2017, I report receipt of the following communication from His Excellency the Governor:

GOVERNMENT HOUSE  
SYDNEY

Monday, 20 November 2017  
The Honourable John Ajaka MLC  
President of the Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear President

I have the honour to inform you that I have received a letter dated 15 November 2017 from the Honourable Greg Pearce MLC tendering his resignation as a Member of the Legislative Council of New South Wales, effective immediately.

The Official Secretary to the Governor has acknowledged receipt of the letter from Mr Pearce, on my behalf, and has informed him that you have been advised of his resignation.

Yours sincerely,  
General The Honourable David Hurley AC DSC (Ret'd)  
Governor of New South Wales

I have acknowledged His Excellency's communication and the resignation has been entered in the Register of Members of the Legislative Council.

### LEGISLATIVE COUNCIL VACANCY

**The PRESIDENT:** I report receipt of the following communication from His Excellency the Governor acknowledging receipt of my correspondence dated 16 November concerning the election of Natalie Peta Ward:

GOVERNMENT HOUSE  
SYDNEY

Monday, 20 November 2017  
The Honourable John Ajaka MLC  
President of the Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear President

I acknowledge receipt of your letter dated 16 November 2017 advising that Ms Natalie Peta Ward was elected as a Member of the Legislative Council of New South Wales, effective immediately, to fill the seat vacated by the Honourable Gregory Pearce.

Yours sincerely,  
General The Honourable David Hurley AC DSC (Ret'd)  
Governor of New South Wales

### PLEDGE OF LOYALTY

**The PRESIDENT:** At a joint sitting held on 16 November 2017 Natalie Peta Ward was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Greg Pearce.

Mrs Natalie Peta Ward took and subscribed the pledge of loyalty and signed the Roll of the House..

*Visitors***VISITORS**

**The PRESIDENT:** I welcome to my gallery this afternoon a guest of the new member who is here for her swearing-in, her husband, Mr David Begg, and Mrs Diane Ward. I also invite attention to the presence in my gallery of the Hon. Russell Wortley, MLC, President of the Legislative Council of South Australia, who is visiting the Legislative Council today as well as visiting me, the President of the New South Wales Legislative Council.

**The Hon. DON HARWIN:** I move:

That the Hon. Russell Wortley, MLC, President of the Legislative Council of South Australia, be invited to take a chair on the dais.

**Motion agreed to.**

**The PRESIDENT:** According to the resolution of the House, I invite the Hon. Russell Wortley to take a chair on the dais. I welcome him to our House.

*Commemorations***CENTENARY OF FIRST WORLD WAR**

**The PRESIDENT (14:35):** In November 1917, Bolshevik Red Guards seized the Winter Palace and arrested the Russian Provisional Government. Within days, the Second Congress of the Soviet of Workers' and Soldiers' Deputies passed the Decree of Peace, written by Vladimir Lenin, which proposed an immediate withdrawal of Russia from the war. Since the failure of the Kerensky Offensive some months earlier, morale and discipline in the ranks of the Russian army had steadily deteriorated. There were increasing reports of soldiers disobeying orders and deserting the front line. When peace talks stalled and hostilities briefly resumed, the Central Powers overwhelmed the Russian forces and occupied territory in Ukraine, Belarus and the Baltic States, forcing the Soviet Central Committee to sign the Treaty of Brest-Litovsk, despite its punitive terms.

The withdrawal of Russia enabled Germany to transfer large numbers of troops to the Western Front. It also allowed Germany to occupy significant territory, once controlled by Russia, where there were large stockpiles of military equipment, much of it originally supplied by the Allies. Concerns that this material would fall into German hands and be used on the Western Front led to the subsequent decision to send troops into Russia in the months that followed. Several hundred Australians volunteered to serve in the British-led North Russian Expeditionary Force and the North Russia Relief Force as well as specific operations in the Caucasus. By the time the Allied intervention in the Russian Civil War concluded in October 1919, 10 Australian soldiers had died. Lest we forget.

*Visitors***VISITORS**

**The PRESIDENT:** I welcome to the public gallery His Excellency Youssef Amrani, Special Adviser to the King of Morocco; His Excellency Karim Medrek, Ambassador of His Majesty the King of Morocco, Mr Ahmed; Ait Aissa, Deputy Head of Mission—Embassy of Morocco; Mr Hachem El Moummy, Counsellor—Embassy of Morocco; and Mr Ibrahim Kaadan, University of Sydney. I welcome you to the New South Wales Legislative Council. I trust that your time here is well spent. I understand you are the guests of the Opposition Whip.

*Motions***ARMENIAN APOSTOLIC CHURCH IN AUSTRALIA SIXTIETH ANNIVERSARY**

**The Hon. DAVID CLARKE (14:39):** I move:

- (1) That this House notes that:
  - (a) on Sunday 6 August 2017 a celebration concert to commemorate the sixtieth anniversary of the establishment of the Armenian Apostolic Church in Australia was held in the sanctuary of Our Lady of Dolours Catholic Church Chatswood;
  - (b) the event, which was organised by the Parish Council of the Holy Resurrection Armenian Apostolic Church, featured the internationally renowned Luys Vocal Quintet from Armenia and was attended by several hundred members and friends of the Armenian-Australian community; and
  - (c) those who attended the celebration concert included:
    - (i) His Grace Bishop Haigazoun Najarian, Primate of the Armenian Apostolic Church in Australia and New Zealand;
    - (ii) Right Reverend Michael Stead and Mrs Felicity Stead;

- (iii) the Archbishop of South Sydney, representing the Anglican Archbishop of Sydney, the Most Reverend Dr Glenn Davies;
- (iv) the Hon. Gladys Berejiklian, MP, Premier;
- (v) Father Parsegh Sousanian, Head of the Armenian Catholic Church;
- (vi) Garo Aladjadjian, Diocese of Broken Bay, representing Bishop Peter Comensoli;
- (vii) Pina Bernard and Karla Heggie, Diocese of Broken Bay, representing Bishop Peter Comensoli;
- (viii) the Hon. Ray Williams, MP, Minister for Multiculturalism, and Minister for Disability Services;
- (ix) Mr Jonathan O'Dea, MP, member for Davidson, Parliamentary Secretary to the Premier and Treasurer;
- (x) the Hon. David Clarke, MLC, Parliamentary Secretary of Justice, and Marisa Clarke;
- (xi) the Hon. Greg Donnelly, MLC, Deputy Opposition Whip in the Legislative Council;
- (xii) Father Avetis Hambardzumyan, Parish Pastor;
- (xiii) Mr Damien Tudehope, member for Epping, and Diane Tudehope;
- (xiv) Councillor Gail Giles Gidney, Mayor of Willoughby City Council;
- (xv) Reverend Krikor Youmouhakian and Mrs Datevig, Armenian Missionary Association of Australia;
- (xvi) Father Shenouda Mansour, NSW Ecumenical Council;
- (xvii) Dr Garo and Mrs Laura Artinian, Treasurer Diocesan Council;
- (xviii) Father Yousef Fanous, Orthodox Coptic Church;
- (xix) Reverend Dr Manas and Nabanita Ghosh, Leigh Memorial Congregation Uniting Church;
- (xx) Glenda and Randall Brown, Salvation Army;
- (xxi) Rabbi Nicole Roberts, Emmanuel Temple of Chatswood;
- (xxii) Judy Ginsburg, Emmanuel Temple of Chatswood;
- (xxiii) Mr Trent Zimmerman, MP, Federal member for North Sydney;
- (xxiv) Dr Stepan Kerkyasharian, AO, Diocesan Council;
- (xxv) Mr Julian Leeser, MP, Federal member for Berowra;
- (xxvi) Mr Eddie Demirdjian, Principal, Galstaun College;
- (xxvii) Mr and Mrs Sarkis Der Bedrossian, Chairman Diocesan Council;
- (xxviii) Marie Sarkissian, Armenian Relief Society;
- (xxix) Nora Sevagian, Armenian Relief Society;
- (xxx) Vicken and Arsho Kalloghlian, Hamazkaine Cultural and Education Society;
- (xxxi) Vatche and Araxie Vartanian, Voice of the Armenian Church Radio;
- (xxxii) Kevork and Marina and Lousine Chaprazian, Diocesan Council;
- (xxxiii) Papken Zarzavajian, Armenian Welfare Association;
- (xxxiv) Dikran and Vivien Fabrikatorian, Armenian Welfare Association;
- (xxxv) Mrs Zarouhie Manougian, Principal Tarkmanchats;
- (xxxvi) Nora Bodkin and Kaghani Tchaghlassian, Armenian Rest House;
- (xxxvii) Boghos Keleshian, Deacon;
- (xxxviii) Shnorhik and Azkanoush Nigoghossian, Deacons;
- (xxxix) Michael and Anna Aprahamian, Jerusalem Armenian Benevolent Union;
- (xl) Sister Elizabeth Delaney, National Council of Churches in Australia;
- (xli) Teresa Pirola, Diocese of Broken Bay Schools;
- (xlii) Mr Toros Boghossian and Mr Haig Garabedian, Armenian General Benevolent Union;
- (xliii) Mr Hovhanness Kouyoumdjian and Mr Onnig Piroumian, Armenian Mioutune Monthly;
- (xliv) Father Barteve, Parish Priest;
- (xlv) Joseph and Maureen Rizk, GM Arab Bank Ltd;
- (xlvi) Father Norair Patanian, Parish Priest;



- (xlvi) Rosette Panjarjian and Manoushag Sanossian Apikian, Alec Manougian School;
  - (xlviii) Angela Webb and Ani Arashian, Northern Cemeteries;
  - (xlix) Mr and Mrs Vazken Khanjian, lawyer;
  - (l) Kaylar Michaelian;
  - (li) Hanriet Andriassian, Counsellor Minister of Diaspora;
  - (lii) Academicians Alison, Betsy Conti, Penny Nash and Graham and Cheryl Brooks;
  - (liii) Representatives of Nor Serount Armenian Cultural Society; and
  - (liv) Representatives of Nor Serount Radio.
- (2) That this House:
- (a) congratulates His Grace Bishop Haigazoun Najarian, Primate of the Armenian Apostolic Church in Australia and New Zealand, on the occasion of the sixtieth anniversary of the establishment of the Church in Australia;
  - (b) commends the Armenian Apostolic Church in Australia and New Zealand for its outstanding and illustrious contribution to the religious and social life of Australia; and
  - (c) extends greetings and best wishes to all members of the Armenian-Australian community.

**Motion agreed to.**

**GREECE NATIONAL DAY SEVENTY-SEVENTH ANNIVERSARY**

**The Hon. DAVID CLARKE (14:39):** I move:

- (1) That this House notes that:
- (a) on Friday 27 October 2017 the Consulate General of Greece in Sydney together with the joint committee for the commemoration of the Battle of Crete and the Greek Campaign, hosted a ceremony at the Anzac Memorial Hyde Park Sydney to commemorate:
    - (i) the seventy-seventh anniversary of the National Day of Greece also known as Oxi [No] Day 1940; and
    - (ii) the gallantry and sacrifice of more than 17,000 Anzacs who served with distinction in the Battle of Crete and the Greek Campaign during World War II.
  - (b) those who attended included:
    - (i) Dr Stavros Kyrimis, Consul-General for Greece in Sydney;
    - (ii) Reverend the Hon. Fred Nile, MLC, Assistant President of the Legislative Council;
    - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (iv) Mr Matt Thistlethwaite, MP, shadow Assistant Minister for Treasury;
    - (v) Captain James Stavridis, Royal Australian Navy, representing Rear Admiral Stuart Mayer, AO, Commander Australian Fleet Royal Australian Navy;
    - (vi) Reverend Father Apostolos Trifyllis and Reverend Father Peter Mavromatis, both representing the Greek Orthodox Archdiocese of Australia;
    - (vii) Mr Harry Danalis, President of the Greek Orthodox Community of New South Wales;
    - (viii) Mr John Kallimanis, President of AHEPA (NSW);
    - (ix) Mr Jack Passaris, OAM, Deputy Chairman, Ethnic Communities Council of New South Wales;
    - (x) Mr Kevin Sumption, CEO and Director, Australian National Maritime Museum;
    - (xi) teachers and students representing the following schools of the Greek Orthodox Archdiocese of Australia: St Spyridon College, St Euphemia College, and All Saints Grammar;
    - (xii) Ms Belinda Mitrovich, senior operations co-ordinator, Anzac Memorial Hyde Park;
    - (xiii) Mr Brad Manera, senior historian/curator Anzac Memorial Hyde Park;
    - (xiv) Ian Stenning, bugler from NSW Fire and Rescue Service Band;
    - (xv) Mr Panagiotis Georgakopoulos;
    - (xvi) Mr Peter Souletes and Mr Kosta Nikas, officials from the Greek Consulate-General in Sydney; and
    - (xvii) members of the Greek-Australian community.
- (2) That this House:

- (a) commends the Consulate-General of Greece in Sydney and the Joint Committee for the commemoration of the Battle of Crete and the Greek Campaign, for jointly organising and hosting the commemoration held at the Anzac Memorial Hyde Park Sydney on Friday 27 October 2017;
- (b) extends greetings and best wishes to Greece and to the Greek-Australian community on the occasion of the seventy-seventh anniversary of the National Day of Greece; and
- (c) pays tribute to the gallantry and sacrifice of more than 17,000 Anzacs who served with distinction in the Battle of Crete and the Greek Campaign during World War II.

**Motion agreed to.**

**POLISH HOLOCAUST EXHIBITION**

**The Hon. DAVID CLARKE (14:39): I move:**

- (1) That this House notes that:
  - (a) on Wednesday 16 August 2017 the Consulate General of the Republic of Poland in Sydney together with the Australian Society of Polish Jews and their descendants and the Society of Polish Culture in Victoria, held the opening of the exhibition entitled "They Risked their lives—Poles who saved Jews during the Holocaust" at the Backyard Opera Gallery at Tempe, Sydney; and
  - (b) those who attended as guests included:
    - (i) Mrs Regina Jurkowska, Consul General of the Republic of Poland in Sydney;
    - (ii) the Hon. Robert Borsak, MLC, and Mrs Cheryl Borsak;
    - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (iv) Rabbi Dr Dovid Slavin, Chaplain to the NSW Ambulance Service and Executive Director of the Yeshiva Gedola Rabbinical College of Sydney;
    - (v) Reverend Father Kamil Zylczynski;
    - (vi) Mr Roberto Fromer, Consul General of Brazil in Sydney;
    - (vii) Ms Claudia Scheuerle and Mrs Sarah Werner from the German Consulate in Sydney;
    - (viii) Mrs Natalee Pozniak, Public Affairs Manager, NSW Jewish Board of Deputies;
    - (ix) Mr Andrew Rajcher, Treasurer of the Australian Society of Polish Jews and their descendants from Melbourne;
    - (x) Mrs Anna Sadurska, Executive Producer, Polish Language Program SBS Radio; and
    - (xi) members and friends of Sydney's Polish and Jewish communities.
- (2) That this House:
  - (a) congratulates the Consulate General of the Republic of Poland in Sydney, the Australian Society of Polish Jews and their descendants, and the Society of Polish Culture in Victoria on organising the exhibition entitled "They Risked their lives—Poles who saved Jews during the Holocaust" at the Backyard Opera Gallery at Tempe, Sydney, on Wednesday 16 August 2017; and
  - (b) commends the bravery and heroism of those within the Polish community who, during World War II, placed their lives at risk to protect their Jewish Polish fellow citizens who otherwise faced certain death during the Holocaust.

**Motion agreed to.**

**THE ARMIDALE SCHOOL ASSISTANCE PROGRAM**

**Mr SCOT MacDONALD (14:40): I move:**

- (1) That this House notes that:
  - (a) Guyra's Sam Skipper of The Armidale School recently travelled to Fiji to assist St Christopher's Orphanage to continue the school's long relationship of service work at the orphanage for disadvantaged children;
  - (b) staff from The Armidale School have been visiting St Christopher's Orphanage annually for more than 20 years and over this period have raised funds for and installed a solar hot water service, made new furniture for the dormitories, and painted and gardened;
  - (c) the 2017 trip was led by staff members Mr Alan Moore and Miss Catey Curtin;
  - (d) The Armidale School is also committed to the Thailand Christian Service which is the initiative of chaplain Reverend Richard Newton whereby students volunteer at the Agape Orphanage for HIV/AIDS orphans and also at the McKean Rehabilitation Centre for leprosy sufferers, both near Chiang Mai; and
  - (e) other students who have participated in the assistance programs include:
    - (i) Fiji: Lachlan Carter, Gunnedah; Finley Lambeth, Tamworth; Ethan Irvine, Narrabri; Oliver Cook, Moree; Nichola Clarkson, Jack Hook-Robinson, Uralla; Timothy Lindeman, Armidale; Hudson

- McAllister, Armidale; Archer McDonald, Sydney; Henry Mitchell, Armidale; Nicholas Munsie, Armidale; Hannah Neilson, Armidale; Hamish Pearce, Armidale; Hayley Whitehill, Armidale;
- (ii) Thailand: Bailey Bourke, Moree; Ellen Coote, Moree; Sophie Tongue, Nundle; Georgia Kaynes, Armidale; Joshua Danke, Armidale; Phebe Hunt, Armidale; Michelle Krishnan, Bellingen; Sam Wright, Armidale; and
- (iii) Kokoda: Angus Earle, Mungindi; Nicholas Corderoy, Moree; Bailey Simmons, Moree; Ben Carter, Gunnedah; George Lane, Inverell; Harry Deshon, Lightning Ridge; John Moore, Bourke; Nathaniel Pidgeon, Port Macquarie.
- (2) That this House acknowledges and commends:
- (a) the outstanding leadership of headmaster Murray Guest for his continued support of programs that extend and challenge students as compassionate and globally engaged citizens; and
- (b) the staff and students of The Armidale School for their outstanding efforts internationally.

**Motion agreed to.**

**POLICE REMEMBRANCE DAY COMMEMORATION**

**The Hon. DAVID CLARKE (14:40):** I move:

- (1) That this House notes that:
- (a) on Saturday 11 November 2017 a National Remembrance Day commemoration; organised by the NSW Police RSL Sub-Branch was held at the Sydney Police Centre in Goulburn Street, Sydney; and
- (b) those who attended included:
- (i) Acting Superintendent Samuel Crisafulli, representing the Police Commissioner;
- (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. David Elliott, MP, Minister for Counter Terrorism, Corrections and Veterans Affairs;
- (iii) Reverend Father Paul O'Donoghue, NSW Police Force, Senior State Police Chaplain;
- (iv) Mr Mervyn Morgan, President, NSW Police RSL Sub-Branch;
- (v) Sergeant Scott Weber, President, NSW Police Association;
- (vi) Mr Paul Biscoe, OAM, President, Retired Police Association;
- (vii) Mr Peter Remfrey, representing the Police Bank Ltd;
- (viii) Mr Bruce Howe, Secretary/Treasurer of the NSW Police RSL Sub-Branch coordinator and master of ceremonies for the event; and
- (ix) retired and serving police officers.
- (2) That this House extends its:
- (a) respect to the memory of those police officers who paid the supreme sacrifice in past conflicts for our nation and offers its condolences to the families and relatives of those police officers; and
- (b) heartfelt gratitude to all police officers who have served in the armed forces of our nation in past conflicts.

**Motion agreed to.**

**LEBANON CARNIVAL**

**The Hon. DAVID CLARKE (14:40):** I move:

- (1) That this House notes that:
- (a) on Sunday 15 October 2017 the fortieth annual Lebanon Carnival organised by Mr Elie Akouri and the Cedars of Lebanon Folkloric Group, which he founded, was held at Tumbalong Park Sydney and attended by several thousand members and friends of the Lebanese-Australian community;
- (b) those who attended the carnival as guests included:
- (i) Mr Mark Coure, MP, Parliamentary Secretary for Transport and Infrastructure, representing the Hon. Gladys Berejiklian, MP, Premier;
- (ii) Mr Jihad Dib, MP, shadow Minister for Education, representing Mr Luke Foley, MP, Leader of the Opposition;
- (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
- (iv) Dr Geoff Lee, MP, Parliamentary Secretary to the Premier and for Western Sydney and Multiculturalism;
- (v) Ms Sophie Cotsis, MP, shadow Minister for Women, Disability Services and Multiculturalism and Ageing;

- (vi) Councillor the Hon. Phillip Ruddock, Mayor of Hornsby Shire Council;
- (vii) Mr Nicholas Chidiac, representing Mr George Bitar Ghanem, Consul General for Lebanon in Sydney;
- (viii) Mr Joseph Rizk, Chairman of Arab Bank Australia;
- (ix) Mr Charbel Biani, representing Al Ghorba TV;
- (x) Mr Joseph Khoury, Chairman of Lebanese Future Newspaper;
- (xi) Mr Elias Mattar, Manager of Sout El Ghad Radio Station; and
- (xii) representatives of numerous Lebanese-Australian community organisations.
- (c) the annual Lebanon Carnival has been organised for the past 40 years by Mr Elie Akouri and the Cedars of Lebanon Folkloric Group, which he leads; and
- (d) the Cedars of Lebanon Folkloric Group was founded in 1977 and has developed an international reputation for its professionalism and is the recipient of the Queen's Silver Jubilee medal.
- (2) That this House congratulates and commends Mr Elie Akouri and the Cedars of Lebanon Folkloric Group for their dedication in having organised the Sydney annual Lebanon Carnival for the past 40 years, including its successful carnival held on Sunday 15 October 2017 at Tumbalong Park Sydney.

**Motion agreed to.**

**JEWISH WAR MEMORIAL REMEMBRANCE DAY SERVICE**

**The Hon. DAVID CLARKE (14:41):** I move:

- (1) That this House notes that:
  - (a) on Sunday 5 November 2017 the NSW Association of Jewish Service and Ex-Servicemen and Women under the Patronage of His Excellency, General The Hon. David Hurley, AC, DSC (Ret'd), Governor of New South Wales, held its 2017 Communal Wreath Laying and Remembrance Day Service at the Sydney Jewish Museum's NSW Jewish War Memorial at Darlinghurst;
  - (b) those who attended as guests included:
    - (i) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Premier, the Hon. Gladys Berejiklian MP;
    - (ii) Mr Ron Hoenig, MP, member for Heffron, representing Mr Luke Foley MP, Leader of the Opposition;
    - (iii) Mr Robert Goot, AM, SC, former President of the Executive Council of Australian Jewry;
    - (iv) Councillor Sally Betts, Mayor of Waverley Council;
    - (v) Councillor Richard Shields, Woollahra Municipal Council;
    - (vi) Mr Leo Oaeke, Consul-General of Papua New Guinea;
    - (vii) Mr Peter Wertheim, AM, CEO, of Australian Jewry and special guest speaker;
    - (viii) Wesley Browne, OAM, former President of NAJEX;
    - (ix) Mr Reg Chard, Kokoda Track battle veteran;
    - (x) Mrs Rhondda Vanzella, OAM, representing the War Widows Guild;
    - (xi) Rabbi Yossi Friedman, Royal Australian Air Force Chaplain;
    - (xii) Rabbi Jeffrey Kamins, OAM, Australian Army Chaplain;
    - (xiii) Rabbi Dr Benjamin Elton, NSW Returned and Service League Chaplain;
    - (xiv) Rabbi Rafi Kaiserblueth, United States Navy Chaplain;
    - (xv) Rabbi Mendel Kastel, NSW Police Force Chaplain;
    - (xvi) Rabbi Dr David Slavin, NSW Ambulance Service and NSW Fire and Rescue Service Chaplain;
    - (xvii) Mr Harvey Baden who gave a tribute to the late Major General Paul Cullen, AC, CBE, DSO, and Bar ED;
    - (xviii) Mr Adam Wishart, Pipe Major, Northern Suburbs Pipe Band;
    - (xix) Sari Browne, OAM;
    - (xx) Anne Hastings;
    - (xxi) Robyn Baden;
    - (xxii) Lesky Barold;
    - (xxiii) Norman Symon, RFD, ED;

- (xxiv) Daniel Silver who sounded the Last Post; and
- (xxv) student representatives from the Sydney Jewish High Schools, representatives of Sydney Legacy, Jewish Scouts, Jewish communal leaders, members of NAJEX, Jewish media and members and friends of the Jewish community.
- (c) those who comprise the current Executive of the NSW Association of Jewish Service and Ex-Service Men and Women are:
  - (i) Mr Roger Selby, President;
  - (ii) Ms Monica Kleinman, Vice-President;
  - (iii) Mr Noman Symon, RFD, ED, Vice-President;
  - (iv) Mr Jon Green, Honorary Secretary;
  - (v) Mr Harvey Baden, board member;
  - (vi) Mr Lesley Barold, board member;
  - (vii) Dr Keath Shilkin AM, board member; and
  - (viii) Charles Aronson, immediate past President.
- (d) the winners of the inaugural NAJEX Youth Leadership Awards, demonstrating the qualities of integrity, loyalty, courage, innovation and teamwork were:
  - (i) David Cohen, Masada College;
  - (ii) Jaimi Knep, Moriah College;
  - (iii) Jade Reuveny, Emanuel School; and
  - (iv) Nemi Lobel, Kesser Torah College.
- (2) That this House commends the NSW Association of Jewish Service and Ex-Servicemen and Women for:
  - (a) its hosting of the NSW Jewish Community's 2017 Remembrance Day Commemoration and Wreath Laying Ceremony held at the Sydney Jewish Museum's NSW Jewish War Memorial, Darlinghurst, on Sunday 5 November 2017; and
  - (b) its ongoing work in representing and assisting Jewish Service and Ex-Servicemen and Women, and in keeping alive the memory of those who have made the supreme sacrifice in defence of the nation and its freedoms.

**Motion agreed to.**

**The PRESIDENT (14:42):** Order! Honourable members have a right to note an objection but not to give a reason for their objection.

**QUEEN'S BIRTHDAY INVESTITURE CEREMONY**

**The Hon. DAVID CLARKE (14:42):** I move:

- (1) That this House notes that:
  - (a) on Wednesday 6 September 2017 at 10.30 a.m. a Queen's Birthday Investiture Ceremony was held at Government House Sydney;
  - (b) those who comprised the Official Party as guests of His Excellency General The Hon. David Hurley, AC, DSC (Ret'd), of New South Wales were:
    - (i) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Gladys Berejiklian, MP, Premier;
    - (ii) the Hon. Justice Paul Brereton, AM, RFD, representing the Supreme Court;
    - (iii) Mr Simon Draper, representing the Department of Premier and Cabinet;
    - (iv) Commodore Christopher Smith, CSM, RAN, representing the Royal Australian Navy;
    - (v) Major General Gus McLachlan, AM, representing the Australian Army; and
    - (vi) Wing Commander David Mason, representing the Royal Australian Air Force.
  - (c) those who were appointed as an officer in the General Division of the Order of Australia were:
    - (i) Mr Richard James Alcock;
    - (ii) Professor Mohamed Hassan Khadra; and
    - (iii) Mr David Ingle Thodey.
  - (d) those who were appointed as a member in the General Division of the Order of Australia were:
    - (i) Dr Leanne Winifred Craze;

- (ii) Mr Mark Stephen Fennessy;
  - (iii) Dr Dorothy Sara Graham;
  - (iv) Ms Katalin Gross;
  - (v) Mr Elston Colin Hynd;
  - (vi) Mr John Dudley McPhee;
  - (vii) Mr Ashak Nanji Nathwani; and
  - (viii) Dr Peta Luise Seaton.
- (e) those who were awarded the Bravery Medal were:
  - (i) Mr Sean Joseph Carlow;
  - (ii) Mr Peter Anthony Lynch; and
  - (iii) Mr Constantinos Sakoulas;
- (f) the Distinguished Service Medal was awarded to Brigadier Susan May Coyle, CSC.
- (g) those who were awarded the Public Service Medal were:
  - (i) Ms Kerry Anne Boland; and
  - (ii) Mr Brett John Newman.
- (h) those who were awarded a medal in the General Division of the Order of Australia were:
  - (i) Mr John Richard Anderson;
  - (ii) Mr David Christopher Bell;
  - (iii) the late Mr Wayne John Broadbent—which was received by his brother Mr Ronald Broadbent;
  - (iv) Mr Allen James Cullen;
  - (v) Ms Bonney Annette Djuric;
  - (vi) Mr Robert James Erskine;
  - (vii) Mrs Susannah Christine Fullerton;
  - (viii) Mr Daniel John Goulburn;
  - (ix) Mr Ian Cromie Howden;
  - (x) Mrs Carole Linde Jobling;
  - (xi) Mrs Victoria Eva Kvisle;
  - (xii) Mr Grant Cameron McMahon;
  - (xiii) Mr Francesco Giuseppe Moschella;
  - (xiv) Mr Roger James Perry;
  - (xv) Mr Frank Rigby;
  - (xvi) Mrs Rosemary Joan Samios;
  - (xvii) Mr Leslie James Smith;
  - (xviii) Mr Peter Thomas Threlkeld;
  - (xix) Commander Richard Francis Tighe, RFD, RD (Ret'd);
  - (xx) Mr Anthony John Varrall;
  - (xxi) Mr Francis Wong; and
  - (xxii) Mrs Janet Marion Woods.
- (i) those who were awarded a medal in the Military Division of the Order of Australia were:
  - (i) Warrant Officer Class One David Alexander Galloway; and
  - (ii) Captain Michael John Harris, RAN.
- (j) those who were awarded the Conspicuous Service Medal were:
  - (i) Lieutenant Commander Tina Louise Brown, RAN; and
  - (ii) Chief Petty Officer Adam Geoffrey Shimmén.
- (k) those who received a Commendation for Distinguished Service were:

- (i) Wing Commander J—for distinguished performance of duties as Commander Task Unit 630.2 and Australian Target Engagement Authority, within the Combined Air Operations Centre on Operation OKRA during 2016;
  - (ii) Squadron Leader B—for distinguished performance of duties in airborne leadership in action and operational planning as the Task Element 630.1.1 Flight Commander on Operation OKRA; and
  - (iii) Flight Lieutenant T—for distinguished performance of duties on warlike operations as an F/A-18 fighter pilot in Iraq and Syria while a member of Task Element 630.1.1 on Operation OKRA during 2016.
- (l) the Investiture Ceremony was attended by family members of those who were recipients of awards.
- (2) That this House congratulates all those who were recipients of awards at the Queen's Birthday Investitures, held at Government House Sydney on 5 to 8 September 2017.

**Motion agreed to.**

**ANNUAL BREAST CARE FUNDRAISER**

**Mr SCOT MacDONALD (14:43): I move:**

- (1) That this House notes that:
- (a) for more than 11 years PKF Newcastle, The Wests Group, and the *Newcastle Herald* have collaborated to raise funds for the education and training of the Hunter's breast care nurses;
  - (b) in 2017 more than \$19,000 was raised at the Annual Breast Care Fundraiser Breakfast; which was attended by members of the Hunter community and representatives from 50 individual businesses from the Hunter;
  - (c) the event was hosted by NBN Television's retiree Mike Rabbitt, with 300 guests filling the Starlight Room at Wests New Lambton to hear about the inspiring work of the Hunter Nurse Education Group—Breast Cancer Care;
  - (d) former recreation program coordinator for Camp Quality, Ms Karissa Lewis was the event's guest speaker and spoke about her inspirational life story and how her life changed forever when she was diagnosed with breast cancer three years ago;
  - (e) with the most recent contribution, the event has raised more than \$213,000 over the past 11 years; and
  - (f) every dollar raised stays in the Hunter to fund training and professional development for specialist breast care nurses.
- (2) That this House acknowledges and commends:
- (a) PKF Newcastle, The Wests Group and the *Newcastle Herald* for their continued dedication in raising funds for the Hunter's breast care nurses; and
  - (b) Mr Steve Meyn and his fantastic team for organising the 2017 event which raised over \$19,000 for Hunter breast care nurses in 2017.

**Motion agreed to.**

**HUNTER MANUFACTURING AWARDS**

**Mr SCOT MacDONALD (14:43): I move:**

- (1) That this House notes that:
- (a) the Hunter Manufacturing Awards were held on 20 October 2017 at West City with more than 500 guests in attendance;
  - (b) manufacturers in the Hunter, Central Coast and Mid North Coast were showcased at the annual awards event;
  - (c) dignitaries in attendance included:
    - (i) Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter, representing the Premier, the Hon. Gladys Berejiklian, MP;
    - (ii) Ms Meryl Swanson, MP, Federal member for Paterson, and her husband, Nick Swanson;
    - (iii) Ms Jodie Harrison, MP, member for Charlestown;
    - (iv) Ms Yasmin Catley, MP, member for Swansea;
    - (v) Ms Kate Washington, MP, member for Port Stephens;
    - (vi) Mr Greg Piper, MP, member for Lake Macquarie;
    - (vii) Mr Jordon O'Brien, representing the member for Maitland, Ms Jenny Aitchison, MP; and
    - (viii) Mr Campbell Mason, CEO, Keolis Downer Hunter.
  - (d) award sponsors and recipients included:
    - (i) Apprentice of the Year, sponsored by BAE Systems, won by Jake Barry;

- (ii) Innovation award, sponsored by Davies, Collison, Cave, won by Design Anthology and accepted by Josh Jeffress;
  - (iii) Product Design award, sponsored by University of Newcastle, won by AMP Control and accepted by Paul Reynolds;
  - (iv) Technology award, sponsored by Strata Worldwide, won by Airpak Sheetmetal and accepted by Kieran Moore;
  - (v) Export award, partnered by the Department of Premier and Cabinet, won by McLanahan and accepted by Chris Knowles;
  - (vi) Manufacturing Process award, sponsored by Kmand T, won by Varley Group and accepted by Jan Dobbie;
  - (vii) HMA Board award, sponsored by Helloworld Business Travel Newcastle, won by HMS Group and accepted by Bryce Parker;
  - (viii) Rising Star award, sponsored by Whiteley Corporation, won by Jessica Cole from DSI Underground;
  - (ix) Marketing award, sponsored by Thurnham Teece, won by Beep Bicycle Bells and accepted by Jana Linstrom;
  - (x) People and Skills Development award, sponsored by Bridon Bekaert, won by BAE Systems and accepted by Andrew Chapman;
  - (xi) Environmental Excellence award, sponsored by Quarry Mining, won by Norris Industries and accepted by Greg Gates;
  - (xii) Safety award, sponsored by R and R Murphy, won by MolyCop and accepted by Steve Walker; and
  - (xiii) Manufacturer of the Year award, major sponsored by Downer, award presented by Campbell Mason, CEO Keolis Downer Hunter, won by Varley Group and accepted by Jan Dobbie.
- (e) the Board of the Hunter Manufacturing Awards Inc. comprises Steve Smith, Chairman, and Kari Armitage, Leigh Bryant, Bob Cowan, John Coyle, Jacqui Daley, Stephen Elliott, Andrew Gresham, Robert Martin, Brendan Smith and Graeme Vennell.
- (2) That this House congratulates and commends all award recipients and the Board of the Hunter Manufacturing Awards Inc. for the excellent job it is doing to promote best practices in manufacturing and to showcase the achievements of regional manufacturers in the Central Coast, the Hunter and North Coast.

**Motion agreed to.**

*Documents*

**TABLING OF PAPERS**

**The Hon. SCOTT FARLOW:** I table the following papers:

- (1) Aboriginal Land Rights Act 1983—Report on review of Act, dated November 2017.
- (2) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2017:
  - Fire and Rescue NSW
  - New South Wales Crime Commission
  - NSW Police Force
  - Office of the NSW Rural Fire Service
  - Office of the NSW State Emergency Service
  - Service NSW
- (3) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2017:
  - Destination NSW
  - Property NSW, incorporating
    - Luna Park Reserve Trust
    - Place Management NSW
    - Teacher Housing Authority of NSW
    - Waste Assets Management Corporation
  - Mental Health Commission
  - NSW Architects Registration Board
  - State Insurance Regulatory Authority
  - Trustees of the Anzac Memorial Building
  - Wentworth Park Sporting Complex Trust
- (4) Annual Reports (Departments) Act 1985 and Annual Reports (Statutory Bodies) Act 1984 Report of Department of Finance, Services and Innovation for year ended 30 June 2017, incorporating:
  - Building Professionals Board
  - Mine Subsidence Board (trading as Subsidence Advisory NSW)
  - New South Wales Government Telecommunications Authority (trading as Telco Authority)



Office of the Valuer General  
Rental Bond Board  
State Archives and Records Authority

- (5) Crimes (Administration of Sentences) Act 1999—Report of Serious Offenders Review Council for year ended 31 December 2016.
- (6) Greyhound Racing Act 2009—Report of Greyhound Racing New South Wales for year ended 30 June 2017.
- (7) Mental Health Act 2007—Report of Mental Health Review Tribunal for year ended 30 June 2017.
- (8) Thoroughbred Racing Act 2009—Reports for year ended 30 June 2017:  
Harness Racing NSW  
Racing NSW

I move:

That the reports be printed.

**Motion agreed to.**

#### *Committees*

### **LEGISLATION REVIEW COMMITTEE**

#### **Report: Legislation Review Digest No. 47/56**

**The Hon. SHAOQUETT MOSELMANE:** I table a report of the Legislation Review Committee entitled "Legislation Review Digest No. 47/56", dated 21 November 2017. I move:

That the report be printed.

**Motion agreed to.**

#### *Documents*

### **AUDITOR-GENERAL**

#### **Reports**

**The CLERK:** According to the Public Finance and Audit Act 1983, I announce receipt of a Financial Audit Report of the Auditor-General entitled "Central Agencies 2017", dated November 2017, received out of session and authorised to be printed this day.

#### *Committees*

### **SELECT COMMITTEE ON OFF-PROTOCOL PRESCRIBING OF CHEMOTHERAPY IN NEW SOUTH WALES**

#### **Government Response**

**The CLERK:** According to standing order, I announce receipt of the Government response to the report of the Select Committee on Off-Protocol Prescribing of Chemotherapy in New South Wales entitled "Off-protocol prescribing of chemotherapy in New South Wales", tabled 18 May 2017, received out of session and authorised to be printed on 20 November 2017. [*During the giving of notices of motions*]

#### *Notices*

### **PRESENTATION**

**The PRESIDENT:** Order! I remind all members that members giving notices of motions will be heard in silence.

#### *Business of the House*

### **POSTPONEMENT OF BUSINESS**

**The Hon. DON HARWIN:** I move:

That Government Business Orders of the Day Nos 1 to 3 be postponed until a later hour of the sitting.

**Motion agreed to.**

*Bills***LOCAL GOVERNMENT AMENDMENT (REGIONAL JOINT ORGANISATIONS) BILL 2017****Second Reading Debate**

**The Hon. PETER PRIMROSE (15:11):** The second reading speech on the Local Government Amendment (Regional Joint Organisations) Bill 2017 was delivered late last Wednesday after the bill was declared urgent. Curiously, the Deputy Premier was the lead speaker on the bill, with the Minister for Local Government again relegated to playing second fiddle, in much the same way as the former Minister was relegated when then Premier Baird took the lead in promoting the Government's disastrous forced council mergers. I will not comment on the process, or lack thereof, followed by either Minister's office last week in response to the Opposition's efforts to obtain a briefing to understand why the bill was considered urgent. However, I thank the Deputy Premier's office for the briefing on the bill that I received yesterday.

The Government says that the bill specifies that the principal functions of joint organisations [JOs] between two or more councils are to establish strategic regional priorities, to provide regional leadership, to identify and to take up opportunities for intergovernmental cooperation on regional matters, to allow joint organisations of councils to be established if the councils concerned resolve to be included, and to establish the functions and operations of joint organisations. Joint organisations were first announced by this Government in 2014 as part of its confused Fit for the Future agenda. They were to be "established across regional New South Wales by September 2016". Instead, JOs were trialled in five different regional areas of New South Wales at a total cost of about \$1.5 million. They were then re-announced to be undertaken in mid-2017.

However, the chaotic forced council mergers policies overtook the proposal and even areas participating in the trials were slated for forced merger. In this iteration, we are advised that they will be underway from mid-2018, but with no regulations having been finalised. While this bill has many issues, especially when compared to the second reading speech and the explanatory material issued by the Government, the Opposition will not oppose it. The Opposition supports joint organisations and it wants them to work. However, its principal concern to date has been that the Government has delayed their establishment for so many years. In the second reading speech, the Minister stated:

... the Government's intent is there should be at least three councils wishing to participate in a joint organisation ...

However, schedule 1, clause 10 proposes that a joint organisation shall comprise two or more council areas. When I put this to the Government, its only response was that three was more than two. That is very misleading for local councils and not a good way to make law. Of course, the Opposition would strenuously object to this bill if local councils were being coerced to be part of joint organisations. However, as this decision is voluntary, the Opposition believes the most appropriate response is to urge potential participants to obtain good legal and policy advice on both this bill and the subsequent regulations before deciding whether to sign up.

If joint organisations are allowed to develop as flexible and self-determining, they will be successful. I urge all councils to closely examine the costs that they are likely incur. I also urge the Government, which is putting a time limit on councils to respond, to ensure that the regulations are available to those councils well before the deadline. If they are not available, then it is totally inappropriate to ask councils to decide whether they want to participate in this process with adjoining councils over the Christmas holiday period. In the few days available to us, members of the Opposition have not had the opportunity to identify all of the inconsistencies and problems in the bill. However, as potential participants do their due diligence, it is likely that the Government will have to come back next year with amending legislation. Should it fail to do so, the Labor Party will make the necessary amendments after March 2019.

The specific objectives of the bill are unquantified and, frankly, as I have previously said, quite vague. Many of the operational aspects of the bill will be determined by regulations, which remain unseen. One local government academic states that "there is no extant empirical evidence to support the implied contention that the services delivered through regional joint organisations are indeed more efficient ... it seems instead that evidence-free policy is the name of the game here yet again". As I have said, the bill has many apparent inconsistencies. For example, the second reading speech specifies that a minimum of three councils is required to form a joint organisation, but the bill specifies two or more. The term "regional joint organisation" is not clarified or defined, and the bill refers to "joint organisations". These are problems for the Government to correct, and I will leave it to do so in consultation with local councils.

On 19 May this year the Riverina Eastern Regional Organisation of Councils [REROC] wrote to the Minister for Local Government about the introduction of joint organisations. REROC was one of the five organisations selected by the Government to be involved in the pilot of the new joint organisation model.

Therefore, and not without reason, it believed that its members were well placed to make an informed assessment of the benefits likely to be derived from the introduction of a joint organisation model. REROC wrote:

Our experience has reinforced our belief that the establishment of a JO in the Riverina will not deliver outcomes that are substantially or significantly greater than the outcomes that are currently being achieved by our Regional Organisation of Councils. REROC continued:

Our board has reviewed the likely budget for a joint organisation [JO] and we believe it could cost up to twice as much to fund a joint organisation as what is currently expended on the operation of our regional organisation of councils. We are concerned that the return on investment for the joint organisation is not sufficient to justify the move from the incorporated regional organisation of councils structure we currently have to the legislated joint organisation structure, particularly given that we already enjoy very positive and productive relationships with virtually all State Government agencies that operate in our region.

As this will be a voluntary proposal, the Government should take the concerns of existing regional organisations of councils [ROCs] into account and should specify how regional organisations of councils in one area would be expected to work with joint organisations in another. The Government should compare the differences between them to enable councils to adequately make assessments about which one they would like to belong to. Local councils are already undertaking regional strategic planning and collaboration on a regional basis and already recognise that the local council area is part of a wider network of communities of interest.

The Government seems to be disregarding the great work that is undertaken by regional organisations of councils. Indeed, the Government fails to explain how ROCs and JOs will work with each other. Perhaps the Government does not expect that they will. The State Government has made it clear that joint organisations are to align with the existing New South Wales planning boundaries, although it has not made clear what the consequences would be if the boundaries changed or if there were multiple JOs within a single planning boundary. A statement on the Department of Planning and Environment's website says:

The NSW Government is transforming the system of local government to ensure councils can deliver the quality services and infrastructure that communities deserve. This may impact some current council boundaries. Until this process is finalised, planning for regions and districts will continue to be developed based on existing council boundaries.

This confirms, amongst other things, that the regional boundaries that JOs supposedly cannot exist outside of are not set in cement and are possibly expected to change. While not specified in the bill, the second reading speech and explanatory material supplied by the Government exclude councils in the Far West of the State, the Central Coast and Greater Sydney from forming joint organisations. The Government has suggested that the bill allows joint organisations to be established throughout the State but that it will be Government policy to not have them proclaimed in those three areas.

The Opposition will be moving an amendment to clarify that the bill does allow JOs to be established throughout the State where participating councils consider them appropriate. We will correct the restrictive Government policy after March 2019. The Government's argument is that the long overdue and shambolic Far West Initiative—or whatever it may be called in the future—will cover the Far West, that the Central Coast is already covered by a single merged council, and that the Greater Sydney metropolitan area is excluded as the Greater Sydney Commission operates to "provide strategic regional planning for the Sydney basin".

In reality, it is clear that JOs are not being allowed in Sydney because the Government has not given up on its forced council merger agenda for this area. The key question is whether real outcomes will follow the formation of joint organisations. The five JO trials were not evaluated in relation to whether specific goals were achieved. While regional plans focus on housing, employment, transport and the environment as key indicators, the JO trials did not categorically show tangible outcomes for any of those criteria. To be considered successful, JOs will clearly have to move beyond planning and preparing strategic direction documents to showing how they improve the delivery of housing, employment, environment and transport goals. Despite a promise of \$3.3 million for seed funding, there is no guarantee of ongoing funding. Indeed, the Government's explanatory material strongly suggests that there will be none. It is likely that JOs will have to operate from the purse strings of the local councils that belong to them. Once again, costs are going to be shifted onto local ratepayers. Councils wanting to participate need to do their own due diligence on this matter.

The 2015 committee inquiry into local government, which was chaired by the Hon. Paul Green, recommended that "the NSW Government make Joint Organisations available to all councils in New South Wales" and that "the NSW Government work with local government on a statutory model for Joint Organisations based on the Hunters Hill, Ryde and Lane Cove Council model as a cooperative and consensus model for local council reform in metropolitan Sydney". Of course, there has been no further development of a cooperative and consensus model for local council reform in metropolitan Sydney. Indeed, as I have indicated, the Government has made it clear that joint organisations will not be allowed in metropolitan Sydney at all. As an after thought, when questioned the Government made the pathetic argument that the Greater Sydney Commission already performs this role. That argument is abhorrent nonsense. The real reason is clear and obvious: Premier Berejiklian does not

want joint organisations in metropolitan Sydney because she has not given up on her ambition to forcibly merge more Sydney councils.

In speech after speech, the Premier continues to say that Sydney still has too many councils. Her ambition to reduce them further is crystal clear. A joint organisation in Sydney where councils work even more cooperatively is clearly seen by the Premier as a potential impediment to her ambition to forcibly merge councils, which, should she return to Government after the next election, she will seek to do. In New South Wales we continue to have a chaotic dog's breakfast of so-called local government reform, where the Minister for Local Government now needs help from not only the Premier but also from the Deputy Premier. But it is not only the Sydney metropolitan area that will be denied the opportunity to form joint organisations. Given the short time period to consult with stakeholders about this bill, I was able to contact only a few of the organisations and people in the Far West. One issue they made clear was their frustration that there has been so little done regarding what will replace the Government's much-publicised but ill-fated Far West initiative.

The Mayor of Broken Hill, Darriea Turley, advised me that when the Premier decided to visit Broken Hill recently she did not even extend the courtesy of meeting with the mayor. However, the real concern for the mayor and others is the absence of information or consultation by the Government about what it has planned for the Far West. Is it Government policy that it will once again impose from Macquarie Street a policy that is not suitable or appropriate for the region? The General Manager of Bourke Shire Council confirmed this in an article in the *Daily Liberal* when he said, "Councils in the West are still unclear of the structure that will be adopted for those in the Planning Department's Far West region ... Councils currently within the Far Western region are not included in the proposal to establish voluntary Joint Organisations of Councils and, as such, these councils will not be able to form a JO or JOs at this stage."

In the absence of any information from the Government, rumours in that area are abounding. When I spoke to people, I was asked what I had heard in Macquarie Street about numerous permutations and combinations of councils and the incorporated area. A number of people asked whether the plan for the trio of Broken Hill, Central Darling and the unincorporated area was full steam ahead. The truth is that I do not know, people in the Far West do not know and, quite possibly, the Government does not know. I spoke to my colleague the member for Wyong, David Harris, MP, about the Government's exclusion of the Central Coast from being able to form joint organisations. Mr Harris also holds the important portfolio of shadow Minister for the Central Coast. I asked him how the region of the Central Coast was defined by the local community and its councils, as opposed to arbitrary lines on maps.

The member for Wyong said that it is recognised as including the communities on the Hawkesbury River to the south, the Watagan mountains in the west and Lake Macquarie in the north. It is clearly a region bigger than that of the newly formed Central Coast Council. Whatever the planning bureaucrats say, people in the region do not accept such a limited view of the Central Coast and resent the unjustified restrictions now being imposed on it by this Government. When I explained what the second reading speech had said about the Central Coast—in particular that the Central Coast Council would not be allowed to form a joint organisation that included voting rights with any other council, even if they all voluntarily agreed, because the Minister would, most likely, not proclaim it—David Harris advised:

Regardless of whether Central Coast Council chooses to look into forming a joint organisation with neighbouring councils, the fundamental issue is that they don't get a choice! This decision has already been taken away, with no good reason other than it doesn't conform with regional planning boundaries that can be changed at a moment's notice by the Planning Minister if he decides to pop up a different set on the website. As the Shadow Minister who spends time working on issues across the Central Coast region, it would make sense for Central Coast Council and neighbouring councils to work together on issues—regardless of whether it is under rubric of a joint organisation or another collaborative body—just don't take away any opportunities for councils to work together!

Local Government NSW has raised five concerns that the Government needs to address in the bill and through subsequent regulations. The first is that the Minister can remove any representative at any time without notice and for no stated reason. This gives too much power to the Minister, is contrary to procedural fairness and should be deleted. The second is that the bill provides that if an administrator is appointed, he or she will take over as chair if the previous mayor held this position. This is objectionable. Administrators represent no-one other than the State Government, and this provision also should be deleted. The third is that in accepting tenders for all services and functions the delegation power is far too broad as it can largely be delegated to any person or body. It is a corruption risk and not in the best interests of the community. The fourth is that the Government should not have the ability to prescribe additional non-voting representatives on the board of a JO by means of regulation. This should be determined by the joint organisation.

Finally, the delegation power given to the Minister and the chief executive is too broad. JOs should not exist simply to allow the Government more readily to cost shift State responsibilities onto local council bodies. Given the way joint organisations are spoken about—they would appear to be self-governing structures—the way

in which the Minister has unfettered access to interfere with the functioning and running of a joint organisation runs counter to why they are proposed to be established in the first place. I urge the Government to review the timetable it has set for implementation of JOs. The Government has delayed this implementation for many years. Councils are now required to submit proposals by 28 February next year—a totally unrealistic timetable. It is unrealistic because this legislation has not even been passed, we have no idea when the regulations will be passed, and Christmas and New Year are in the middle of the negotiating period.

As there have to be complex negotiations with neighbouring councils—and particularly because there is an intervening holiday period and no regulations—I urge the Government to look closely, if it wishes this to work properly, at allowing councils to take up this proposal. I think it is a good proposal. I am not opposed—and Opposition members are not opposed—to joint organisations. We want all councils in New South Wales to have the opportunity to consider, with neighbouring councils, whether this suits the local communities. The Opposition is not against joint organisations but they have to be established properly. Some areas cannot be excluded and others allowed, essentially on a whim. Nor can the Government say, "We stuffed this up for years and now we are going to set a rigorous timetable. Over the Christmas break, without seeing the regulations, councils will have to do all these complex negotiations." That is not fair. It is treating local councils very poorly. If some councils can meet those deadlines well and good, but other councils which wish to participate—they may wish to do their due diligence—may not be able to do so. I strongly urge the Government to give them the opportunity to do so. The Opposition does not oppose the bill.

**Mr DAVID SHOEBRIDGE (15:34):** On behalf of The Greens, I indicate that we do not oppose the Local Government Amendment (Regional Joint Organisations) Bill 2017 which, 2½ years later, has gone some way towards implementing a recommendation from the upper House inquiry that reported in 2015 on local governments—a recommendation that the Government rejected at the time because it was keen to smash councils by way of forced amalgamations. The Government rejected the joint organisation model as the preferred option for strategic planning, but after being taught a lesson by the courts and the community this Government has finally come forward with a joint organisation model.

The Government is incapable of learning from history and has decided to rush this bill through Parliament now, at the end of November. It will not publish put out the regulations, which are crucial to understanding how the bill works. Maybe they will come out in December, January or February. Over the December to February period the Government will require local councils to consult with communities about whether or not they want to be part of joint organisations. When will the Government get the message that forcing people to consult over the Christmas period is appalling public policy that will only anger communities?

The Office of Local Government and the New South Wales Minister for Local Government—or whichever iteration of Minister it is—seem to have a policy unit designed to piss off the people of New South Wales. They ask, "How can we poke the bear now? How can we piss off the people of New South Wales by being blind to community consultation? How can we aggravate them in the way we go about attacking local councils?" Somebody has said, "I have an idea. Why don't we rush a bill through in the last sitting week of the New South Wales Parliament—just before Christmas—and require local councils to consult with their communities over the Christmas and New Year holiday period about whether or not they want to be part of a joint organisation? Then we will punish financially any council that does not sign on by February." The Minister says, "That is a brilliant idea. That fits with the history of this Government of smashing local councils through forced council amalgamations."

When will the Government get it? When will the Government get it that the people of New South Wales are sick of being treated like this. Local councils are sick of being treated like this. People expect the State Government to behave in a respectful fashion towards local government. Most residents around the State have a lot more regard for their local councils than the State Government has. They value them because they deal with them daily. Most residents would not know the State local government Minister if they tripped over him or her but they know who their local mayor and local councillors are, and they expect them to be treated with respect. By forcing the bill through in this fashion, this Government is showing local councils no respect.

The House has had a week to look at this legislation. The Greens have a number of concerns. We are not going to oppose it because an element of the bill has a voluntary aspect. To that extent I commend the Government for at least listening to some of the concerns of local councils. Local councils said, "We are sick of being told what we must do and we want to choose whether or not we go into joint organisations." The one element of this bill that we support is that it is voluntary. Local councils do not have to go into it, but the Government has said that it will cut funding to any local council that does not go into it by February. The Government is saying to those councils, "You will not have any money." That means that this will be semi-voluntary. That is the nature of this Government. Joint organisations are useful because they give local councils a structure in which they can collaborate for strategic planning.

For years The Greens have been saying, "Give councils a formal statutory structure so they can collaborate on regional strategic planning issues." Under this bill, that is one of the proposed principal functions of joint organisations, so The Greens give that a tick. Implementation of The Greens policy is good. We like that. The bill requires a joint organisation to set out strategic regional priorities for the area and to put in place a strategic regional plan or strategy for delivering on it. That all sounds good. The bill also allows joint organisations to deliver other services and to provide other assistance to or on behalf the councils, as agreed to by the councils. That is good too.

It is not clear how the agreement process operates. No-one from local government understands how that will be communicated. What if one of the three or four councils says it does not want it? Does a majority of councils amount to agreement? The Greens believe that this should be by unanimous agreement by the councils. I would be interested to know from the Parliamentary Secretary in reply what the Government is proposing and how it is proposing to determine whether or not the councils have agreed for the purpose of new section 400S. We join with Local Government NSW in having concerns about the rather extraordinary power that is proposed to be given to the Minister to remove a mayor from the board of a joint organisation. It is just whatever the Minister wants and for whatever reason—in fact, for no reason. The board of the joint organisations will comprise at least three mayors and perhaps some other councillors, if the local councils want to have councillors as well, but new section 400X (4) states:

The Minister may remove a person from office as a voting representative on the board of a joint organisation at any time without notice and for no stated or any reason.

The Minister can just say, "I don't like that man", and he is gone, sacked. Why would we give the Minister that power? What is the Government hoping to achieve by new section 400X (4)? I would be interested to hear from the Parliamentary Secretary in her reply what evil that is intended to address. Is that just part of the State Government's view that all local councillors are corrupt and terrible in its eyes and therefore it wants to be able to sack them without notice and for no reason? I ask that because that is what this new subsection does. It will allow a Minister to sack a mayor from a joint organisation without reason and without notice. That is pretty appalling.

When will the Government learn? Local councils are sick of being treated with that type of gross disrespect from this Government. We see in the recently amended code of conduct that the Government has distributed for local councils a set of regulations that are almost impossible to comply with and a standard of conduct that is at a level that is five times higher than members of Parliament insist upon for themselves. It is part of the rhetoric that somehow local government is full of corruption and wickedness that requires a heavy hand from the Government. From The Greens observations, as a general rule a lot more good work is being done at a local council level than is being done at a State government level. It is about time this Government understood that and respected local councils and local councillors. New section 400X (4), which gives the Minister power to sack mayors from joint organisations at whim and for no reason, shows the contempt that this Government has for local councils. The Greens will support amendments to delete that provision from the bill.

The Greens are concerned also that the Government seems okay with having its own appointed administrators. When the Government sacks councils, it wants its own appointed administrators to be chairpersons of joint organisations. It is offensive in the extreme to think that we could have a local council entity headed by a hand-picked Minister's representative for an administrator. The Greens will move amendments to ensure that no administrator can chair a joint organisation. We hope that the majority of members of this House support that amendment. The last concern I express in this second reading contribution to the debate is that the Government again is looking to cost shift down to local councils. If the Government thinks that joint organisations are a good idea—and it appears it does, at least in every area other than in Sydney and on the Central Coast—the Government should be the principal source of funding of joint organisations. Instead, the Government proposes to have regulation-making powers to require contributions to be made from local councils, to require them to be made for certain purposes and in certain sums, and to stipulate when the sums have to be paid and how joint organisations can recover joint contributions.

The Greens say that if the council members of a joint organisation do not want to contribute and are unanimous in that position, they should not be able to be compelled to make those contributions. Joint organisations are meant to represent the interests of local councils, not things that are forced upon them by the State Government. If the member councils of a joint organisation object to making the contributions that the State Government thinks they should and the joint organisation is unanimously of that view, the joint organisation's views should be respected. This bill goes some way towards implementing the recommendations of the parliamentary inquiry in October 2015, with which the Hon. Paul Green will be familiar because he chaired it. The committee included me and other members of this House in its membership. From October 2015 that committee stated loudly and clearly, "Don't amalgamate councils. If you want strategic cooperation, put in place voluntary joint organisation models." More than two years later, after having received a shellacking from the

community because of its appalling pro-amalgamation agenda—and didn't that go down well—the Government has come crawling back to the House and is saying, "Maybe we will put in place some joint organisation models."

But there is one big exception: The Government will not allow joint organisation models in Sydney. Why does the Government not want joint organisation models in Sydney? The Government still wants to enforce amalgamations of councils in Sydney. This Government still wants to enforce the amalgamation of Sydney councils that have fewer than 250,000 residents. This Government cannot give it up. The Government is like a dog with a particularly ugly and rotten old bone that it refuses to bury in the backyard. The Government's forced council amalgamation agenda keeps coming back. As Paul Keating said, it is like a dog returning to its vomit. The Government can never get away from the idea of forced amalgamations in Sydney. The community will not let this Government get away with it.

Why does the Government not be honest and say that the reason it is not allowing joint organisations in Sydney is that it still wants to smash local councils in Sydney? Why is the Government not at least honest and say that it has not given up? It is still a deeply embedded dream in certain parts of the Liberal Party in Sydney to have forced amalgamations. Those parts of the Liberal Party still want to have mega mayor Sally Betts and all those other appalling visions that they have had for the future of New South Wales. For those reasons, The Greens will support an Opposition amendment that will allow joint organisations to be created in Sydney. If it is good for the bush, good for the Illawarra and good for the Hunter, it should also be good for Sydney. I would be interested to know what type of unprincipled reason this Government has for not allowing joint organisations in Sydney. This bill, with all its defects, at least goes some way forward. For that reason, The Greens will not oppose the bill.

**The Hon. PAUL GREEN (15:47):** I join in debate on the Local Government Amendment (Regional Joint Organisation) Bill 2017 because I am a strong supporter of regional joint organisations. This year I spoke with the Premier, the Deputy Premier and the Minister for Local Government stating my support for joint organisations [JOs] and asked when the legislation would be introduced to the House. In speaking with the Minister for Local Government and the Deputy Premier I made it known that the use of joint organisations needs to be voluntary.

The Christian Democratic Party strongly supports the bill, which is why we supported the debate being held as a matter of urgency. It is fantastic that the many councils that have been eagerly awaiting this legislation post the pilot scheme can rest easy over Christmas and the holiday period knowing that the legislation is in place for them to begin progressing towards their official joint organisations next year. Some great success stories have come out of joint organisation pilots, including some from the Illawarra and Shoalhaven Joint Organisation [ISJO]. I received correspondence from Lesley Scarlett, the executive officer, stating their great pleasure that the legislation has been tabled as the councils of Wollongong, Shellharbour, Kiama, Shoalhaven are excited to progress their JO journey.

The Illawarra Shoalhaven Joint Organisation [IPJO] is proud of its record to date. It has been pleased to work closely with State government agencies through the Department of Premier and Cabinet [DPC]. Highlights of the IPJO's achievements to date include the development of a youth employment strategy, which is now funded for continuing coordination for two years through the Illawarra Business Chamber. The strategy provides young people with skills and qualifications to secure jobs in key industries across the region. Councils also want to use the collective purchasing power of a legislated joint organisation to favour suppliers that support local youth, as well as to save costs for members. With youth unemployment in the Shoalhaven, which is currently the highest in New South Wales at almost 30 per cent, initiatives such as this show how when councils and communities work together we can create innovative opportunities to tackle key issues within our own local areas.

In addition to this initiative, the IPJO is currently working with DPC, the Department of Industry and the University of Wollongong to commission a 20-year 360 Degree Economic Outlook prospectus for the region. The study will help the Illawarra to connect with economic opportunities in neighbouring regions, such as Western Sydney, and build a more diverse and robust regional economy. These are two great examples of the work that regional councils can achieve when they come together under the regional joint organisation structure. I have said many times in this place that in regional New South Wales it is easier to keep a job than to create a new one. When local councils come together and undertake initiatives, they can do a lot to keep the engine room of their economy running.

As a member of this House and the Christian Democratic Party, I regard myself as a "dinner table" politician. At the end of the day, my priority is to minimise the negative effects on families when they sit around their dinner table at night. I want the decisions of this place to ensure that the normal stressors of life are not amplified by the decisions made in this House. Every family has the right to a safe and secure home, to be able to feed and clothe family members, and to have jobs that meet the financial needs of a family. They should be able to access jobs, schools, health services and transport in a timely and affordable manner.

I visited the Central NSW Councils [Centroc] in May this year. Staff of Centroc most kindly arranged for me to visit Bathurst, Blayney, Parkes and Orange. With Centroc representatives and local councillors, I discussed issues around tourism, water infrastructure, energy resources and, of course, joint organisation reform. Out in the Central West, JOs give local councils the opportunity to network and work together on issues and concerns that they hold in common. This can enable greater strategic efficiencies when tendering for services or rolling out local campaigns—for instance, greater collaboration in tourism advertising. Yet it still gives a local council and its community an opportunity to uphold their independence and individuality.

I have met with Mr Charles Casuscelli, the executive officer of the Western Sydney Regional Organisation of Councils [WSROC]. Mr Casuscelli, who is in the public gallery, acknowledges that a regional perspective is critical for planning and infrastructure investment and should be supported by the State Government, with membership made mandatory. He raised a valid concern about councils that have chosen not to become a member of a JO and therefore cannot be excluded from planning and investment forums. I believe that there needs to be some form of incentive for councils to join joint organisations. I understand that other organisations and councils can join the organisations; however, they are not able to be voting members. I will discuss this in a moment.

I now turn to the detail of the bill. The object of the bill is to amend the Local Government Act 1993 to enable the creation of joint organisations of councils. Joint organisations provide a forum for local councils and the State as well as businesses and other organisations to come together and work to develop regional strategic priorities, allowing geographical areas to create action plans and deliver better outcomes for regional New South Wales. I am pleased that the New South Wales Government has been working with peak organisations and councils to ensure that they get this bill right. I know that the stakeholders I have been in touch with appreciate that the Government understands that the joint organisations need to be flexible and that membership should be voluntary for local councils.

I support the provision of financial incentives to local government to encourage them to opt in, as I believe opportunities for local councils to increase efficiencies will ultimately benefit ratepayers in reducing costs for services provided within the local government area. It is important that councils that choose to opt in are bound to remain and so ensure that other member councils are not disadvantaged. Joint organisations will be bodies corporate and governed by the Local Government Act 1993. They will comprise a board containing the mayors of the local councils in the joint organisation. Each joint organisation will comprise the mayor of each member council and each mayor will have equal voting rights. I have received representations from Shoalhaven City Council that the position of mayor should not be limited to just the mayor; rather, the mayor should be able to provide a nominee. This change would provide a level of flexibility to local government when juggling the many responsibilities that local councillors have.

The chairperson of the board of a JO will be elected from the board's membership. A nominee of the secretary of the Department of Premier and Cabinet will also sit on the board as a non-voting member. Provisions will be made to allow other organisations that hold an interest in the region to be invited to join the joint organisation as non-voting members and will enable experts to give advice to board members when they meet, which is a good idea. Joint organisations will be empowered to have an executive officer and will be able to employ staff under the State award or JOs may choose to use the services of local council staff.

The role of a joint organisation will be to develop regional strategic priorities, to support and drive collaboration and to build regional advocacy. This provides a great opportunity for councils and communities to come together to tackle larger issues and concerns, such as tourism, litter management with a broader strategic plan and cross-community consensus. Joint organisations will also have the optional function of supporting their member councils. Should councils agree to this, JOs can assist through capacity building and supporting regional service delivery. This approach will create greater efficiency and has the opportunity to deliver better value for money for local ratepayers. Further to this, councils are able to delegate regulatory powers to joint organisations, if they choose to do so.

I have often reflected that one size does not fit all when it comes to local government, and joint organisations are the same. As a former mayor, I understand that what works in one place does not always work elsewhere. As members of Parliament who work alongside local communities, we need to acknowledge that each community has its own DNA and there are times when we cannot take a blanket approach. I believe that this bill provides the right balance of flexibility and assurance for local councils that choose to utilise joint organisations. I hope that the New South Wales Government will continue to provide funding incentives for joint organisations beyond the initial funding commitment and I look forward to continuing to advocate for the great work the joint organisations can achieve.

A few councils have been eager to form joint organisations because they realise that joint organisations have the capacity to contribute positively to the development of local regions, especially in the tourism sector. As



the Government tries to meet its target of a 7 per cent increase in tourism income by 2020, which appears to have been blown, joint organisations across regional New South Wales will help to ensure that regional areas have every opportunity to succeed in attracting tourists.

This means that these small regional councils have to carry a massive load. Sometimes they cannot carry the load alone and require assistance. Rather than the councils seeking help from the Government in the city, it would be better to seek assistance from their neighbours, who have considerable experience in local government and tourism initiatives, particularly as the area has lost manufacturing and other jobs. Neighbouring areas can help shoulder the burden and ensure that these small regional councils succeed and prosper for the good of the people of New South Wales and Australia. Long live the Queen.

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

*Questions Without Notice*

**WILLIAMTOWN LAND CONTAMINATION**

**The Hon. ADAM SEARLE (16:00):** My question without notice is directed to the Deputy Leader of the Opposition, the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the expansion of the red zone for per- and poly-fluoroalkyl [PFAS] substance contamination in Williamtown by 50 per cent after a further two-year delay, will the Minister guarantee that no contaminated or potentially contaminated primary industry products have entered the New South Wales market?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:00):** I thank the honourable member for his question on an issue the House has looked at many times relating to Williamtown and the per- and poly-fluoroalkyl contamination. I remind the House—and I am sure the member is aware—that the lead agency on behalf of the New South Wales Government is the responsibility of the Minister for the Environment. Further, the Government has received assistance in this space from the NSW Chief Scientist and Engineer. As to the safety of the general food supply from produce grown on PFAS-affected sites, I have addressed this issue before and point out again that the Commonwealth Department of Health confirmed in April 2017 that there is no consistent evidence of any human health effects related to the exposure.

The New South Wales Government is taking a precautionary approach because the health effects are not clear and the chemical takes a long time to break down. As a precaution, dietary advice is being provided to people living in affected areas. As high consumers of potentially contaminated homegrown food, they have a higher exposure to PFAS than the general population. It is recommended that they do not drink contaminated water and avoid consumption of any food grown using that water. In the new primary management zone at Williamtown where contamination levels are significant, residents are advised not to consume homegrown food. People consuming high quantities of fish from local waterways also are advised to moderate their consumption.

There are no restrictions on selling produce from sites being investigated for PFAS. The general population is not at risk from produce from these sites because the wider public consumes food from a variety of sources, not from a single source. The sale of food from affected properties is not considered to affect the health of the general population. In Australia the general population's exposure to PFAS is low and declining. There is no evidence that this low-level exposure has been harmful to human health. My Department of Primary Industries, which includes the NSW Food Authority, continues to provide advice and assistance on this issue to the New South Wales Environment Protection Authority and NSW Health as part of ongoing investigations. [*Time expired.*]

**The Hon. Niall Blair:** Point of order: I am unaware of the clock being started.

**The PRESIDENT:** The Clerk has confirmed that the Minister is correct. There was an issue with the clock.

**The Hon. Niall Blair:** I seek leave for a one-minute extension to my answer.

**Leave granted.**

**The Hon. NIALL BLAIR:** It is imperative that we follow the advice of the experts in this field. I am not going to buy into speculation. The answer I have provided to the Leader of the Opposition has been well informed and is based upon the evidence of experts. The Government will continue to take advice from the experts on this matter. I will avoid any speculation on the matter and refer all of my comments to those experts and provide answers to the House based on their advice.

## REGIONAL ARTS AND CULTURAL EVENTS

**The Hon. MATTHEW MASON-COX (16:05):** My question is addressed to the Minister for the Arts. Will the Minister update the House on upcoming arts and cultural events in regional New South Wales over the summer months?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:05):** There is no better place to spend the Australian summer than in regional New South Wales. Throughout the year, arts and cultural programs drive many regional tourism strategies, from the Byron Bay Writers Festival to the Kandos-based Cementa Festival. Arts, culture and screen offerings in regional New South Wales continue to thrive, reflecting the many landscapes and cultures and helping to tell the stories of the bush and smaller cities and towns.

Summer across regional New South Wales is a fantastic time to experience some of the best arts and cultural experiences on offer. This summer there is no shortage of festivals and events across regional New South Wales, backed by this State Government which recognises the economic and social value of vibrant arts, screen and cultural offerings in regional communities. To kick-start a busy summer, Artstate starts next week with its inaugural festival in Lismore from 30 November to 2 December 2017. The State Government is supporting this excellent event with an additional \$200,000 annually being provided over the next four years to Regional Arts NSW to stage this festival in regional New South Wales centres. Artstate will engage metropolitan and regional artists and art organisations to create opportunities for regional artists and shine a spotlight on regional artistic excellence.

Lismore was selected as the inaugural host, in recognition of its flourishing and engaged arts community as well as its first-class arts and cultural infrastructure, which includes the new Lismore Regional Gallery. The Artstate Festival will be the ideal opportunity to showcase Lismore's creative economy, its booming cultural community and its bold ideas against a backdrop of an early summer in the Northern Rivers. Premiering as part of Artstate, *Djurra* is directed by Bundjalung man and Northern Rivers Performing Arts [NORPA] Associate Artistic Director Kirk Page. *Djurra* explores contemporary Aboriginal experience in its generations-old context. Through dance, song, storytelling and imagery, *Djurra* tells a powerful story of a family legacy and cultural identity. *Djurra* was developed in consultation with the local Bundjalung community and knowledge keepers and is proudly supported by the State Government through a multi-year grant from Create NSW.

Screen is also going to be a highlight this summer. The Perfect Light Film Festival from 1 to 3 December 2017 reinforces Broken Hill's reputation as a film and arts destination as well as being an innovative world first in that the festival will be run exclusively on solar power. This festival, supported by the State Government, provides the opportunity for local and national talent and screen creatives to come together, showcase their skills and engage with the local community. As part of the festival, a free filmmaking workshop will be held to enable local screen practitioners to enhance their skills. This is an exciting time for arts and culture across regional New South Wales as well as for people having time off over summer to get out and about and experience first-class cultural events and activities.

## WILLIAMTOWN LAND CONTAMINATION

**The Hon. WALT SECORD (16:09):** My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, and representing the Minister for Health. Given the Victorian Premier, Daniel Andrews, recently confirmed that there was a statistically significant increase in cancers associated with firefighters who worked with poly-fluoroalkyl chemicals at Fiskville in regional Victoria, will the Government now initiate an urgent investigation into the possibility of a similar cancer cluster occurring in the Williamtown red zone?

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:10):** I note that the Hon. Walt Secord asks the question of me in my ministerial capacity and also as the Minister representing the Minister for Health. I find it difficult to see a link between my portfolios and firefighters, foam used by firefighters and the issues at Williamtown. I am not the Minister responsible for the Environment Protection Agency, which is the lead agency for this matter in New South Wales. I do not believe that the question is related to any of my portfolios. However, in my role representing the Minister for Health, I will refer that part of the question relating to statistical information from Victoria which the member quoted and the potential for cancer clusters to the Minister for Health for his consideration and come back to the member with an answer.

## MINISTER FOR PLANNING AND PROPERTY DEVELOPERS

**Mr DAVID SHOEBRIDGE (16:11):** My question is directed to the Leader of the Government, representing the Minister for Planning. Will the Minister explain why in the 106 meetings the Minister for

Planning has had between January and September 2017 he has met with 40 property developers and property development groups but only 10 community groups and not a single person in their capacity as an ordinary resident or home owner?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:11):** Questions dealing with Ministers' decisions about diaries should be asked of the relevant Minister so that he or she can respond directly. This is the first government where its Ministers make these disclosures. We have a level of transparency and therefore a level of integrity that previous governments have not had. The alternative government and its shadow Ministers are not being transparent, even now.

**The Hon. Mick Veitch:** Did your shadow Ministers publish theirs, Don? No, they did not.

**The Hon. DON HARWIN:** The Hon. Mick Veitch has well and truly opened the door on that one.

**Mr David Shoebridge:** Point of order: First, the Minister is being disorderly in responding to interjections. Secondly, the response about shadow ministry diaries is not relevant to the question.

**The PRESIDENT:** Order! I uphold the first part of the point of order and ask Ministers not to respond to interjections. I remind members that interjections are disorderly at all times. The Minister is being generally relevant. I remind Government members that questions are asked of Ministers, not of Government members and they should not be answered by backbenchers. The Minister has the call.

**The Hon. DON HARWIN:** I have concluded my answer.

#### TRADE AND INVESTMENT

**The Hon. RICK COLLESS (16:13):** My question is addressed to the Minister for Primary Industries, Minister for Regional Water and Minister for Trade and Industry. How has the Government helped the State win new export markets and attract investment in 2017?

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:14):** The New South Wales Government has left no stone unturned in 2017 in our efforts to showcase our State to the world—and what a showcase we have. We are committed to helping New South Wales exporters break into new markets and attract the investment that is needed to continue our strong record of economic growth and jobs creation.

**The Hon. Don Harwin:** Point of order: I am struggling to hear—as would you, Mr President—the Minister give his answer because of the repetitive interjections from Mr David Shoebridge.

**The PRESIDENT:** I uphold the point of order. Other members were interjecting as well. I repeat that interjections are disorderly at all time times. The Minister has the call.

**The Hon. NIAL BLAIR:** For the first nine months of this year we attracted \$620 million of new international investment which is set to create around 545 new jobs across the State. I speak about investment by businesses such as FinMechanics, a company from Singapore servicing international banks, creating 10 jobs at its new operations in Sydney. I speak also about companies such as Optimizely, the Silicon Valley start-up company which will now call Sydney home as its Asia-Pacific hub, creating another 15 jobs. There will be more jobs in Western Sydney with the global information technology firm AirTrunk setting up a centre. "How many jobs?" I hear you ask.

**Government members:** How many?

**The Hon. NIAL BLAIR:** There will be 180 permanent local jobs. International telecommunications company BT also will be setting up. Do I hear you ask, "How many jobs?"

**Government members:** How many?

**The Hon. NIAL BLAIR:** That will create a further 170 jobs. We are a jobs-creating government. We have helped New South Wales businesses increase exports by \$125 million and assisted almost 500 of them to access international markets for the first time. This Government is committed to ensuring that the world knows New South Wales is a great place to do business and invest in. The Premier, Ministers and our trade envoys have supported six international ministerial trade missions and 66 international business delegations. These missions have been key to ensuring more opportunities for the great products and services that this State has to offer. From food and farm innovation to financial services and medical technology, New South Wales has the best.

This year the Premier's mission to Japan and South Korea secured a high-level Japanese business visit to New South Wales in early 2018. This will tap into the enormous investment opportunities in our Westmead health and education precinct and the Western Sydney aerotropolis. These precincts will become home to the industries

of the future and will generate thousands of skilled jobs for the people of Western Sydney. We are a jobs-creating government. The Premier reinvigorated our relationships with Japan and South Korea and agreed to initiatives that will benefit our education sector and our start-up communities. In September I visited China, the world's biggest emerging market, to build on our strong economic relationship. Other missions and delegations by my colleagues and me to Germany, India, Singapore, Malaysia and the United Arab Emirates have produced results and will lead to further wins in the months and years to come.

We are progressing towards our trade investment targets to bring \$8 billion of new investment a year into our State and deliver 15,000 new jobs annually by 2020. We are on track towards meeting export targets that will help get 16,000 businesses exporting by 2020 and our agricultural exports topping \$10 billion a year. I thank all of our hardworking staff in New South Wales and in our key markets around the world. Thanks also to our hardworking special envoys and advisers Warwick Smith, Barry O'Farrell, Bob Seidler, Jim Harrowell and Ian Williams. Their ongoing service to New South Wales and Australia will impact on generations to come. The members opposite do not understand the international markets. They do not understand we are a jobs-creating government. There is more to come and 2018 will be even better.

#### **WESTMEAD HOSPITAL MIDWIFERY STAFFING**

**Ms DAWN WALKER (16:18):** I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Health. What is the Government doing to address the fact that there are 40 full-time equivalent midwife positions currently unfilled and 180 unrostered shifts at Westmead Hospital?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:19):** I thank the honourable member for her question, which asks for specific detail. I am more than happy to refer it to the Minister for Health for an answer, which I will provide to the member in due course.

#### **WILLIAMTOWN LAND CONTAMINATION**

**The Hon. PENNY SHARPE (16:19):** I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. What impact has the Williamstown perfluoroalkyl [PFAS] contamination had on the Port Stephens Fisheries Institute and on the wider angling and fishing industries in the affected areas? Will the Minister fight for compensation to be provided to those in the fishing industry?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:20):** I thank the honourable member for her question, which is important because it relates to both commercial fishers and those who enjoy recreational fishing. I like the fact that the shadow Minister for the Environment has asked me a question about recreational fishing. It is a good sign that she is also interested in this issue, and I hope that interest continues. As we get closer to the 2019 election, I am sure The Greens will try to start a quick race to the bottom to ban recreational fishers in some places. I hope the shadow Minister for the Environment, who is a recreational fisher, will resist the temptation to follow The Greens in that race to the bottom.

The Government worked closely with the commercial fishing sector when the contamination was first detected in the Williamstown area. Members opposite might remember that the Government allowed exemptions to the business adjustment program and some of the linkages of shares in the area because of those affected fishers. The Department of Primary Industries was at the ready to provide substantial information to the fishing community about the extensive testing undertaken. We wanted to ensure that we had the best possible information and that we provided the most up-to-date and best advice. The department has a good track record of communicating with fishers in the area.

The member referred to the impact on the Port Stephens Fisheries Institute. I am not aware of any adverse impact on any research programs being undertaken by the institute. Obviously, a large part of the response has been from staff based at Port Stephens. I am not directly aware at the moment of any impacts, but I am more than happy to take that part of the question on notice. There may have been some adjustments to some research projects or impacts of which I am not aware. If I am not aware of them, it means either that there has been no impact or that they have been able to manage any impacts because of the expertise of the local staff.

While I am taking the question on notice, I will get the most up-to-date information available for recreational fishers in the area. This is about providing the right information. On a matter as delicate as this, we want to provide the right guidance, but we also do not want to alarm anyone unnecessarily. That is why I will take the question on notice and get the most up-to-date information. Announcements were made on the weekend about

this issue. I would like to avail myself of the latest advice that has been provided to the recreational fishers and come back to the member with a detailed response.

### ENERGY SECURITY

**The Hon. SHAYNE MALLARD (16:23):** I address my question to the Minister for Energy and Utilities. Will the Minister update the House on energy security in New South Wales this summer?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:24):** I am pleased to be able to inform the House that New South Wales is well placed to handle the coming summer under normal circumstances. Last year's unseasonable hot summer across multiple States led me to take prompt action to secure supply on 10 February. The Australian Energy Market Operator [AEMO] takes the lead on summer readiness for the national electricity market. I have made my expectations clear to AEMO. We will soon receive the final AEMO report on its plan for summer, which includes: firstly, maximising supply from existing power stations by rescheduled maintenance and bringing mothballed assets back online; secondly, mitigating risks to generation fuel supply; thirdly, maximising electricity transmission system capacity and reliability; fourthly, establishing contracts directly with demand-response providers such as small-scale diesel generators; and, fifthly, conducting emergency event planning and exercises.

The focus of AEMO's work has been on shoring up Victoria and South Australia following the sudden closure of Hazelwood Power Station and Northern Power Station. AEMO released its "Electricity Statement of Opportunities Report" in September 2017, and determined that New South Wales is in a good position. That is great news for the people of this State. This means our greatest risk now comes from an issue in Victoria or South Australia that may have potential spill-over effects in New South Wales due to the national market as well as, of course, the perennial threat we face from natural disasters such as bushfires.

As members are aware, the New South Wales Government has implemented additional security arising out of the New South Wales Energy Security Taskforce, which I established earlier in the year. The taskforce, chaired by the NSW Chief Scientist and Engineer, Professor Mary O'Kane, made seven recommendations. Our work has resulted already in several key milestones being delivered. This Parliament recently approved streamlined and modernised emergency management powers. The Government is providing \$7 million in demand-response funding in conjunction with the Australian Renewable Energy Agency. The demand-response program starts at 60 megawatts in the first year, which is roughly equivalent to the output of about 12,000 household solar photovoltaic systems.

New South Wales government agencies are preparing to reduce demand, building on their great work in February this year, and new capacity will be coming online from large projects. Another 30,000 homes have installed solar power and the Smithfield gas generator has not closed as expected. It has been indicated that it will remain in service for summer. We have enough power to keep the lights on this coming summer under normal conditions. In fact, we are better prepared than we were last summer. I look forward to receiving the AEMO's final report on summer readiness. The people of New South Wales can be assured that the Government has advanced all actions recommended by the NSW Chief Scientist and Engineer to prepare for the summer.

### GRIFFITH BASE HOSPITAL

**The Hon. ROBERT BROWN (16:27):** I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Health. Earlier this year the Minister for Health stated that the construction of a new Griffith Base Hospital would commence after the clinical services plan was completed and before the end of 2017. Will the Minister guarantee that the construction of this new hospital will now commence before Christmas?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:28):** That is a good question. It relates to an important matter for the Griffith community that has had plenty of light shone on it over the past few months for various reasons. The member asked for specific details about timelines for the project. I know the project is of particular interest to my good friend Mr Austin Evans, the member for Murray. I will take the question on notice and refer it to the Minister for Health and come back to the member with a detailed response.

### GOOD FRIDAY MINE DEVELOPMENT CONSENT

**The Hon. MICK VEITCH (14:29):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, in his own capacity and representing the Minister for Lands. Given the Western Lands Commissioner is responsible for issuing development consent for mining projects in the unincorporated area, what involvement did he have as the previous Minister for Lands in approving the development consent for the Ausgold Mining's Good Friday Mine near Tibooburra?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:29):** I thank the honourable member for the question that he has directed to the Minister for Lands. If he was directing a question to me in relation to something I did in a previous role, it would be a question—

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

**The Hon. NIALL BLAIR:** Because the question relates to specific details around a project that is the responsibility of another Minister, I will take the question on notice, refer it to the Minister for Lands and come back to the member with a detailed response.

### PRIMARY INDUSTRY INNOVATION

**Mr SCOT MacDONALD (16:30):** 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 innovation has changed the primary industries sector in 2017?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:31):** One of the world's greatest innovators, Albert Einstein, once said, "If you always do what you always did, you'll always get what you always got." For 16 years, the people of New South Wales got below average from those opposite when it came to innovation. Innovation and change are not things that the Labor Party knows much about. Innovation takes agility, courage and, most of all, leadership. When I look across the House I do not see leadership, courage or agility. We are seeing a lot of courage, agility and leadership from this Government. Innovation does not happen overnight, but if one has the courage and agility to create change instead of just joining the journeymen, one will set the road ahead. In the primary industries sector in 2017 we cemented the road ahead. The New South Wales Government is driving innovation across the sector to ensure that we are at the forefront of research, development and technology.

**The Hon. Walt Secord:** Point of order: My point of order goes to relevance. I have no idea what the answer is if it bears no relation to the question. It makes no sense whatsoever.

**The Hon. NIALL BLAIR:** To the point of order: The member absolutely would not understand anything about innovation. That is what I clearly demonstrated in the first part of my answer. I am being directly relevant.

**The PRESIDENT:** Order! There is no point of order. The Hon. Walt Secord was making a debating point.

**The Hon. NIALL BLAIR:** This will ensure continued profitability and productivity in the sector. The Department of Primary Industries [DPI] currently has more than 600 scientific staff and 500 active research projects. DPI has maintained its ranking in the top 1 per cent of research organisations globally in the fields of agricultural science and plant and animal science. In 2017 we have made poppies bloom and turned hemp into food, with quinoa to follow suite. We launched new lupin and wheat varieties, commenced ground-breaking research into medicinal cannabis, used world-first technology with sharks, began a joint venture in aquaculture, and built fishing wonderlands and reefs up and down the New South Wales coastline for our wreck fishers. It is colourful and diverse and it is creating more opportunities for our primary producers than ever before. Whether they work the land or sea, something is changing and growing. As Minister, it has been fantastic to see so many new industries begin and others transform. The changes have started in the early hours of a sitting day in this Chamber through legislation and have ended with seeds in the ground and more fish in the sea.

Two of our biggest areas of innovation are in opium poppies and medicinal cannabis. The poppy crops have gone tremendously this year and in the coming weeks we will start to harvest. New South Wales is now set to rival Tasmania, which currently provides about half of the required opium for medicines in Australia. This year, we will also commence ground-breaking research into the cultivation of medicinal cannabis in New South Wales. The trial will be housed in a \$2 million purpose-built site and is the first to be authorised by the Australia Government for research into cultivation. Innovation is in the DNA of this Government. It is shaping and changing the way we produce food and fibre to ensure the prosperity of our growers and regional communities. While 2017 has delivered great gains and grains, I promise the best is yet to come in 2018. We have seen so many new opportunities right across the State. There are so many great minds in our DPI research facilities using their expertise to assist the farmers of New South Wales. The next year will be a great one when it comes to agricultural innovation.

### WINDSOR BRIDGE

**The Hon. ROBERT BROWN (16:35):** My question without notice is directed to the Hon. Niall Blair, representing the Minister for Roads. Will the Minister advise the House when the tender process will close for the construction of the Windsor Bridge and when a successful applicant will be notified by the Government?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:35):** I thank the honourable member for his question on a matter that is now subject to an upper House inquiry. The question asks for some very specific detail on tenders, so it is best that I take the question on notice, refer it to the Minister for a detailed response and come back to the member in due course.

### RICHMOND RIVER WATER QUALITY

**The Hon. COURTNEY HOUSSOS (16:36):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. What is the Minister's response to calls by Ballina Shire Council and the Federal member for Richmond, Justine Elliot, to appoint a special water commissioner to improve the health of the Richmond River, the sixth largest water catchment in the State, after it was given a grade of D minus by the University of New England?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:36):** I thank the honourable member for her question on the quality of the important water body in the north of the State. It is something that we have spoken about previously in this House. I am not aware of the member for Richmond or the council asking for a specific commissioner to be appointed to that area. I am more than happy to take the question on notice and come back to the member with any relevant information on the water quality of the Richmond River. My major concern is making sure that the right research is happening and the right policies are in place to improve the water quality, rather than just responding to calls from the Federal member for Richmond. I am more than happy to take the details of the question on notice and come back to the member.

### CULTURAL EXHIBITIONS

**The Hon. TREVOR KHAN (16:38):** My question is addressed to the Minister for the Arts. Will the Minister update the House on some of the 2018 highlights planned for the State's cultural institutions?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:38):** I thank the Hon. Trevor Khan for his question and hope he feels better soon. The New South Wales Government is proud to invest in the State's cultural institutions, which provide a range of services, programs, events and exhibitions for the benefit of the community and position New South Wales as a cultural leader, nationally and internationally. For example, the State Library of New South Wales' Michael Crouch Galleries is undergoing an exciting transformation and is due to open July 2018. This will enable more of the library's unique treasures to go on public display than ever before. It has been possible through the support of Michael Crouch, AC, and a group of other significant benefactors. The galleries will occupy the entire first floor of the historic Mitchell building.

The Art Gallery of New South Wales will be bringing one of the most famous masterpieces of medieval art to Sydney in February 2018. On loan from the Musée de Cluny, Paris, where it is the number one attraction, the tapestries are often referred to as the *Mona Lisa* of the Middle Ages and will be travelling outside France for only the third time since their creation in the sixteenth century. Comprising six tapestries, "The Lady and the Unicorn" exhibition will provide visitors with an intimate encounter with one of western art's greatest surviving treasures. In March 2018 the Australian Museum will launch its Month of Culture—a celebration of the Australian Museum's Pacific and Indigenous Cultural Collections and Communities, with the WEAVE project. WEAVE will pay homage to the Gadigal people and see museum visitors join Aboriginal elders, artists and staff working together to weave a cultural object inspired by traditional Gadigal objects.

Something else to see over summer is Sydney Living Museums' "Underworld: Mugshots from the Roaring 20s" exhibition. Drawn from the collection of the Justice and Police Museum, this exhibition features over 100 images of the colourful criminals from Sydney's underworld in the 1920s. Continuing the Museum of Sydney's tradition of depicting Sydney through artists' eyes, "Lavender Bay: Brett Whiteley and Peter Kingston", opening September 2018, features the spectacular views from Lavender Bay that have inspired generations of Sydney artists. From next year the Museum of Applied Arts and Sciences is introducing a multi-year architectural/design commission, made possible by the generous support of an anonymous donor, installed in the Turbine Hall. The commissioning program is an exciting opportunity for the museum to work in partnership with the design community and to support and champion the creation of new work.

The Sydney Opera House will again delight audiences with a range of performances and events next year. With the reopening of the refurbished Joan Sutherland Theatre, all seven of the Sydney Opera House's resident companies will be returning for seasons at Bennelong Point. Contemporary music will also be a highlight of the Sydney Opera House calendar, with gigs of the likes of Sam Smith, Ben Folds, the National and Grizzly Bear already close to selling out. As you can see from these brief highlights, there will be plenty of opportunities for the community and visitors alike to access outstanding cultural experiences right here in Sydney next year.

### SHENHUA WATERMARK COALMINE

**Mr JEREMY BUCKINGHAM (16:42):** My question without notice is directed to the Minister for Resources. In July the Government announced that it would pay \$262 million to Shenhua Watermark coal company in return for 51.4 per cent of its exploration licence. Constituents have approached me concerned that there is no written deed to confirm this agreement. Will the Minister clarify whether the Government has signed a written deed of settlement to the Shenhua Watermark coal company or a related entity?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:42):** The honourable member is referring to the decision that was taken by the New South Wales Government and announced on 12 July 2017 in relation to an agreement with Shenhua to secure the excision of the 51.4 per cent of EL7223 that encroached onto the flat, fertile Liverpool Plains. This exploration licence [EL] was issued in 2008 by the previous Labor Government and Shenhua purchased the exploration licence for around \$300 million.

The figure that the honourable member refers to in his question—the refund of \$262 million—represents the same proportion of the original \$300 million received, adjusted for today's dollar values. The details of the agreement reached with Shenhua are confidential and, as such, cannot be discussed. Other than those matters that I have already announced, I have been asked by the member on a previous occasion whether I would visit the Watermark mine site. I can report to the House that on 31 October I did visit the mine site. I also visited Gunnedah. I did not drop in on the Hon. Sarah Mitchell; it was a very busy day.

**Mr Jeremy Buckingham:** Point of order: My point of order is with respect to relevance. This was a very specific question about whether or not there is a written deed of agreement with the Shenhua Watermark coal company or other entity. The Minister is now talking about his travels to Gunnedah and visits to the Hon. Sarah Mitchell and the like. That is entirely irrelevant to a very serious issue. I ask that he be brought to order and that he be relevant to the question asked.

**The PRESIDENT:** Order! First, members will address their remarks through the Chair. When a member starts screaming his point of order I consider that I am being screamed at. That is unacceptable. Secondly, there is no point of order. The Minister was being generally relevant.

**The Hon. DON HARWIN:** The honourable member asked me about concerns that had been expressed by local farmers. I was just about to make the point to him that a large part of that day was spent meeting with local farmers. I met with the Lock the Gate organisation at the same time. That organisation was present with the farmers. In my car, with the farmers and a representative of Lock the Gate, I drove around the mine site and the farms adjacent to the mine site. I must have spent almost 2½ hours with them and not once did any of them express any concerns along the lines of what the honourable member has said. I have to ask the question: What farmers is Mr Jeremy Buckingham talking about?

**Mr Jeremy Buckingham:** I said "constituents".

**The Hon. DON HARWIN:** I am sorry, was it "constituents"? I thought I clearly heard "farmers".

**Mr Jeremy Buckingham:** No, you did not. You are hearing things.

**The Hon. DON HARWIN:** Let me tell the House that after I had spent a long time with the farmers adjacent to the mine site I then went into Gunnedah and spoke to a very large number of constituents from the Gunnedah area. I had a roundtable discussion with a wide range of representatives—

**The Hon. Scott Farlow:** Point of order: Interjections are disorderly at all times, and I ask that the member be called to order.

**The PRESIDENT:** Order! I uphold the point of order. Mr Jeremy Buckingham asked his question and I assume he wants to hear the answer. It is impossible for me and Hansard to hear the answer because of the continual interjections.

**The Hon. DON HARWIN:** My point is that not one of the groups that I met with—not the council, the mayor of the council or any of the others—expressed the particular concern that the honourable member has raised.



## WATER MANAGEMENT AND COMPLIANCE INTERIM REPORT

**The Hon. PETER PRIMROSE (16:48):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the comments on page 21 of the Matthews report regarding the allegations of water theft at Miralwyn, has there been an inspection to ensure compliance with all current licences?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:48):** I thank the Hon. Peter Primrose for his question, which relates to a matter that has attracted much discussion in this House over the past few months. As I stated previously in the House, I will not comment on specific cases that may involve ongoing investigations because I do not want to prejudice any investigation that may be ongoing.

## RECREATIONAL FISHING

**The Hon. SCOTT FARLOW (16:49):** 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 what the New South Wales Government is doing to improve recreational fishing opportunities this summer?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:49):** I thank the Hon. Scott Farlow for his very important question. This Government is continuing to support the State's thriving recreational fishing sector and is doing that by reinvesting money raised through the sale of recreational fishing licenses and putting that directly back into projects that benefit recreational fishers in New South Wales. A great example of this is our fish aggregating devices [FADs]. I am pleased to inform the House that the annual deployment of 30 FADs has commenced to provide more recreational fishing opportunities during the summer months.

From November each year FADs are deployed along the New South Wales coastline from Tweed Heads in the north to Eden on the far South Coast and are specially designed to withstand harsh offshore conditions. They are a global positioning system tracked yellow buoy with a flash and beacon for safe navigation. They are anchored to the ocean shore up to 30 kilometres off the coastline and provide a structure for pelagic or surface-dwelling fish to gather around. FADs are extremely popular with recreational fishers. Fishing around those devices can be action packed as anglers can test their skills against fast-growing, hard-fighting sport fish. The installation of FADs is eagerly awaited by anglers because it signals the beginning of the summer fishing season.

In summer and autumn, the East Australian Current brings warmer waters off the coast of New South Wales that attract a variety of pelagic fish, such as brilliantly coloured dolphin fish as well as hard-fighting marlin and wahoo. The New South Wales Department of Primary Industries [DPI] Fisheries officers already have deployed FADs off the far North Coast, the mid North Coast, Newcastle, Central Coast, Sydney and Illawarra regions. Recently I was pleased to join the member for Coogee, Bruce Notley-Smith, to witness the deployment of the Sydney East FAD. Five FADs have been installed off the Sydney coast which create new opportunities and ease the pressure on existing fishing spots. In the coming weeks my department will install FADs down the South Coast, including off Jervis Bay and Batemans Bay—just in time for the Christmas holiday period.

Recreational fishers can find their nearest FAD by downloading the free DPI FishSmart app, which also provides anglers with information about the weather, bag and size limits, rules and licensing. Fishers are encouraged to check the latest marine weather forecast before heading offshore and to fish safely around FADs, including considering the code of conduct for FAD fishing. New South Wales has some of the world's best fishing opportunities on our doorstep and we are making the most of those opportunities. I am proud that this Government is such a strong supporter of recreational fishers. I look forward to updating the House on the many other things that the Government is doing in relation to recreational fishing. I encourage fishers to get out on the water this summer and try their luck fishing one of our FADs. I certainly hope to join them at some stage.

During the deployment of the FADs, not only was it a great opportunity to once again familiarise myself with the device and catch up with a great local member, Bruce Notley-Smith, but it was also great to catch up with the DPI staff who are absolutely committed to this program. Those officers are out there deploying the FADs all along the New South Wales coastline. They are absolutely passionate about what they do. They are always willing to swap stories about the latest fish they caught; it is not just a job for them, it is also their passion. They love fishing. This New South Wales Government loves fishers. [*Time expired.*]

## PUBLIC TRANSPORT

**Dr MEHREEN FARUQI (16:53):** I direct my question without notice to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Minister for Transport and

Infrastructure. I refer to the posters all over train stations showing extended peak hours from 6.00 a.m. to 10.00 a.m. and from 3.00 p.m. to 7.00 p.m. Has Transport for NSW extended peak travel times on Sydney trains? Will the Government be charging peak fares for that extended period? If not, will the Government guarantee that peak fares will not be charged during those extended hours?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (16:54):** From 26 November 2017, 8,600 extra weekly services will be provided across trains, buses and ferries. That is great news from a government that has done more for public transport than any government in recent memory. It is extraordinary that a party that proclaims its support for public transport can whinge, despite the fact that New South Wales finally has a government that is investing in public transport. The Greens are nothing but negative about everything that has happened. Some important improvements will be made as part of the new timetable that has been announced, such as more than 1,500 weekly train services. That is the largest increase in capacity ever introduced.

**Dr Mehreen Faruqi:** Point of order: My point of order relates to relevance. I had a very specific question about extended hours for peak travel times across Sydney trains. In almost 1½ minutes, the Minister has not addressed that issue at all.

**The Hon. Niall Blair:** To the point of order: The Minister is able to provide some context and background before he gets to the substance of his answer. I believe he was providing that and also was being generally relevant to the question he was asked.

**The PRESIDENT:** Order! The Minister is being generally relevant.

**The Hon. DON HARWIN:** It seems that the only train that the Dr Mehreen Faruqi is interested in—

**The Hon. Shayne Mallard:** Is the one to Canberra.

**The Hon. DON HARWIN:** —is the one to Canberra.

**The Hon. Niall Blair:** And they are building light rail down there as well.

**The Hon. DON HARWIN:** Apparently.

**The Hon. Niall Blair:** She will hate all of them as well when she gets to the Senate.

**The Hon. DON HARWIN:** Absolutely. As I was saying—

**The PRESIDENT:** Order! The Minister's last utterance was not generally relevant. I ask him to now be generally relevant to the question. The Minister has the call.

**The Hon. Rick Colless:** She wants the gravy train.

**The Hon. DON HARWIN:** I will leave the gravy train remark alone. Almost 7,000 weekly bus services will be added to routes serving the eastern suburbs, the inner west, the lower North Shore and northern suburbs, Macarthur and Hills districts. B-Line is coming in for the northern beaches, with more than 2,000 weekly services. There will be more than 140 additional weekly ferry services, including a new cross-harbour ferry route linking the eastern suburbs, the lower North Shore, the inner west and Sydney's central business district. Once the improvements have been added to the timetable, it will mean that more than 27,000 extra weekly public transport services have been introduced by the New South Wales Government since March 2011.

The new timetable is available online at [www.transportnsw.info](http://www.transportnsw.info). Judging by the sound of the question asked by Dr Mehreen Faruqi, she has been having a look at that. Dr Mehreen Faruqi has raised some very specific issues. I take on board what she has said. However, given the perspective that she seems to bring to these issues—which is totally at odds with the strong record of the Government on public transport—I think the best thing to do is refer the question to the Minister for Transport and Infrastructure and seek an answer on the specific issues she raised.

#### WATER MANAGEMENT AND COMPLIANCE INTERIM REPORT

**The Hon. SHAOQUETT MOSELMANE (16:58):** My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the Matthews report's comments on water theft allegations at Mr Peter Harris' "Rumleigh", has he ensured that his department has reviewed all available evidence and determined what further action would be taken?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (16:59):** I thank the Hon. Shaoquett Moselmane for his question, which relates to matters that have been before this House for many months. The member quite rightly made reference to the Matthews interim report. I remind the House that it was the Government, off the back of some allegations in

the *Four Corners* report, that asked Mr Matthews to do that investigation. The Government has started to respond to the recommendations of Mr Matthews—indeed, I am sure we will have the opportunity to look at how the Government is responding to some of the recommendations later today. In relation to the specifics of the question, my answer is very similar to the answer I gave the Hon. Peter Primrose: I am not going to comment on specific cases because I do not want to prejudice individual cases and any ongoing investigations. The Government has responded to the recommendations of Mr Matthews, and those responses are on the public record and have been discussed in this House. I repeat that I will not comment on individual cases.

**The Hon. DON HARWIN:** The time for questions has expired. If members have further questions, I suggest that they place them on notice.

### *Deferred Answers*

#### **GUN CRIME**

In reply to **the Hon. ROBERT BORSACK** (17 October 2017).

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry)**—The Minister provided the following response:

I am advised:

New South Wales has some of the toughest penalties for firearms offences in Australia.

In 2015 the New South Wales Government introduced the Crimes (Sentencing Procedure) Amendment (Firearms Offences) Act, which made good on the Government's election commitment to improve sentencing for gun-related crime. This Act established standard non-parole periods for some firearm offences and increased existing standard non-parole periods for a number of other offences.

Also in 2015, the Government introduced a range of gun crime reforms, including new offences and increased maximum penalties, aimed at addressing illegal firearms in the community.

#### **BROKEN HILL WATER PIPELINE**

In reply to **the Hon. MICK VEITCH** (17 October 2017).

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry)**—The Minister provided the following response:

On 27 September 2016 I wrote to the Chair of WaterNSW, advising that I was considering giving a direction to the board of WaterNSW under section 20P of the State Owned Corporations Act 1989 [SOC Act], to construct and own a pipeline from the Murray River to Broken Hill in order to provide a long-term water supply solution to Broken Hill. In response to my letter, the board of WaterNSW advised that the draft direction would not be in the best interests of WaterNSW unless the following conditions were met:

1. IPART is directed under section 16A of the Independent Pricing and Regulatory Tribunal Act 1992 [the IPART Act] to include the efficient costs of complying with the direction in determining maximum prices for this service;
2. The New South Wales Government provides an assurance to WaterNSW that its costs of complying with the direction (including cost of capital) will be fully reimbursed if:
  - (a) efficient project costs, including any reimbursements to Government of DPI Water costs, are not passed through by IPART for any reason; and/or
  - (b) the New South Wales Government revokes the direction, either in whole or in part.

In providing my final direction to WaterNSW, I had regard to and addressed these concerns.

### *Committees*

#### **PORTFOLIO COMMITTEE NO. 3 – EDUCATION**

##### **Report: Education of Students with a Disability or Special Needs in New South Wales**

**Debate resumed from 17 October 2017.**

**The Hon. JOHN GRAHAM (17:01):** I enjoyed being a member of Portfolio Committee No. 3 and its inquiry into the education of students with a disability or special needs in New South Wales. I particularly thank the chair of the committee, the Hon. Lou Amato, for being very good to work with and I acknowledge the other committee members. We heard confronting evidence and read confronting submissions, but by and large committee members worked with a high degree of bipartisanship. I recommend the views that have been put to the House in the committee report. However, I feel that there needs to be further comment on one issue, and I will speak on that aspect, which is the way in which special purpose schools are funded under the existing funding formula. This is a long-running issue—in fact, last time the House looked at the sector this issue was also raised. Both sides of politics have investigated this issue, but I feel that this Government and future governments will

need to look at the fact that under the current funding formula for special purpose schools, high school students at special purpose schools are treated the same as primary school students.

That is a problem in theory, and in practice it means that high school students are attending special purpose schools that do not offer the same level of careers advice, counselling, physical education [PE] and school laboratories and kitchens as those offered in a mainstream high school. The committee took the view that the students with special needs are, if anything, more likely to need those sorts of supports; however, they get less support. The last Legislative Council committee investigating special needs schools looked at this issue and made a recommendation, our committee put forward some strong recommendations in this area, and I thank the chair and other committee members for taking a strong view in this regard. However, I do not accept the view of the Department of Education in response to a question on notice:

However, the department notes not all programs and courses are offered at every school in NSW... The fact that different schools have different combinations of offerings is not, of itself, a denial of a benefit to some students. It may be evidence that all schools seek to tailor their programs to the needs of their students.

The department argued that all schools are different, but they are substantively equal—so, different horses for different courses, but substantively they are equal across the State. I do not accept that that is the case. I do not accept that schools without careers advisers, without counselling, without PE, without school laboratories and kitchens offer a substantively equal, but different, education to students. Without providing those services, how are these schools equal? I do not accept the department's assurances. I believe that this is a breach of the department's obligations under the Federal and State disability discrimination legislation. These students are not being offered an equal chance to succeed. They are not being offered an equal but different education under the funding formula. The Hon. Daniel Mookhey and I recommended that we ask the Anti-Discrimination Board to initiate a legal compliance audit of the department's responsibilities.

These are difficult issues. There is a need for funding, and none of the issues raised during the inquiry process will be properly addressed without funding. Both sides of politics have to confront these issues; any future government in New South Wales will have to grapple with significant funding issues to tackle the problems the committee found in schools. There are some examples of great things that are happening in the State's special purpose schools, which is encouraging. Some time ago I looked at similar issues in Queensland schools, and I was encouraged by how special needs schools in New South Wales operate. Having said that, we will not be able to step around funding issues; however, separate to the funding issues there appears to be flat-out illegal discrimination that we have to confront. Is New South Wales meeting its obligations under Federal and State disability discrimination legislation? I am not satisfied, on the basis of the answers we received from the Department of Education, that we can safely say that today.

I would like to be satisfied that we not discriminating against these students, but I could not honestly say that I was satisfied at the end of the committee inquiry. I encourage members of the House and members of the public to look at the report, because it contains some significant findings. Public opinions are shifting in this area and there is real change happening in special purpose schools and how students and people with disability are being treated. That is fantastic, but it is clear that a lot more work needs to be done. I believe we should address the funding issue as a matter of priority.

**The Hon. MATTHEW MASON-COX (17:08):** I was not a member of Portfolio Committee No. 3 – Education but having read much of the report I wanted to make a few comments and reflect on my experiences in this challenging area. I congratulate the chair and committee members on what I believe to be a comprehensive report that has built on the previous report. I read with interest the dissenting report from a couple of Labor members that was particularly insightful and I concur with the comments of the Hon. John Graham. Some matters need to be brought to the attention of the discrimination authorities. Perhaps it would be worthwhile conducting an audit of some of the things that have crept into the system over time.

It is a challenge for those who have children with a disability to know to which school they should send their children. My wife and I reflected on some of those issues. We wanted our daughter to have a Catholic education but sadly the Catholic system lacked support because of the way schools are funded under the current system. Disabled children and children with special needs should have portable funding. The funding needs for disabled children should be objectively assessed and funding should be portable and follow those children to either private or public schools—to whatever school their parents have chosen.

Naturally parents want the best possible outcomes for their children but I do not think there has been much progress on that front. It has been the subject of some discussion federally and there has been limited discussion at the State level. In the end we must be more sensitive about what parents regard as being the best for their children and we must ensure that they choose a school that best fits the needs of their children. My daughter attends Queanbeyan West Public School—a magnificent school. Vicki Muscat is one of the best principals I have

had the pleasure of dealing with and her team is outstanding. My daughter has had wonderful support. School leadership is incredibly important.

We have consistently faced issues when liaising with the Department of Health. Interagency liaison leaves something to be desired. Preschool age children with special needs who need funding cannot access such funding without undergoing a medical diagnosis. Often when dealing with these agencies, particularly before school, be it a special needs group or child care, funding support is needed but cannot be provided until the threshold issue of medical diagnosis is dealt with. This is not as simple as one might think; it can be more complicated, depending on the condition, but without it the funding stream is not provided.

Dealing with health and education bureaucrats in trying to access that funding stream can be very frustrating. People living in rural and regional areas do not have access to those who can provide a diagnosis. They might have to travel 200 kilometres to have their child assessed. To obtain the necessary funding to ensure access to early intervention and support services can be a disheartening process. There are problems with the system. The Government should be productive and ensure better liaison between agencies—in particular, education and health. It should also try to make the early education and intervention processes more accessible at school. Some of the recommendations in the report are excellent and I congratulate the chair, the Hon. Lou Amato, and his committee on a good report.

Some issues have not been dealt with, such as portability of education funding—something that I trust will be put in place in the future. My daughter is coming to the end of her primary school education and has been mainstreamed. Our next decision will be what secondary school she will attend, what support services will flow from that, and what happens after school. Each transition is a challenging time for kids with special needs and their families. More care is needed with some of the planning. Some things are well planned but others are hit and miss. It often depends on the nature of a child's disability and the patience, love and care of teachers and support workers who do such a magnificent job with those kids. All in all the report contains good recommendations that I urge the Government to take seriously. Some issues have not been picked up but I commend the report to the House.

**Debate adjourned.**

#### **COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Report: Review of the 2014-2015 and 2015-2016 Annual Reports of the ICAC Inspector**

**Debate called on and adjourned.**

#### **STAYSAFE (JOINT STANDING COMMITTEE ON ROAD SAFETY)**

**Report: Driver Education, Training and Road Safety**

**Debate resumed from 17 October 2017.**

**The Hon. SCOTT FARLOW (17:17):** I make a brief contribution to debate on the report of the Joint Standing Committee on Road Safety entitled "Driver education, training and road safety", which looked at whole-of-life driver training. This gave the committee scope to examine driver education and training from a whole-of-life perspective—how driver education and training is offered to all drivers, not just novice drivers, and what impact it has on drivers throughout their lives, whether they be learners, professionals or those at the end of their life. Both learners and experienced drivers receive training. Some experienced drivers are offenders who incur a penalty which includes further training. New technology and the availability of support allows many disabled people to become drivers for the first time.

People are living longer and may need to have their driving skills updated to master new driving technologies and changing road rules. The way we use roads is changing as more people cycle and adopt driverless vehicle technology. Drivers are more conscious that roads are shared spaces. Some people volunteer for more training, whether they are returning to driving after time away from the road or because they hope to benefit from training and become better and more skilful drivers. Of course it is important to remember driver education campaigns. The New South Wales Government runs education campaigns through electronic, print and social media, focusing on changes to road rules, causes of accidents, motorcycle safety, safe bicycle passing distance and mobile phone distraction. Many people made suggestions of subjects on which future campaigns should focus, notably focusing on the needs of vulnerable road users like pedestrians and cyclists, changing the road rules and changing vehicle technology.

I note the evidence of Harold Scruby, a perennial attendee of the Staysafe committee. I commend him and the Pedestrian Council of Australia for their focus on education for pedestrians as well as road users and their campaigns that pedestrians need to take responsibility for their actions while using the roads. That joint

responsibility was not something that was necessarily shared by some of the cyclist groups. Many people made suggestions about subjects on which future campaigns should focus. The committee recommended future education campaigns, particularly the publication of campaign evaluations to better engage with stakeholders in designing those campaigns, and that the Government examine an NRMA proposal for replacing fines for low-range driving offenders with the option of attending a road safety course at their own cost. It is important to ensure that road users are better educated and road offenders are required to contribute positively. Having a road safety course to achieve that is one mechanism, rather than imposing a fine.

The committee investigated mandatory retesting. This was a major area of contention in the evidence it received, particularly the value of periodic retesting for all drivers. Many people argued that driving is akin to other technical and intellectual skills and it benefits from periodic updating and retesting. However, the expert evidence was compelling. It drew a clear distinction between skills training and driving experience. This evidence was that while people can be taught the mechanics of driving, being a safe driver comes with experience as drivers learn how to manage risk and develop safe driving attitudes. We also heard that whatever the benefits of periodic retesting of all drivers, it would be costly to administer and would catch only a small percentage of drivers who infringe.

The committee received varying evidence on the effectiveness of defensive driver training and advanced driver training. Retesting will not catch unlicensed drivers who are a high-risk driving group but who do not hold a licence to retest. We recommended that the Government examine the contribution of unlicensed drivers to road fatalities and formulate a program for targeting them. We found no evidence to support the introduction of mandatory retesting for already licensed drivers but heard suggestions that licence renewal might be a missed opportunity to test driver knowledge. At renewal all licensed drivers interact with the licensing authorities, either online or in person. Without undertaking a pass or fail test, drivers renewing their licence could be asked to undertake a short test to determine the success of driver education campaigns. Such a test could focus on recent campaigns or changed road rules. This would focus drivers on driving knowledge as well as provide feedback to the road safety authorities on whether their campaign was successful. We recommended that the Government examine whether licence renewal is a missed opportunity.

We received many submissions discussing the cost of driver training and difficulties that disadvantaged people face gaining and retaining a driver licence. Many people are discouraged or excluded from driver training because they do not have access to a reliable vehicle, a trainer or someone to supervise them for the required 120 hours. There are many government-funded and charitable programs that support disadvantaged people. These include Indigenous community-run programs, youth-oriented programs, and assistance for people with disabilities to access modified vehicles and specialised training. I commend Mr Beetson in particular for the powerful evidence he submitted to the inquiry and the great work that he does in marrying up literacy with driver education training. It is a key encouragement and reward for those in Indigenous communities who undertake that training.

Importantly, many of these programs are delivered within education and trade training so that driver training is part of a broad personal and community skills program. Many people argued for more funding for these programs and greater accessibility across the State. We recognise that more can always be done. We have recommended that the Government review funding for disadvantaged driver programs. We have also recommended that the impact of the justice system on Indigenous drivers be examined based on the evidence we heard of high incarceration rates for Indigenous driving offenders and the particular disadvantages experienced in remote communities. Recently at the George Institute for Global Health I spoke more broadly on that issue on behalf of the Minister for Roads, Maritime and Freight, the Hon. Melinda Pavey.

Some submissions queried whether the value of professional driver training is understated. The New South Wales Government recognises the value of professional training by awarding a three for one logbook discount to learner drivers who take professional driving lessons and who attend the Safer Driver Course. The professional driver trainer associations argued that the current limit of 10 hours of professional training which qualifies for the discount encourages learners to think this is a maximum recommended number of professional training hours. The associations also argued that the regulation of their industry is underdeveloped and industry standards need to be improved to satisfy the community that they are as high as they can be. It was interesting to have an industry association come forward and ask for regulation.

We recommended that with better industry regulation it may be possible to expand the logbook discount. We also recommended that the Government investigate whether some professional driver training should be mandated for all learners, and whether the highly regarded Safer Driver Course be made compulsory. While we considered the role of professional driver training, it is a fact that we rely mostly on non-professional driver training for the bulk of the supervision that learners require to complete 120 logbook hours. The bulk of the 120 hours supervision which learners receive is provided by volunteers, mostly parents, family and friends—and,

if it is anything like when my father and mother trained me to drive, consists of holding firmly onto the glove box. These volunteers receive little, if any, training about their role.

We also heard about more structured volunteer and community mentoring programs provided by charitable organisations, notably the Police and Citizens Youth Clubs and the Blue Datto Foundation. These programs assist young disadvantaged learners to complete 120 hours supervised driving with an emphasis on risk management and developing safe driving attitudes. We heard impressive evidence about the scope and success of these programs. We have recommended that the Government examine the training requirements for volunteer supervisors and that there may be an opportunity to extend some logbook discounts to learners who are supervised by properly trained and accredited volunteer mentors.

Much of the driver training which experienced drivers undertake is described as advanced and defensive driver training. This type of training is advertised as a way to improve driving skills. It takes place off road at specialised venues. The advanced and defensive driver training industry is mostly unregulated, although it shares some characteristics with the professional driver training industry. We heard evidence that terms such as "advanced" and "defensive" are not well understood. The expert evidence urged caution about what role the industry should play in driver training. The committee heard that there was no evidence that advanced and defensive driver training could be shown to improve road safety outcomes, and that for some driver groups such as young male drivers, it might have negative outcomes. People returning to the road after a break from driving, or people identified as skills deficient through offending or ill health, may have additional training needs. We recommended that the Government examine the industry in order to clarify what it offers and to whom it should be marketed. There was sympathy from committee members for the work of those who were offering defensive driver courses. Many members had seen the benefits of that firsthand.

The New South Wales Older Driver Assessment regime proved to be controversial. We heard that it ranks amongst the toughest assessment regimes in the world. Some people claimed it discriminated against older drivers. Others argued it was simply an evidenced-based response to greater risk associated with age. That evidence was clearly laid out on the table for the committee. The committee concluded that the current arrangements are a reasonable balance between mobility and risk, especially given the availability of restricted licences for older drivers that allow them to adjust their driving and move towards retirement in a gradual and dignified way.

Several submissions argued that the current rules for reporting health conditions that affect driving ability are confusing for both doctors and patients. We heard evidence that in small communities in particular—where doctors and their patients may have long social relationships—doctors are reluctant to make diagnoses of conditions such as dementia if an adverse driving report will result. Specialists in these areas argued that the solution is mandatory reporting. They advised us that in some States health practitioners do not have discretion but must report dementia diagnoses. We agreed and recommended this to the Government.

Many submissions proposed expanding the content of the current learner driver course or changing the teaching methods. We received several submissions promoting the use of driving simulators. It was argued that simulators could be a cost-effective way of driver training in areas where reliable vehicles and access to trainers was limited. Simulators were also put forward as a way to expose learners to unfamiliar driving conditions, such as metropolitan learners being exposed to country driving. Expert evidence suggested simulators can supplement current driver training, but are not a substitute for on-road training. We heard mixed views on the effectiveness of computer-based learning, both for learners and for retesting and training for experienced drivers. The committee recommended further studies into computer-based learning and the value of simulators, as well as an examination of opportunities to expand the learner driver course content.

New South Wales is a leader in the collection, reporting and analysis of crash data. The committee heard evidence of areas where data collection and reporting could be improved and expanded and also where it might be better integrated and shared between agencies and stakeholders. In particular, the committee noted the willingness of the insurance industry to share data. Based on this evidence, the committee recommended the reporting of crashes where the at-fault driver was unlicensed, where the at-fault driver was overseas licensed, where they occurred on unsealed roads, and where they did not generate a police report. The committee also recommended that the Government work with other agencies and stakeholders to identify how data could be better integrated and shared with the community.

New South Wales is acknowledged as a leader in road safety education in schools. The committee heard mixed evidence about how and when road safety education should be introduced, as well as what should be the preferred teaching techniques. Fear-based training was a matter of controversy that the committee recommended should be examined. The committee also received evidence concerning the value of resilience training. Early overseas studies point to the value of this training, which focuses on establishing good habits around personal and

social risk-taking in young people. Again, the committee recommended examination of the value of resilience training.

I thank the 78 stakeholders and citizens who made submissions and the 39 witnesses who appeared before the committee. I pay tribute to the chair of the committee, the member for Albury, Mr Greg Aplin, whose commitment to road safety and whose achievements as chair of the Staysafe committee across two parliaments are well known to all members and more broadly in the community. I also thank my colleagues on the committee, who are never short of an example from their electorates to illustrate a point. I mention in particular the member for Terrigal, the member for Lismore, the member for Miranda, the member for Cabramatta, the Hon. Daniel Mookhey—to whom I will not pay tribute—and Dr Mehreen Faruqi. My colleagues and I look forward to the Government's response to the report and the recommendations, and the continuing road safety improvements that are being implemented in New South Wales.

Of course, as members of Parliament, road safety is important to us all. I pay tribute to the great work of the staff of the Staysafe committee, led by David Hale, Jacqueline Isles, Christopher Herbert, and Abigail Turingan. Too often we hear about the personal tragedies that cut lives short and cause quiet suffering in families and communities. New South Wales is a standout performer in road safety and we have much of which to be proud as a State. Road deaths in New South are at historical lows. However, road fatalities are not the price of prosperity, convenience and mobility. A zero road toll is not only a worthy goal; it is also a vital necessity. I commend the report to the House.

**Debate adjourned.**

## **COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**

### **Report: Review of the Health Care Complaints Commission Annual Report 2015-16**

**Debate resumed from 11 October 2017.**

**The Hon. LOU AMATO (17:32):** Under section 65 of the Health Care Complaints Act 1993, the Committee on the Health Care Complaints Commission is required to examine all reports of the Health Care Complaints Commission. This is the principal means by which the committee exercises its oversight responsibilities. This is the committee's second review of the Fifty-sixth Parliament. The commission has continued to see an increase in complaint numbers, with an increase of just over 15 per cent during the reporting period. Over the past five years, complaints have increased by 47 per cent. The committee found that the increase is part of a broader trend. Other national and international health complaints agencies report similar increases.

The committee heard that the increase in complaints is driven by social factors and does not reflect a decline in health services. With an ageing population, greater demand is being placed on health services. In addition, there is growing public confidence as patients and their families are better informed about their healthcare needs and choices. They are now more comfortable questioning medical practitioners and seeking an independent assessment when things do not go as expected. Additionally, complaints are becoming more complex. The committee heard how a single complaint may involve several health providers or one practitioner who has treated multiple patients. It could also involve new medical techniques, or the matter may already be the subject of an investigation being carried out by another agency.

The combination of increased complaints and complexity is creating challenges for the commission. It is taking the commission longer to process complaints, and it is having difficulty meeting some of its performance targets. The committee welcomed the commissioner's statement that the commission is not sacrificing quality in order to meet performance targets. However, there is a need to ensure that it can process complaints in a more timely manner. The committee has made five recommendations focused on enabling the commission to better meet the challenges posed by its increasing and complex workload. The committee recommended that the commission look at improving its administrative processes. Greater use of technology and the streamlining of administrative processes may improve the time taken to assess and resolve complaints.

The committee also recommended that the commission consider undertaking more detailed analysis of complaints data. It believes that having a better understanding of the data may help the commission to better identify and respond to trends and spikes in complaints. The committee heard about the commission's strong working relationships with each of the State's local health districts, which has led to improvements in the way complaints are managed at the local level. It also heard that the level of consultation and cooperation between the commission and private hospitals and private health providers is comparatively less. The committee believes the commission should have a stronger relationship with the private health sector. For this reason, it recommended that the commission work more closely with private hospitals and health providers. It believes that the commission's knowledge and experience may assist private health facilities with their complaints management processes.



Prior to 2015, the Health Care Complaints Commission was limited to issuing a public warning at the end of an investigation. Following the 2015 changes to the Health Care Complaints Act, the commission can now issue a public warning at any time during an investigation. It can do this when it identifies a threat to public health and safety. In 2015-16, the commission issued its first public warning while still investigating a complaint. The warning was about the dangers of cosmetic surgical and medical procedures performed by non-registered health practitioners. The procedures were carried out in non-sterile environments, such as residential and hotel premises, and by people not qualified to perform them or to administer prescription drugs. The committee heard that the commission has no formal means of measuring the reach and impact that the warnings may have on the broader community. It is important that the commission is able to evaluate the impact of each warning. The committee has therefore recommended that the commission consider ways to measure the effectiveness of its public warnings.

The committee heard that the increased volume of complaints meant the commission provided just over half of its intended 60 community outreach presentations during the reporting period. These presentations help health service providers and community groups by informing them about the commission's role and functions. The committee's final recommendation is that the commission maintain a strong commitment to community outreach activities, particularly those involving vulnerable community groups. This is designed to ensure that no community group is disadvantaged when accessing the health complaints system. Despite some challenges in meeting performance targets in the face of rising complaint numbers and complexity, the committee is confident in the commission's ability to meet those challenges. The commission continues to provide a high level of service and to fulfil its role to protect public health and safety.

I thank the commissioner and all the staff at the commission for their hard work, dedication and professionalism. I thank the chair and members of the committee. I make special mention of the Hon. Walt Secord, who has advocated strongly on this issue, and I thank him for that. I thank the previous chair of the committee, the member for Oxley, for her contribution. Finally, I thank the committee staff, who worked so hard on this inquiry. I commend the report to the House.

**The Hon. WALT SECORD (17:39):** As the shadow Minister for Health and the Deputy Leader of the Opposition in the Legislative Council, I commend the Committee on the Health Care Complaints Commission's Review of the Health Care Complaints Commission Annual Report 2015-16 report. I am a member of the committee and the report was tabled last month by our colleague, the Hon. Lou Amato, who is also chair of the New South Wales Legislative Council Portfolio Committee No. 3. Put simply, the report is independent, damning proof that the New South Wales health and hospital system is at breaking point. The Health Care Complaints Commission [HCCC], which is the health watchdog in New South Wales, is buckling under an avalanche of complaints about the health and hospital system in New South Wales. There has been an explosion in complaints about the New South Wales health and hospital system, and it shows no signs of abating. These are not just numbers.

Every day we hear and read about personal stories and official reports of inadequate support and failure to provide timely treatment to patients and their families. The 11 October media statement issued by the committee chair, the member for Terrigal and Temporary Speaker in the Legislative Assembly, Mr Adam Crouch, began to acknowledge in a tiny way that the New South Wales health and hospital system is under enormous pressure. In his statement he said, albeit in guarded tones, that "an increase in complaints and complaint complexity has created challenges" for the HCCC. The statement reads as if the handling of the complaints is the true ill, whereas it is what lies behind the complaints that we need to address.

As part of our committee deliberations, we heard evidence that the HCCC and its commissioner, Ms Sue Dawson, received a record number of complaints in 2015-16. The HCCC received 6,075 complaints, an all-time high and more than 15 per cent above the previous year. In private hospitals in New South Wales there was a 13 per cent increase in complaints about their activity during the 2015-16 reporting period. Over the past five years the number of complaints about government hospitals has increased by 47 per cent. The parliamentary committee heard evidence that the HCCC was reporting that the increase in the volume of complaints was "causing delays in assessing and resolving complaints". The committee also heard that as well as an increase in volume there were concerns about the length of delays in processing complaints about the health and hospital system.

The HCCC committee found that during 2015-16, timeliness was one of the biggest challenges for the commission and its staff. Many performance targets were not met. These included the failure to assess complaints within 60 days. Almost 15 per cent of all complaints were not assessed within 60 days. As well as a health and hospital system under pressure, we also have the health watchdog under enormous pressure. At budget estimates, the HCCC commissioner reported in response to a question on notice that as of 12 September 2017 there were 2,171 complaints under assessment. Almost 2,200 complaints were before the commission. As for individual

categories of complaints to the HCCC, the three largest categories were: treatment, at 42 per cent; communication within the health system, at 17 per cent; and professional conduct, at 15 per cent.

In 2015-16, there were 3,915 complaints about individual health practitioners, an increase of 13.6 per cent on the previous year. The complaints about doctors were more complex and involved new areas of medical practice like cosmetic procedures. However, on a positive note, there was a slight decrease in complaints about nurses and midwives in 2015-16. During evidence to the hearing, the HCCC commissioner Sue Dawson also spoke about an almost 19 per cent increase in complaints about psychologists. Many of the complaints involved boundary violations by practitioners. Examples include practitioners loaning money to or having a sexual relationship with a patient.

The HCCC commissioner also touched on a new area, the National Disability Insurance Scheme [NDIS]. She observed that the NDIS was posing cross-jurisdictional issues that the HCCC needed to resolve. She said some NDIS-related complaints concerned personal home care rather than healthcare services and were not strictly within the HCCC's remit. The commissioner informed the committee that the appointment of an NDIS complaints commissioner was an important development and that the HCCC would work to establish a complaints referral pathway with the incoming commissioner. However, the HCCC warned about potential problems ahead with the further rollout of the NDIS. In response to this evidence, the committee took the unusual step of issuing a finding during deliberations. It found: "The increase in complaints to the Health Care Complaints Commission reflects similar increases to some other health complaint agencies both nationally and internationally." The committee also made five unanimous recommendations to respond to community concerns about the timeliness of the HCCC's ability to process and resolve complaints. Those recommendations were that:

- (1) the Health Care Complaints Commission improve administrative processes and information and communication technology (ICT) systems as a way of helping to improve the timeliness of the assessment and resolution of complaints;
- (2) the Health Care Complaints Commission undertake closer analysis of health complaints data to better identify the causes for and trends in complaints as a means of taking a more pre-emptive approach to complaints management;
- (3) the Health Care Complaints Commission increase consultation and cooperation with private hospitals and health providers;
- (4) the Health Care Complaints Commission consider ways to measure the effectiveness of public warnings and publish this information in its annual report; and
- (5) the Health Care Complaints Commission maintain a strong commitment to community outreach activities, particularly to vulnerable community groups.

The Labor representatives on the committee—the member for Port Stephens, Kate Washington, who represents Labor on health in the Legislative Assembly, and I—supported all five recommendations. But we would like to see the Government take real action. As I said earlier, the complaints themselves are not the ill here, they are merely the signs of the much greater problem of a health system neglected by the New South Wales Government for nearly seven years. We would also like to see the Berejiklian Government properly support the HCCC and its staff. Clearly, the Berejiklian Government has to lift its game and properly support and resource the HCCC and its activities. I have had confidential information and reports from staff from within the organisation on how they are frustrated at the sheer volume of cases and the workload they are under due to the pressure on the health and hospital system. Labor tried to touch on this during budget estimates, but the health Minister blocked our request for information on staff satisfaction within the HCCC.

On a final note, I make reference to concerns expressed about the effectiveness and timeliness of public warnings issued by the HCCC. There was some concern about the response to issues in the cosmetic surgery sector. We have seen these problems starkly brought to our attention in recent months with deaths and hospitalisations. I share those concerns and would like to see the HCCC take a more proactive role in warnings. I accept that there has to be due process, but I believe that there are deficiencies in the warning process. If the State Government and the HCCC acted sooner, the community would be alerted sooner and this would further protect the community.

Returning to the HCCC report and delays in processing complaints, the community is still awaiting the findings of the investigations by the HCCC into Dr John Grygiel, which came to light during the St Vincent's off protocol chemotherapy underdosing scandal. Almost two years ago, the HCCC was asked to investigate Dr Grygiel and we are still waiting for those matters to be resolved, despite being given repeated assurances. Recently, the Berejiklian Government was forced to admit that it does not know the whereabouts of Mr Shyam Acharya, the fake doctor who operated on the North Shore and the Central Coast. On 6 September, in a written response to a question on notice, the Berejiklian Government admitted "that at this stage the whereabouts of Mr Acharya are still unknown". Clearly, this is a commission that needs greater resources and a watchdog that needs real teeth. I thank the House for its consideration and commend the report.

**Debate adjourned.**

*Business of the House*

**PRECEDENCE OF BUSINESS**

**The Hon. BEN FRANKLIN:** I move:

That Government business take precedence of debate on committee reports for the remainder of the day.

**Motion agreed to.**

*Bills*

**LOCAL GOVERNMENT AMENDMENT (REGIONAL JOINT ORGANISATIONS) BILL 2017**

**Second Reading Debate**

**The Hon. BRONNIE TAYLOR (17:48):** On behalf of the Hon. Niall Blair: In reply: I thank honourable members for their contribution to this debate. This bill delivers on the Government's commitment to revitalise regional New South Wales and to make sure no region is left behind. It provides an innovative new model that will enable councils and State agencies to come together for the benefit of the communities in each region. Each joint organisation will provide a basis for stronger regional coordination and help drive better planning, boost local economies and deliver the kind of quality services people in regional areas deserve.

The proposals for reform contained in this bill will benefit regional communities and give local government a stronger voice in setting regional priorities and taking up opportunities. Those councils that choose to participate in a joint organisation will get a seat at the table in planning infrastructure and investment for their region, working more closely with the State Government than ever before. I note, however, that the Opposition, The Greens and the Christian Democrats have foreshadowed that they will move a number of amendments to the bill in Committee. I will address each of those in turn when they are moved. We thank the Hon. Paul Green for his observations on the bill and his contribution to the debate.

The Hon. Peter Primrose and Mr David Shoebridge raised a number of matters concerning this bill, and I now note responses to those concerns. The proposal for joint organisations has been subject to extensive consultation with local councils and communities across New South Wales. This included a pilot program across five regions with 48 councils directly involved in developing the final model; three consultation papers, which attracted more than 160 public submissions; workshops and consultation sessions with more than 1,000 local government representatives; and extensive discussion with peak bodies through the ministerial advisory group, including the opportunity to provide input into the final bill. We have worked closely with local councils to get the final model right, to build a solution that works for communities in regional New South Wales to revitalise regional economies.

The joint organisation pilots began in December 2014 and, over the program period, the pilots worked closely with the Office of Local Government to refine the governance model, build stronger working relationships and deliver a series of regional projects. In June 2016, the Government released a final consultation paper. More than 75 per cent of submissions expressed clear support for the final model, as well as the proposed approach to developing guidance and support for joint organisations. The Government considers that three councils is the minimum number of members that could work together to ensure an effective governance structure for a joint organisation. A minimum of three member councils provides sufficient size, resources and strategic capacity to partner effectively with State and Commonwealth government agencies and others.

Joint organisations provide a clear and consistent pathway for local councils to work with other levels of government to get things done in their regions. This bill proposes a standard model which will underpin regional collaboration moving forward but allow flexibility between regions. Joint organisations build on the successes of the past, including the achievements of Regional Organisations of Councils over many years. While many voluntary Regional Organisations of Councils have been effective in the past, they have varying functions, boundaries and membership, and they lack the legislative power to engage directly with State agencies. This can make consistent progress on strategic regional priorities challenging.

Through joint organisations, local councils will have a seat at the table in deciding regional priorities and programs by working more closely with the Department of Premier and Cabinet regional directors and State agencies in each region. The pilot joint organisations have demonstrated that working together on shared priorities helps local councils to get a better price on contracts and deliver higher quality services with better value for money. However, to get the best possible outcomes from collaboration there is a need for a new kind of separate organisation that brings them together. That is the option this bill delivers.

The clear advantage of being a legal entity under the same legislation as councils is that joint organisations will be able to choose to directly manage grants and funding, employ staff under the Local Government (State) Award and manage assets. This will lead to delivery of quality shared services for the benefit of participating councils and communities across the region. The Government is committed to creating joint organisations across regional New South Wales that are aligned with, or nest within, regional planning boundaries. This is to support councils, State government and others to plan and collaborate with each other on issues of regional strategic priority. Most councils have told us they support this approach.

Planning regionally will provide earlier intergovernmental engagement and help to identify important service and infrastructure gaps and overlaps and align priorities and better coordinate effort to achieve better community outcomes. Alignment with regional planning boundaries will also provide member councils with a stronger platform from which to secure partnerships and funding to deliver their top priorities. Councils in Far West New South Wales have been working with the Government to develop options to address their own unique circumstances. The Government has undertaken significant consultation with communities across the Far West to discuss these options. We are currently considering this feedback before deciding on next steps. In the meantime, councils in the Far West will be free to participate as non-voting members of neighbouring joint organisations, if they are invited to do so.

The Premier has already made a clear commitment that there will be no further forced council mergers under this Government. Joint organisations will not replace existing local councils. Joint organisations provide a vehicle for collaboration between existing local councils. Joint organisations have an important role to play in delivering the core function of strategic regional leadership where councils choose to participate. Member councils will have the flexibility to choose to deliver services through their joint organisation where that makes sense. This may include delivering shared services, capacity building for member councils, and getting better value for ratepayers by buying goods and services together.

The bill allows local councils to delegate some functions to their joint organisation. A joint organisation cannot require a local council to delegate functions and the joint organisation must agree to accept a delegated function. This is a truly voluntary and collaborative model. The bill also removes some of the traditional impediments to efficient and effective shared service delivery, such as the capacity for the regional body to manage contracts and undertake joint procurement activities. These existing issues are particularly burdensome and most acutely felt in the regions. The bill will help smaller councils in regional New South Wales to get better value for money and to use their limited resources more effectively. The joint organisation model is fully formed in this bill and the regulations will support the implementation of that model.

The next step is the development of regulations to support the operation of the joint organisations and the Government intends to continue to effectively engage with the sector in developing those regulations. The model proposed in this bill is a transformational reform that provides a once-in-a-lifetime opportunity to create a new partnership between local and State government, to work better together and to make a real difference in the lives of residents and ratepayers. I look forward to continuing to work with everyone involved to make this vital reform a success. I commend the bill to the House.

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

**Motion agreed to.**

### **In Committee**

**The CHAIR (The Hon. Trevor Khan):** There being no objection, the Committee will deal with the bill as a whole. I have three sets of amendments: Opposition amendments on sheet C2017-124, The Greens amendments on sheet C2017-125A, and the Christian Democratic Party amendments on sheet C2017-122B. The Opposition amendments were received first, The Greens amendments were received second and the Christian Democratic Party amendments were received third. If there is a clash in the amendments between The Greens and the Christian Democratic Party—and there is one—I will call upon The Greens to amend their amendment rather than the Christian Democratic Party.

**The Hon. PETER PRIMROSE (17:59):** I move Opposition amendment No. 1 on sheet C2017-124:

No. 1      **State-wide range of joint organisations**

Page 4, Schedule 1 [10], proposed section 400O. Insert after line 15:

(3)      A joint organisation may be established in any part of the State.

This is a very simple amendment. The issue was raised by a number of people when this bill first became available. It concerns whether or not the effects of the bill apply to the whole State. There has been confusion and concern.

I sought clarification. The clarification I subsequently received from Parliamentary Counsel was that it was implied in the bill that the effects of the bill would cover the whole State. It is not clear.

The Government has indicated that it may choose as a policy decision not to proclaim joint organisations from certain parts of the State. That is a policy decision the Government can choose to make; a future government can choose another policy direction. But the amendment simply clarifies so it becomes crystal clear that the bill covers the whole of the State and that a joint organisation may be established in any part of the State on the basis of all other requirements being established and if the Government chooses to proclaim it. The amendment is simply a clarification. It does not change the bill in any way, shape or form but will make very clear something that is implied in the bill but is not clear and could cause confusion. I commend the amendment to the Committee.

**The Hon. BRONNIE TAYLOR (18:01):** The Government does not support the amendment. The amendment is not required and serves no purpose. While the Government has specified its intention that joint organisations are for regional areas, there is nothing in the bill to prevent a joint organisation from being constituted in any part of the State.

**The Hon. PETER PRIMROSE (18:02):** It is very clear that what the Parliamentary Secretary has just done is argue in favour of the amendment. I say that because the amendment does not change the bill per se, but it makes very clear to people in the community—to councils and others who already have asked the question—the scope of the legislation. People in the community are asking, "Does this apply to the whole State? Is it a policy decision of government, or is it something in the bill that will reflect what happens?" The amendment simply clarifies that and tries to make clear to people, who are concerned and already have expressed their concern, that despite what the Parliamentary Secretary said, it is not clear. It is not clear to members of the public that this implied provision applies to the whole State, which in fact is the case.

**Mr DAVID SHOEBRIDGE (18:02):** The Greens support the Opposition's amendment. Of course the bill should apply to councils across the State. The Government already has got itself in hot water by having one rule for the bush and another rule for Sydney. One would think the Government would learn. The amendment simply states that we will not have one rule for the bush and one rule for Sydney and that joint organisations are available across the State. It seems that the Government continues to be on the two-track policy when it comes to local councils. The Government opposes joint organisations in the city because, it seems, it wants to have the opportunity to amalgamate councils at some time in the future. If the Government wants to negate concerns that the community is already expressing, it should support the amendment.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Peter Primrose has moved Opposition amendment No. 1 on sheet C2017-124. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes ..... 16  
Noes ..... 19  
Majority.....3

**AYES**

Buckingham, Mr J  
Field, Mr J  
Moselmane, Mr S  
(teller)  
Searle, Mr A  
Shoebridge, Mr D  
Wong, Mr E

Donnelly, Mr G (teller)  
Graham, Mr J  
Pearson, Mr M

Faruqi, Dr M  
Houssos, Ms C  
Primrose, Mr P

Secord, Mr W  
Veitch, Mr M

Sharpe, Ms P  
Walker, Ms D

**NOES**

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

Amato, Mr L  
Colless, Mr R  
Franklin, Mr B (teller)  
MacDonald, Mr S

Blair, Mr N  
Cusack, Ms C  
Green, Mr P  
Maclaren-Jones, Ms N  
(teller)

Mallard, Mr S  
Nile, Reverend F  
Ward, Ms P

Martin, Mr T  
Phelps, Dr P

Mason-Cox, Mr M  
Taylor, Ms B

## PAIRS

Mookhey, Mr D  
Voltz, Ms L

Fang, Mr W  
Mitchell, Ms S

**Amendment negatived.**

**Reverend the Hon. FRED NILE (18:13):** I move Christian Democratic Party amendment No. 1 on sheet C2017-122B:

No. 1      **Term of office where chairperson replaced on casual vacancy**

Page 6, Schedule 1 [10]. Insert after line 38:

- (3)      Despite subsection (2), the term of office of a person elected as chairperson on the occurrence of a casual vacancy is the remaining period of the term of office of the previous chairperson.

This amendment deals with the term of office when a chairperson is replaced on a casual vacancy. The amendment clarifies that where a chairperson of a joint organisation leaves the position for any reason, the replacement chairperson holds the office for the remainder of the two-year term.

**The Hon. BRONNIE TAYLOR (18:14):** The Government supports this amendment to clarify arrangements when an administrator is appointed to a council and the mayor of that council is also the chairperson of the joint organisation. This amendment clarifies that where a chairperson of a joint organisation leaves the position for any reason, the replacement chairperson holds office for the remainder of the two-year term.

**The CHAIR (The Hon. Trevor Khan):** Reverend the Hon. Fred Nile has moved Christian Democratic Party amendment No. 1 on sheet C2017-122B. The question is that the amendment be agreed to.

**Amendment agreed to.**

**Mr DAVID SHOEBRIDGE (18:16):** I move The Greens amendment No. 1 on sheet C2017-125A:

No. 1      **Removal from office of voting representatives**

Page 7, Schedule 1 [10], lines 34–38. Omit all words on those lines.

I addressed this matter in my contribution to the second reading debate on this bill. This amendment seeks to amend the bill by removing subsection (4) from the proposed section 400X, which provides in the bill that the Minister may remove a person from office as a voting representative on the board of a joint organisation at any time, without notice and for no stated or any reason. When talking about voting members we are talking about mayors, or a joint organisation may agree to allow councillors to have voting rights.

Under this bill, the Government would have a power, through the Minister, for no reason at all to sack the mayors from joint organisations. The Greens cannot work out why the Government believes this power is required, and it was not clear from the second reading speech of the Minister. Despite asking for clarification from the Parliamentary Secretary in her speech in reply, it would appear that she was not given that detail. I listened to her speech and heard no clarification, although I heard a lot about amazing transformational change and the like. I did not hear an answer to some key questions put by myself and the Opposition in our second reading contributions.

The Greens do not believe that this power is appropriate and, I might say, Local Government NSW—which the Government has said is cheering this bill through—has passed a suggested set of amendments asking for this power to be removed to my office, the Opposition's office and to the Government. Local Government NSW has asked why the Minister needs the power to sack a mayor from a joint organisation without giving any reason. Local Government NSW deserves an answer; if the Government believes The Greens do not deserve an answer in the Chamber, I think the sector deserves an answer. We think this power is foreign to the idea of joint organisations being independent representatives of local councils. The fear will be if a joint organisation starts to challenge the Government and make a clear, independent stand then there will be the chilling effect of the Minister saying, "If you keep that up, you are gone." That power should not be in the bill, so we are seeking to remove it.

**The Hon. PETER PRIMROSE (18:18):** The Opposition supports The Greens amendment. I also referred to this matter in my contribution to the second reading debate on this bill, but we did not receive a reply from the Parliamentary Secretary. In relation to proposed section 400X being included in the bill, Local Government NSW stated: This provision provides too much power to the Minister, is open to political abuse and should be deleted. It is particularly unsatisfactory that the Minister would be able to list for no reason in the public

written statement required by section 400X (5). Natural justice suggests that a person removed from the joint organisation deserves to know the reasons, as does their community.

**The Hon. BRONNIE TAYLOR (18:19):** The Government does not support the amendment. The flexibility of this power is an important safeguard against improper conduct or unforeseeable circumstances. The Minister's power is not unlimited. The Minister must publish a written statement advising the community of the removal. The notice subjects the Minister's decision to public scrutiny and oversight whilst providing clarity and certainty of the Minister's decision. The Minister's decision will not deprive local councils of a voice in the joint organisation. It will create a casual vacancy which the council will then fill.

**Mr DAVID SHOEBRIDGE (18:20):** Talk about Orwellian doublespeak. The Government is saying that the reason it needs this provision is to allow the Minister to sack an elected representative from the joint organisation for no reason and to publish a statement that says, "You have been sacked and we are not giving you a reason"; that is actually what it says. The Government can set out the reasons, including that there is no stated reason. The reason the Government gives is, "We're not giving you a reason." That is what the notice will say. For the Government to stand up and say this is about transparency and integrity is quite remarkable. If the Minister is going to have the power to sack someone from a joint organisation and one wants to have integrity, then the Minister is required to give a reason. In fact, ordinarily some natural justice would be required before a person is sacked, particularly an elected representative.

If this was considered an appropriate power, the appropriate process would be to require written notice to be given to the person proposed to be terminated and the reasons for the termination so the person can give a response. At a minimum, natural justice would require that but instead the Government says it wants the flexibility—I think that was the term the Parliamentary Secretary used—to be able to sack people for no stated reason. To be honest, the Parliamentary Secretary's contribution—and I do not blame her; she was given those instructions—is insulting to local government and insulting to the issue.

**The CHAIR (The Hon. Trevor Khan):** Mr David Shoebridge has moved The Greens amendment No. 1 on sheet C2017-125A. The question is that the amendment be agreed to.

**Amendment negatived.**

**Mr DAVID SHOEBRIDGE (18:22):** I move The Greens amendment No. 2 on sheet C2017-125A:

No. 2      **Administrator may not be chairperson**

Page 8, Schedule 1 [10], line 36. Omit "including". Insert instead "other than".

This amendment amends the clause of the bill relating to what role an administrator can have if he or she sits on a joint organisation if an administrator is appointed to one of the constituent council members of a joint organisation. Currently the bill provides that if the administrator is appointed, then the administrator will take up all of the functions of the mayor or a member council under this part, including the functions of a chairperson if the mayor was the chairperson. This amendment would amend that to say, "would take on the functions of the mayor or a member council under this part other than the functions of a chairperson".

The Local Government NSW submission quite rightly raised very real concerns about administrators being appointed and then taking a role on the joint organisation. Local Government NSW strongly opposes the proposal that administrators could be chairs of joint organisations. It states that administrators are State government appointed and should not be able to chair a joint organisation. Instead the legislation should provide that if the chair of the joint organisation ceases to be a council for any reason, then the remaining mayors should vote to appoint a new chair and the like. Its principal position is that administrators should not chair joint organisations and we join in that principal opposition.

Indeed, we moved this amendment to make it very clear that administrators cannot be chairs. Ideally, if we had time we would have come up with a form of words to prohibit administrators from sitting on joint organisations at all given their role as State-appointed officials. The Greens' position is that administrators do not have a legitimate political role in making those kinds of strategic decisions on a joint organisation. However, in the time we have had available we have not been able to identify an alternative person who would take on the role of the council whilst ever an administrator is appointed. As a principle we do not believe that administrators should be on joint organisations but, given the time we have had, this is as far as we have been able to draft amendments to fix the mischief and of course it also responds to concerns from Local Government NSW.

**The Hon. PETER PRIMROSE (18:25):** The Opposition also supports the amendment for the reasons outlined by Mr David Shoebridge. I will simply quote two words from Local Government NSW that begin its argument and to which Mr Shoebridge has elucidated. It "strongly opposes" this proposal.

**Reverend the Hon. FRED NILE (18:26):** This amendment is the same as Christian Democratic Party amendment No. 2, "Replacement of chairperson where member council subject to administration." We support the amendment that the incoming administrator can perform the functions of chairperson only if the administrator is selected as chair of the joint organisation to fill the casual vacancy created. The effect of this amendment and our amendment No. 3 is where the position of chairperson of a joint organisation becomes vacant because the mayor of a council is no longer mayor due to the council being placed under administration and a fresh election of a chairperson occurs. The new chairperson could but does not have to be the administrator.

**The Hon. BRONNIE TAYLOR (18:27):** The Government supports the amendment.

**The Hon. PAUL GREEN (18:27):** I acknowledge the comment of Mr David Shoebridge about whether administrators should sit on a joint organisation. My opinion is that they should because if a council only has an administrator in operation it is only right that the organisation is represented, otherwise it will be left out of the decision-making. We understand in this place that laws are made by those who turn up; divisions are decided by those who turn up. Therefore, an administrator should be appointed otherwise the council will miss out.

**Mr DAVID SHOEBRIDGE (18:27):** Of course The Greens believe that the council should be represented. We said that we have not had time to come up with an alternative model to have someone other than the unelected administrator representative. I think the Hon. Paul Green may have misunderstood our position.

**The CHAIR (The Hon. Trevor Khan):** Mr David Shoebridge has moved The Greens amendment No. 2 on sheet C2017-125A. The question is that the amendment be agreed to.

**Amendment agreed to.**

**Reverend the Hon. FRED NILE (18:28):** I move Christian Democratic Party amendment No. 3 on sheet C2017-122B:

No. 3      **Replacement of chairperson where member council subject to administration**

Page 8, Schedule 1 [10]. Insert after line 40:

- (2)      An administrator who is exercising the functions of the mayor of a council under this section is, while exercising those functions, eligible for election as chairperson in any election for the chairperson (whether or not occurring as a result of a casual vacancy arising because of the administrator's appointment).

**Note.** The removal of the mayor on an administrator being appointed creates a casual vacancy in the office of chairperson (see sections 400V and 400X). The effect of this is that the new chairperson could be, but does not have to be, the administrator. The replacement chairperson will serve the remainder of the previous chair's two-year term.

**The CHAIR (The Hon. Trevor Khan):** Before we hear any more speakers, Mr Shoebridge has made a very productive suggestion that he move The Greens amendment No. 3 on sheet C2017-125A. He will explain that if the Christian Democratic Party amendment is agreed to then his amendment will not be put.

**Mr DAVID SHOEBRIDGE (18:30):** I move The Greens amendment No. 3 on sheet C2017-125A:

No. 3      **Administrator may not be chairperson**

Page 9, Schedule 1 [10]. Insert after line 2:

- (4)      An administrator who is exercising the functions of the mayor of a member council is not eligible to be elected as chairperson of the joint organisation.

The Greens amendment provides that an administrator who is exercising the functions of the mayor of a member council is not eligible to be elected as chairperson of the joint organisation. Our position is that the administrator should never be chair. This would come at a later point in the bill than the Christian Democratic Party amendment. The amendment provides that an administrator can be the chair provided he or she is elected. It would be good for the people of New South Wales if we were to make both amendments at the same time. If we did not, no-one would know our position. My proposal is, having moved The Greens amendment, that the Committee vote on the Christian Democratic Party amendment. If that amendment is agreed to, I will then withdraw The Greens amendment. It would be a poor outcome to have the two contrary provisions in the bill, even if I had the numbers.

**The CHAIR (The Hon. Trevor Khan):** The withdrawal would require the leave of the Committee, but I suspect there would be no issue with that.

**Mr DAVID SHOEBRIDGE:** If the Committee insists on voting on the motion, what can I do? We understand what the Christian Democratic Party is doing, and we think it is a glass-half-empty scenario. I do not believe administrators have democratic legitimacy and they should be chairing joint organisations, and my party shares that view. Administrators are not elected and they should definitely not be chairing these joint



organisations. Whether or not they are elected by the other two mayors or the other five people on the joint organisation, The Greens position is clear that administrators should not be chairing these joint organisations.

**The Hon. PETER PRIMROSE (18:32):** The Opposition does not support the Christian Democratic Party's amendment. If it is moved, it will support The Greens amendment for the reasons outlined previously. Local Government NSW strongly opposes any administrators being appointed, let alone chairing these joint organisations. Little has been said about the possibility of there being two or three administrators, as has occurred.

**Mr David Shoebridge:** They might choose one of their members.

**The Hon. PETER PRIMROSE:** They would be able to choose one of their members. As we found out, much to the concern of many in the community, administrators were appointed to a number of different councils. Quite correctly and legally, administrators are responsible only to the Minister and to the Government, not to the local community. For whatever reasons they are appointed, it is inappropriate that they be responsible for such an important body as a joint organisation.

**The Hon. BRONNIE TAYLOR (18:33):** This amendment will clarify that the incoming administrator can perform the functions of the chairperson only if the administrator is elected as chair of the joint organisation to fill the casual vacancy created. Where the position of the chairperson of a joint organisation becomes vacant because the mayor is no longer the mayor and that results in the council being placed in administration, a fresh election of a chairperson will be held. The new chairperson could be but is not required to be the administrator. The replacement chairperson will serve the remainder of the previous chair's two-year term. This is a fair outcome. The Government thanks the Christian Democratic Party for its valuable contribution and will be supporting this amendment.

**The CHAIR (The Hon. Trevor Khan):** Reverend the Hon. Fred Nile has moved Christian Democratic Party amendment No. 3 on sheet C2017-122B. The question is that the amendment be agreed to.

**Amendment agreed to.**

**Mr DAVID SHOEBRIDGE (18:35):** By leave: I withdraw The Greens amendment No. 3 on sheet C2017-125A.

**Amendment withdrawn.**

**Mr DAVID SHOEBRIDGE (18:35):** I move The Greens amendment No. 4 on sheet C2017-125A:

No. 4      **Rejection of contributions**

Page 10, Schedule 1 [10]. Insert after line 7:

- (4)      A member council is not required to make a financial contribution to a joint organisation that is specified by or under a regulation made under this section if each member council has resolved to reject the requirement to pay that contribution.

The bill is very short on detail, to say the least. It does not make clear how these joint organisations will be funded. The Government says it has seed funding of \$3.3 million, which the last time I checked was about 0.001 per cent of the amount it pissed up against the wall on forced amalgamations. My maths might be slightly out, but it is roughly of that order. It says it has \$3.3 million set aside to establish joint organisations. That will not come close. Where will the money come from? As always, this Government wants to shift the cost to local councils. It is always looking for a new way to get local councils to pay for things. If the State Government thinks that joint organisations will allow local councils to partner with the State Government it should foot some of the bill. If this is about giving autonomy to local councils, they should be able to say, "We do not want to pay that bill to this joint organisation. We want to have control of our finances." Instead, we have new section 400ZF, which states:

- (1)      The regulations may make provision for or with respect to the making of financial contributions to a joint organisation by the member councils, including the following:
- (a)      the purposes for which contributions may be made,
  - (b)      the circumstances in which contributions may be required,
  - (c)      the assessment of contributions,
  - (d)      the payment of contributions,
  - (e)      the recovery of contributions.

Subsections (2) and (3) make clear that the joint organisation can also seek other financial contributions from councils. The Government is saying that it will enact regulations stating how much the local councils will be required to pay and how those financial contributions will be determined. This amendment inserts a new subsection (4), which provides:

A member council is not required to make a financial contribution to a joint organisation that is specified by or under a regulation made under this section if each member council has resolved to reject the requirement to pay that contribution.

In other words, if all the local councils in the area say that they do not want to make that contribution to the regional organisation they should not be required to do so. Why must it be a unanimous resolution of those member councils? There is an obvious reason for that. It may be found that once these joint organisations are up and running there will be differences of opinion amongst the councils. We do not want only one council opting out. Every council in the joint organisation might say that is not appropriate and that they do not think this funding stream or these contributions should be available to their regional organisation.

They might question the right of the State Government to compel them to make those kinds of financial contributions. If this is meant to be about empowering local councils, if every local council refuses to make the contribution on the basis that it is their regional organisation and they do not think it is right or proper, of course the State Government should not have the power to impose such a payment on local councils. That is all The Greens amendment seeks to achieve. We would be surprised if those parties that at different times say they champion local councils and their rights did not support the unanimous will of the members of regional organisations being given effect to in legislation.

**The Hon. BRONNIE TAYLOR (18:39):** The Government does not support this amendment. Member councils of each joint organisation will be responsible for choosing any additional functions to be performed by the joint organisation. Therefore, joint organisations will be responsible for managing their own financial affairs and determining how best to resource their ongoing operations. The level of resourcing and the contributions required of each joint organisation are likely to differ between regions based on the number of member councils and the joint organisation functions. It is important to provide a safeguard to clarify appropriate arrangements as joint organisations evolve. Therefore, it is appropriate for the details of financial contributions, if required, to be prescribed by regulations.

**The Hon. PETER PRIMROSE (18:40):** That has to be the greatest pile of gobbledegook I have ever heard. Somehow we have joint organisations that are established supposedly to provide some degree of autonomy. The Parliamentary Secretary said that that is precisely what they are supposed to do; that is, they make their own decisions. However, if it is a unanimous decision that they will not make some type of financial contribution, the Government will be able to stomp on them and make them do it. This is the equivalent of saying, "It applies to all the State, but it does not." The bill provides that two or more councils must form a joint organisation, but according to the Government, it requires three. What absolute gobbledegook. The Opposition supports The Greens amendment.

**The CHAIR (The Hon. Trevor Khan):** Mr David Shoebridge has moved The Greens amendment No. 4 on sheet C2017-125A. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes ..... 16  
Noes ..... 19  
Majority.....3

#### AYES

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

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

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

#### NOES

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

Amato, Mr L  
Colless, Mr R  
Franklin, Mr B (teller)  
MacDonald, Mr S

Blair, Mr N  
Cusack, Ms C  
Green, Mr P  
Maclaren-Jones, Ms N  
(teller)  
Mason-Cox, Mr M  
Taylor, Ms B

Mallard, Mr S  
Nile, Reverend F  
Ward, Ms P

Martin, Mr T  
Phelps, Dr P

## PAIRS

Houssos, Ms C  
Mookhey, Mr D

Fang, Mr W  
Mitchell, Ms S

**Amendment negatived.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

**Adoption of Report**

**The Hon. BRONNIE TAYLOR:** On behalf of the Hon. Niall Blair: I move:

That the report be adopted.

**Motion agreed to.**

**Third Reading**

**The Hon. BRONNIE TAYLOR:** On behalf of the Hon. Niall Blair: I move:

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

**Motion agreed to.**

**The PRESIDENT:** I will now leave the chair. The House will resume at 8.15 p.m.

**TERRORISM (HIGH RISK OFFENDERS) 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 an order of the day for the next sitting day.

**Motion agreed to.**

**NATURAL RESOURCES ACCESS REGULATOR BILL 2017****Second Reading Debate**

**Debate resumed from 18 October 2017.**

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:17):** In reply: I commend the bill to the House.

**The PRESIDENT:** The question is that this bill be now read a second time, to which the Hon. Mick Veitch has moved an amendment. The question is that the amendment of the Hon. Mick Veitch be agreed to.

**The House divided.**

Ayes ..... 14  
Noes ..... 18  
Majority..... 4

## AYES

Buckingham, Mr J  
Field, Mr J

Donnelly, Mr G (teller)  
Graham, Mr J

Faruqi, Dr M  
Moselmane, Mr S  
(teller)  
Secord, Mr W  
Veitch, Mr M

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

Searle, Mr A  
Shoebridge, Mr D  
Walker, Ms D

## NOES

Amato, Mr L  
Colless, Mr R  
Franklin, Mr B (teller)  
Khan, Mr T

Blair, Mr N  
Cusack, Ms C  
Green, Mr P  
MacDonald, Mr S

Clarke, Mr D  
Farlow, Mr S  
Harwin, Mr D  
Maclaren-Jones, Ms N  
(teller)  
Mason-Cox, Mr M  
Ward, Ms P

Mallard, Mr S  
Nile, Reverend F

Martin, Mr T  
Phelps, Dr P

## PAIRS

Houssos, Ms C  
Mookhey, Mr D  
Wong, Mr E

Fang, Mr W  
Mitchell, Ms S  
Taylor, Ms B

**Amendment negatived.**

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

**Motion agreed to.**

## In Committee

**The CHAIR (The Hon. Trevor Khan):** There being no objection, the Committee will deal with the bill as a whole. There are five sheets of amendments. As the Government is in control of the bill it moves its amendments first. However, The Greens amendments on sheet C2017-099A, which I anticipate will be moved in globo, could be described as the nuclear option and should be moved first.

**Mr JEREMY BUCKINGHAM (20:28):** By leave: I move The Greens amendments Nos 1 to 12 on sheet C2017-099A in globo:

No. 1 **Designation of EPA as Regulator**

Page 2, clause 3, line 9. Omit all words on that line.

No. 2 **Designation of EPA as Regulator**

Page 2, clause 3, line 26. Omit "Natural Resources Access Regulator constituted under this Act".

Insert instead "person or body designated by this Act as the Natural Resources Access Regulator".

No. 3 **Designation of EPA as Regulator**

Page 3, line 2. Omit "Constitution and management". Insert instead "Designation".

No. 4 **Designation of EPA as Regulator**

Page 3, clauses 4–6, lines 3–25. Omit all words on those lines. Insert instead:

**4 Designation of EPA as Regulator**

The Environment Protection Authority is designated as the Natural Resources Access Regulator.

No. 5 **Designation of EPA as Regulator**

Page 3, clause 7, line 28. Insert "under this Act" after "of the Regulator".

No. 6 **Designation of EPA as Regulator**

Page 4, clauses 8 and 9, lines 1–16. Omit all words on those lines.

**No. 7 Designation of EPA as Regulator**

Page 5, clause 12, line 3. Insert "under the natural resources management legislation" after "activities".

**No. 8 Designation of EPA as Regulator**

Page 5, clause 12, line 9. Omit "its annual report". Insert instead "each report under this section".

**No. 9 Designation of EPA as Regulator**

Page 5, clause 13, lines 16–18. Omit all words on those lines. Insert instead:

- (a) the Chairperson the Environment Protection Authority,
- (b) any Public Service employee,

**No. 10 Designation of EPA as Regulator**

Pages 7 and 8, line 44 on page 7 to line 1 on page 8. Omit all words on those lines. Insert instead:

- (a) the Chairperson of the Environment Protection Authority, or
- (b) a Public Service employee, or
- (c) acting under the direction of the Regulator,

**No. 11 Designation of EPA as Regulator**

Pages 9–12, Schedule 1, line 1 on page 9 to line 14 on page 12. Omit all words on those lines.

**No. 12 Long title**

Omit "constitute and".

Thank you for your guidance, Mr Chair. You described these as nuclear amendments. Indeed, they go to the nucleus of the issue. It is our philosophical view that the best regulator in this area should be the Environment Protection Authority [EPA]. That is the reason for moving the amendments; they all give effect to that end. I will not labour the point. The Greens are of the view that the EPA, as in other such administrative areas, takes on these types of role.

The Greens believe that they are best placed to create that separation of agencies and that that would better reflect the views of the people of New South Wales. They want to ensure that the regulator has that regulatory capture and to avoid the conflict of interest we have seen between other agencies. I hope that the Labor Party supports these amendments and that others will see that the EPA exists now and should be the chief regulator in this area.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:30):** I thank The Greens for moving these amendments in globo. I understand the member's point that it is a philosophical view for The Greens. These amendments remove the board, designate the Environment Protection Authority as the regulator and remove the regulator as the constituted body corporate prescribed as a New South Wales government agency. They remove the clause that provides the regulator is not subject to the control and direction of the Minister for operational compliance matters. The independent board is a crucial part of the reforms. It will make prosecution decisions and provide assurance to the Minister and the public about the performance and impartiality of compliance and enforcement activities conducted by the dedicated team in the department.

The independence of the board, supported by departmental staff, creates an opportunity over time to improve the performance of other regulatory functions in the Department of Primary Industries. It is not appropriate for the EPA to be designated as the regulator. Keeping the regulator in the industry cluster is critical, particularly in the current reform process. The development of the new metering policy, new compliance framework and clearer licensing conditions needs to be done in the context of the department to enable the regulator to contribute to the regulatory framework. That is what we are achieving with the structure set out in the bill. Removing this piece of the jigsaw from the Matthews suite of recommendations will make it harder to implement the reforms effectively.

The EPA's core environmental protection task is industrial and pollution control. This is a very different technical area to regulate compared with access to natural resources. We must also keep in mind that The Greens amendments will remove the role of the chief regulatory officer and the provision allowing public service employees to assist the regulator in exercising its functions. The regulator structure has been well thought out and it is crucial to these reforms. Compliance staff will report to the chief regulatory officer, who will report to the regulator on day-to-day management. The new regulator will oversee compliance enforcement activities and provide direction to the chief regulatory officer. The department has already appointed Mr Ross Carter to act in the chief regulatory officer role. As I said, keeping the regulator's staff in the cluster is critical, particularly given

the further implementation of the Matthews recommendations. The rest of the amendments also appear to be unnecessary. For those reasons, the Government opposes The Greens amendments.

**The Hon. MICK VEITCH (20:33):** The Opposition opposes The Greens amendments. We understand that The Greens have raised a philosophical position with these amendments. I extend my appreciation to Mr Jeremy Buckingham for the conversations we had about these amendments. The Opposition believes that the regulator should be a strong, robust and independent agency. The Environment Protection Authority has very different technical expertise and a very different legislative requirement from that envisaged for the regulator. It is important that the regulator remain independent and that it has the expertise to implement the Matthews recommendations. On that basis, the Opposition opposes The Greens amendments.

**The CHAIR (The Hon. Trevor Khan):** Mr Jeremy Buckingham has moved The Greens amendments Nos 1 to 12 on sheet C2017-099A. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....5  
Noes .....28  
Majority.....23

**AYES**

Buckingham, Mr J  
Shoebridge, Mr D  
(teller)

Faruqi, Dr M  
Walker, Ms D

Field, Mr J (teller)

**NOES**

Ajaka, Mr J  
Clarke, Mr D  
Donnelly, Mr G  
Graham, Mr J  
MacDonald, Mr S

Amato, Mr L  
Colless, Mr R  
Farlow, Mr S  
Green, Mr P  
Maclaren-Jones, Ms N  
(teller)

Blair, Mr N  
Cusack, Ms C  
Franklin, Mr B (teller)  
Harwin, Mr D  
Mallard, Mr S

Martin, Mr T  
Nile, Reverend F  
Searle, Mr A  
Veitch, Mr M  
Wong, Mr E

Mason-Cox, Mr M  
Phelps, Dr P  
Secord, Mr W  
Voltz, Ms L

Moselmane, Mr S  
Primrose, Mr P  
Sharpe, Ms P  
Ward, Ms P

**Amendments negatived.**

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:43):** By leave: I move Government amendments Nos 1 to 6 on sheet C2017-120E in globo:

**No. 1 Objectives of Regulator**

Page 4, Division 2 heading, line 17. Omit "**Functions**". Insert instead "**Objectives and functions**".

**No. 2 Objectives of Regulator**

Page 4. Insert after line 17:

**10 Principal objectives of Regulator**

The principal objectives of the Regulator are:

- (a) to ensure effective, efficient, transparent and accountable compliance and enforcement measures for the natural resources management legislation; and
- (b) to maintain public confidence in the enforcement of the natural resources management legislation.

**No. 3 Functions of Regulator under other legislation**

Page 4, clause 10 (e), lines 29 to 32. Omit all words on those lines. Insert instead:

- (e) such functions under the natural resources management legislation as are specified in Schedule 2;

No. 4 **Functions of Regulator under other legislation**

Page 4, clause 10. Insert after line 35:

- (2) A function specified in Schedule 2 (*a specified function*) that is conferred on the Regulator by subsection (1) (e) may, despite that conferral, also be exercised by the person (*the relevant person*) on whom the function is conferred under the natural resources management legislation referred to in that Schedule.
- (3) The regulations may amend Schedule 2 by:
  - (a) adding a function under the natural resources management legislation; or
  - (b) amending or removing a specified function, but only with the concurrence of the relevant Minister administering the natural resources management legislation (other than this Act) under which the function is conferred.
- (4) The regulations may make provision for dealing with matters that are incidental to or consequential on the conferral of a specified function on the Regulator.
- (5) In particular, the regulations may:
  - (a) require a reference in the natural resources management legislation to the relevant person or any other person to be construed as (or as including) a reference to the Regulator, and
  - (b) deal with matters arising in connection with the exercise of a specified function by both the Regulator and the relevant person.
- (6) If a person has a right to appeal against, or to apply for a review of, a decision of the relevant person in exercising a specified function, the right extends to any decision of the Regulator in exercising that function.

No. 5 **Functions of Regulator under other legislation**

Page 8. Insert after line 24:

**18 Amendment of Water Management Act 2000 No 92**

**Sections 60G, 78, 78A, 91I, 109, 325–329, 331–335, 336A, 338A, 338B, 339E, 340C, 367 and 390**

Insert the following note at the end of each provision:

**Note.** See also section 10 (1) (e) of the *Natural Resources Access Regulator Act 2017* and Schedule 2 to that Act.

No. 6 **Functions of Regulator under other legislation**

Page 12. Insert after line 14:

**Schedule 2 Additional functions of Regulator**

(Section 10 (1) (e))

**1 Ministerial functions under Water Management Act 2000**

The functions of the Minister administering the *Water Management Act 2000* under any of the following provisions of that Act:

- (a) section 60G (Minister may charge for water illegally taken);
- (b) section 78 (Suspension and cancellation of access licences);
- (c) section 78A (Notification of intention to suspend, cancel or require payment of penalty);
- (d) section 91I (Taking water when metering equipment not working);
- (e) section 109 (Suspension and cancellation of approvals),
- (f) section 325 (Directions concerning waste of water);
- (g) section 326 (Directions to install and maintain metering equipment);
- (h) section 327 (Stop work order regarding unlawful construction or use of water management work);
- (i) section 328 (Stop work order regarding unlawful controlled activity or aquifer interference activity);
- (j) section 329 (Removal of unlawful water management works);
- (k) section 331 (Directions to holders of basic landholder rights);

- (l) section 332 (Directions concerning damage caused by straying stock);
- (m) section 333 (Directions to protect water sources);
- (n) section 334 (Directions to prepare reports);
- (o) section 335 (Land and Environment Court may grant injunctions);
- (p) section 336A (Remedial measures may be taken by Minister);
- (q) section 338A (Powers of authorised officers to require information and records);
- (r) section 338B (Power of authorised officers to require answers);
- (s) section 339E (Assistance to be given to authorised officers);
- (t) section 340C (Revocation or variation);
- (u) section 367 (Evidentiary certificates);
- (v) section 390 (Authorised officers and analysts).

While the bill sets out the functions of the new regulator, it could go further to better outline the objectives of the regulator. For transparency and to make the regulator's role crystal clear, I move amendments to provide that the regulator's principal objectives are to ensure compliance with natural resources management legislation by effective, efficient, transparent and accountable compliance and enforcement measures to maintain public confidence in the administration and enforcement of natural resources management legislation. These amendments give the regulator a clear mandate to deliver a transparent and effective compliance and enforcement framework for water in New South Wales.

Following reports by Ken Matthews and a progress report by the NSW Ombudsman tabled in this House last week, it is clear that compliance and enforcement must be prioritised. That is why it is the focus of this bill and our immediate response to Mr Matthews' report. The amendments send a clear message to the people of New South Wales that the Government is committed to improving compliance and enforcement arrangements in the broader automatic framework. In relation to the Government's amendments conferring functions, a key feature of the bill is the flexibility to allow the regulator to oversee the compliance and enforcement of natural resources. This is important because it enables the regulator to build critical mass and professional expertise among otherwise separate and small natural resource compliance teams, enabling government to provide better services at lower cost.

When I introduced the bill I advised members that these powers would have been given to the regulator by delegation instruments or regulations. However, as transparency is the foundation of this Government's approach, these amendments instead set out the powers of the regulator in the bill. The regulator's functions under the natural resources management legislation that are prescribed as functions of the regulator will be set out in a schedule to the Act, which can be amended by regulation, rather than in regulations themselves. The schedule contained in these amendments will include a comprehensive suite of enforcement functions of the Minister under the Water Management Act. Importantly, this includes the power to appoint authorised officers. Transparency is a key component of the reforms, which is why the functions of the regulator will be clearly set out in a schedule to the legislation.

I appreciate that we have been engaging in debate about these matters. I understand that taking a transparent approach is key to rebuilding the trust of the community. This is why the Government is making constructive changes to our approach to create a strong governance framework for the regulation of natural resources. Even though it is a non-exclusive conferral, there is no question that compliance and enforcement will be done by the regulator. The Government created the regulator as a one-stop shop for compliance. This is the mandate of the regulator as set out in the principal objectives, which we are now including in the bill. The regulator will communicate clearly the breadth of their compliance and enforcement functions. For those reasons I commend the amendments to the Committee.

**The Hon. MICK VEITCH (20:47):** During the second reading debate I articulated the Opposition's position on the need for a robust, independent regulator that is in accord with the intent of the Matthews' interim report. At the time I said I did not think that the bill went very far—that it needed strengthening and that there needed to be a fair bit of change to get the regulator to a position where we would be able to support the bill at the third reading stage. It is obvious that the Government has heard the comments from a number of contributors to the second reading debate, because some of these amendments address some of the concerns raised by honourable members in that debate. But this is incremental change, and they are small incremental changes. The Opposition will support these amendments but in no way do they go anywhere near far enough to ensure that we have a strong, robust and independent regulator that meets the sentiment and intent of the Matthews' report and the Ombudsman's



concerns raised last week. The Opposition will support these amendments but, as I said, they are small incremental changes to improve the bill.

**Mr JEREMY BUCKINGHAM (20:49):** By leave: I move The Greens amendments Nos 1 to 4 on sheet C2017-126B in globo:

**No. 1 Functions of Regulator under Water Management Act 2000**

In Government amendment No 5, insert "**125–127**", "**150–152**" and "**321**" in appropriate order in the list of the sections of the *Water Management Act 2000* referred to in the amendment.

**No. 2 Functions of Regulator under Water Management Act 2000**

In Government amendment No 5, omit "**325–329, 331–335**" from the list of the sections of the *Water Management Act 2000* referred to in the amendment. Insert instead "**325–335**".

**No. 3 Functions of Regulator under Water Management Act 2000**

In Government amendment No 6 insert the following paragraphs (renumbered accordingly) in appropriate order in clause 1 of proposed Schedule 2:

- (a) section 125 (Contravention of operating licence),
- (b) section 126 (Cancellation of operating licence),
- (c) section 127 (Irrigation corporation may make arrangements with subsidiaries),
- (d) section 150 (Removal of members of private irrigation board from office and appointment of administrator),
- (e) section 151 (Abolition of private irrigation districts),
- (f) section 152 (Winding-up of private irrigation boards),
- (g) section 321 (Appointment of administrator),
- (h) section 330 (Temporary stop work order to protect the public interest).

**No. 4 Functions of Regulator under Water Management Act 2000**

In Government amendment No 6 insert ", including the function of controlling and directing authorised officers appointed by the Regulator in exercising their functions" after "(Authorised officers and analysts)" in clause 1 (v) of proposed Schedule 2. I concur with the Hon. Mick Veitch that this is a rushed bill. The fact is that it had to be pulled and some changes made. I acknowledge that that is the process of reform and that is often the way that business is done in this House but we believe it is an ad hoc approach, an incremental approach, and it is devoid of the consultation that so many people—and, in fact, the Matthews inquiry—required of, and recommended to, government. The key recommendation of Ken Matthews was to:

Provide institutional separation of compliance staff from water policy, water planning, water regulation, water delivery, environment and agriculture staff.

Can we be confident that these Government amendments will do that? I do not think so. It is an experiment in governance and bureaucracy. The bill provides no clarity about what functions under the Water Management Act this new regulator will have. The Government's amendments go to addressing that, with schedule 2 outlining the additional functions of the regulator, listed from paragraphs (a) to (v).

The Minister has said that his intention was to give these powers to the regulator by ministerial delegation but this is not acceptable, although we accept that the Government is moving that way. In light of this, The Greens are prepared to support a range of these amendments which strengthen the bill and give the new regulator some teeth by amending the Water Management Act directly. The Government amendments are a direct response to those amendments and issues raised by The Greens and others in the initial bill. The Greens still contend that the direct amendments to the Water Management Act would be a much better way to confer powers on the regulator, rather than the Government's rushed attempt to do this through delegation and regulation.

The biggest deficiency in the bill is that it does not give the new regulator any role in the appointment and employment of authorised officers under the Water Management Act. These amendments go some way to clearing this up by specifying that the regulator will have the ability to appoint authorised officers under section 390 of the Act and issue evidentiary certificates under section 367. But there is still no clarity in the bill as to whether the authorised officers appointed by the regulator will be employed by and report to the regulator. It is also not clear what will prevent the Minister or secretary from interfering in the functions of those officers appointed by the regulator. It is important that this is clarified as the Matthews report recommended that, in any new legislation:

The locus of compliance responsibility would be clear and leadership and decision-making authority would be unambiguous.

I do not think that is the case even with the amended bill. For this reason, I have moved amendments to the Government's amendment to make it clear that an authorised officer, appointed by the regulator, is only subject

to the control and direction of the Natural Resources Access Regulator in the exercise of authorised officers' functions. I suggest that the Government seriously consider supporting the amendment of The Greens and Labor to establish a dedicated staff agency for the regulator where authorised officers can be employed. I conclude by saying that I hope that the Government again considers The Greens amendments. We have tried to work in good faith in this area. If The Greens amendments are not successful we will consider the other amendments.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (20:53):** The Government opposes The Greens amendments to the Government's amendments. The effect of these amendments would be to confer on the regulator certain functions, including those relating to irrigation corporations and private irrigation districts. The Governor has most irrigation corporation compliance functions, with the Minister providing a largely supporting and advisory role. The proposed inclusions in sections 151 and 152 are inappropriate. The Minister does not have a function under these sections. The functions in sections 150 and 321 relate to governance and the appointment of an administrator and are not identified as appropriate for conferral on the regulator at this time.

The Government opposes the conferral of the Minister's function under section 330 on the regulator at this time. The function of the power to impose a temporary stop work order in the public interest in certain circumstances is broader than other typical compliance and enforcement functions. Certain policies and procedures of a regulator will need to be developed prior to considering whether it is appropriate for this function to be conferred on the regulator. However, the Government notes that this schedule can be amended from time to time by regulation. The Government will review the powers and can confer additional powers onto the regulator when appropriate. The framework has been designed with this flexible mechanism for this purpose.

In relation to authorised officers, the effect of this amendment is to give the regulator the function of controlling and directing those authorised officers it has appointed in the exercise of their functions. This amendment is inappropriate. Authorised officers must appropriately exercise their statutory functions under the Water Management Act without their discretion being fettered by the regulator, the Minister or any other person. The regulator is responsible for preparing strategies, policies and procedures relating to enforcement powers which will include authorised officer powers. Authorised officers will be required to carry out their functions consistent with the regulator's strategies, policies and procedures. Authorised officers will also receive appropriate training relating to the exercise of their powers. For those reasons the Government opposes The Greens amendments to the Government amendments.

**The Hon. MICK VEITCH (20:55):** The Opposition only recently received and was able to consider The Greens amendments to the Government amendments. After listening intently to the debate the Opposition's position is that it wants the regulator to work and to be independent. As stated previously in the debate the starting point is the Matthews interim report, subsequently supported by the Ombudsman's papers. On that basis the Opposition will support The Greens amendments to the Government amendments.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Niall Blair has moved Government amendments Nos 1 to 6 on sheet C2017-120E, to which Mr Jeremy Buckingham has moved The Greens amendments Nos 1 to 4 on sheet C2017-126B. The question is that The Greens amendments be agreed to.

**Amendments negatived.**

**The CHAIR (The Hon. Trevor Khan):** The question is that the Government amendments be agreed to.

**Amendments agreed to.**

**The CHAIR (The Hon. Trevor Khan):** We will go to The Greens amendments appearing on sheet C2017-100B. It has been pointed out The Greens cannot move amendment No. 7 as it conflicts with the outcome of the Government amendment just agreed to.

**Mr JEREMY BUCKINGHAM (20:58):** By leave: I move The Greens amendments Nos 1 to 3 on sheet C2017-100B in globo:

No. 1 **Regulations conferring functions under other Acts on Regulator**

Page 2, clause 3 (1), lines 24 and 25. Omit all words on those lines.

No. 2 **Regulations conferring functions under other Acts on Regulator**

Page 2, clause 3 (1), lines 27 to 30. Omit all words on those lines.

No. 3 **Regulations conferring functions under other Acts on Regulator**

Page 2, clause 3 (2), lines 33 to 35. Omit all words on those lines. These amendments will remove the power of the Minister by regulation to confer functions on the regulator for any other Act. We are concerned about mission creep in this area. It

is a broad-ranging regulation that gives the regulator power. It could allow the regulator to make decisions about Aboriginal land claims, land clearing or granting of Crown land leases, for example. While we acknowledge that the Matthews report said that the regulator could take on functions under other natural resources legislation, we believe these powers should be conferred by an Act of Parliament.

We believe that the powers of the regulator should be included in the legislation, not left to regulations, because not doing so would further undermine public confidence in the management of water resources and natural resources in this State. It is not good enough to say, as has been said repeatedly by the Minister's staff and bureaucrats at the crossbench briefing, that they have not had time to develop those details and expect the public to take on trust that those details will be worked out. I believe this is a failure to consult widely and it is evidence that the bill is somewhat rushed. The Greens hope that the Opposition and the Government will support our amendments.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:00):** The Government opposes The Greens amendments. The effect of these amendments would be to remove the ability to expand the definition of natural resources management legislation by regulation. The proposed amendments would remove a key feature of the bill—that is, the flexibility to allow the regulator to oversee the compliance and enforcement of other natural resources. This feature is important because it allows the regulator to build critical mass and professional expertise in separate and small natural resource compliance teams. Ultimately, this allows government to deliver services more effectively and at a lower cost.

The Government has already moved amendments to the bill to increase transparency and clarity of the new regulator's responsibilities. Those amendments ensure that the regulator's prescribed functions will be set out in a schedule to the Act, rather than in regulations as proposed in the original bill. As I outlined earlier, the schedule includes a comprehensive suite of enforcement functions of the Minister under the Water Management Act and is amendable by regulation. Further, the Government has moved amendments that make the regulator's mandate crystal clear—that is, to ensure compliance with natural resources management legislation by effective, efficient, transparent and accountable compliance and enforcement measures. The Government opposes the amendments.

**The Hon. MICK VEITCH (21:01):** The Opposition supports The Greens amendments, because we are of the view that giving the regulator this ability by regulation, as opposed to by legislation, would weaken the processes. On that basis, we support The Greens amendments as moved by Mr Jeremy Buckingham.

**Mr JEREMY BUCKINGHAM (21:02):** The Committee should pay particular attention to this matter. I was interested in the Minister's contribution when he spoke of "other natural resources". I ask the Minister to tell us some of the other natural resources to which he was referring because I believe they have not been set out in the bill. I ask the Minister to inform the Committee what other natural resources regulation should be conferred on this agency, as he suggested. Was he talking about mining resources, native vegetation and the like? It is important that the Minister defines these matters, and in doing so I hope that the Minister allays our concerns, because natural resources can broadly be defined and occur in all areas of the State. I ask the Minister to clarify this point so that we can properly consider the legislation before us.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:03):** At this stage the Government is not putting any other natural resources under the regulator, but as the regulator matures and continues with the critical mass I spoke about in becoming an effective regulator, there may be other areas that can be included in the future. It would require the approval of the portfolio Minister to enable that to occur, which is what this provision will do. I cannot outline what other areas will be included because at this stage we are talking about the matter before the Committee—that is, access to water. No decisions have been made about other natural resource regulation areas that will go to the regulator. This provision will enable that to occur later if it is deemed appropriate by the Ministers in charge of those natural resource areas.

**The CHAIR (The Hon. Trevor Khan):** Mr Jeremy Buckingham has moved The Greens amendments Nos 1 to 3 on sheet C2017-100B. The question is that the amendments be agreed to.

**Amendments negatived.**

**Mr JEREMY BUCKINGHAM (21:05):** By leave: I move The Greens amendments Nos 4, 5, 10, 11 and 12 on sheet C2017-100B in globo:

No. 4      **Members of Board**

Page 3, clause 5 (2), line 13. Omit all words on that line. Insert instead:

- (2)      The Board is to consist of the following members appointed by the Premier:
  - (a)      a person appointed as the Chairperson of the Board;

- (b) a representative of the Aboriginal community;
- (c) 2 other persons.

**No. 5 Members of Board**

Page 3, clause 5 (3), line 16. Omit "Minister". Insert instead "Premier".

**No. 10 Members of Board**

Page 9, Schedule 1, clause 1. Insert after line 7:

- (2) A reference in this Schedule (other than clause 16) to the Minister is to be construed as a reference to the Premier.

**No. 11 Members of Board**

Page 9, Schedule 1, clause 3, line 14. Insert "may" after "Members".

**No. 12 Members of Board**

Page 10, Schedule 1, clause 8, lines 13 to 20. Omit all words on those lines.

These amendments expand the number of board members to four, enable board members to be appointed full time, if necessary, and ensure there is a representative of the Aboriginal community as recommended by the Matthews interim report. If this is a serious regulator it should have a serious board. The current board of three part-time members has no requirement for Aboriginal representation, which is unacceptable. The Environment Protection Authority has five members, including a full-time chair and four part-time members. As we have just heard from Minister Blair, there is a possibility that the board may be conferred more than the management of this State's water. Its role will be monumental. The Minister has not ruled out the potential for it to be conferred other powers under mining, forestry and fisheries, et cetera. Therefore, The Greens amendments have merit and we would be well served by a board that is larger, potentially full time and that is required by the bill to have Aboriginal representation.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:07):** The Government opposes The Greens amendments Nos 4, 5, 10, 11 and 12. I covered the issue relating to Indigenous representation in my reply speech. The Government is committed to increasing Indigenous representation and has encouraged Indigenous persons to apply for appointment. The regulator's focus is on regulation and not stakeholder consultation. Therefore, this amendment is not necessary. The department proactively engages with Aboriginal communities on water planning and other issues that have the potential to impact Aboriginal communities. It is expected that the regulator will do the same.

Mr Jeremy Buckingham also talked about the appointments. The amendments propose that the board appointments are made by the Premier instead of the Minister. This is not required. Cabinet will be consulted on the proposed board members prior to members being appointed by the Minister. Additionally, it is unnecessary to amend the bill so that board members can be appointed on a full-time basis. This is a misunderstanding of the framework. The board members are independent subject experts who oversight the staff of the regulator and the staff do the work on the ground. The role of the chief regulatory officer is to run the day-to-day operations of the regulator. The board can meet as often as it sees fit to fulfil the functions outlined in the bill. Therefore, the amendments are not necessary.

**The Hon. MICK VEITCH (21:09):** The Opposition opposes The Greens amendments Nos 4, 5, 10, 11 and 12. It is our view that the appointment process by the Minister is appropriate, as opposed to having the Premier undertake that activity. The Opposition has much stronger amendments relating to board processes that meet the requirements suggested by Mr Matthews. The Opposition opposes The Greens amendments.

**The CHAIR (The Hon. Trevor Khan):** Mr Jeremy Buckingham has moved The Greens amendments Nos 4, 5, 10, 11 and 12 on sheet C2017-1008. The question is that the amendments be agreed to.

**Amendments negated.**

**The Hon. MICK VEITCH (21:10):** By leave: I move Opposition amendments Nos 1 and 2 on sheet C2017-097 in globo:

**No. 1 Background of Board members**

Page 3, clause 5 (3), line 15. Insert "conservation and" after "resources".

**No. 2 Background of Board members**

Page 3, clause 5 (3), line 16. Insert "and knowledge of indigenous interests in natural resources" after "relevant".

Our amendments are drawn heavily from the Matthews interim report and will ensure that the views of Mr Matthews are included in the legislation before the Chamber. The Opposition is cognisant of the comments of

the Minister in his second reading speech concerning Indigenous interests in natural resources. Our view is that having someone with the knowledge of Indigenous interests in natural resources is critical on the regulator's board, which is why we moved these amendments. These amendments will give Mr Matthews' report the courtesy it deserves in this legislation.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:11):** The Government opposes the Opposition's amendments. The effect of amendment No. 1 would be to replace the words "natural resources management"—one of the areas in which board members have experience and expertise—with the words "natural resources conservation and management". The amendment is unnecessary as "natural resources management" includes conservation but is broader. The Government will not agree to Opposition amendment No. 1 because it narrows the scope of this important regulator. The effect of Opposition amendment No. 2 would be to include the words "knowledge of indigenous interests in natural resources" as a required area of experience and expertise for board members. Mr Matthews' recommendation was that it would be desirable to include a person of Indigenous background with a knowledge of Indigenous interests in natural resources.

The Government supports the notion that Aboriginal values and interests are fundamental to the water planning process. That is why the Government is taking steps to ensure that Aboriginal voices are heard and that they are represented and play a role in our water planning process; for example, Aboriginal groups are represented alongside diverse stakeholder interests in the stakeholder advisory panels convened as part of our commitment to deliver the Murray-Darling Basin Plan. The regulator's board will comprise three members who together have expertise in law, natural resource management, compliance and regulation. The merit-based selection process for appointing the board will result in recommendations made to the Minister, and appointment of the selected candidates will be considered by Cabinet. The Government actively sought candidates with the correct skills and competencies to meet the recommendations of Mr Matthews. Indigenous people were encouraged to apply for the roles. The Government opposes these amendments.

**Mr JEREMY BUCKINGHAM (21:13):** The Greens support Opposition amendments Nos 1 and 2. We believe they weaken the amendments we moved, in particular The Greens amendment No. 2, which required an Aboriginal person to be, as the Minister said, embedded in water policy. How better to embed an Aboriginal person in water policy in this State than to require them to be on this board? However, as the amendment failed The Greens will support Opposition amendments Nos 1 and 2, which go some way to implementing the recommendations of Ken Matthews.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mick Veitch has moved Opposition amendments Nos 1 and 2 on sheet C2017-097. The question is that the amendments be agreed to.

**Amendments negatived.**

**The Hon. MICK VEITCH (21:15):** By leave: I move Opposition amendments Nos 3 and 4 on sheet C2017-097 in globo:

**No. 3 Additional functions of the Regulator**

Page 4, clause 10. Insert after line 19:

- (a) to oversee the exercise of enforcement powers under the natural resources management legislation;

**No. 4 Additional functions of the Regulator**

Page 4, clause 10. Insert after line 23:

- (c) to provide the Minister and the Independent Pricing and Regulatory Tribunal with advice on the amount of fees and charges that may be imposed on the holders of access licences under the *Water Management Act 2000*;

These are straightforward amendments that relate to the additional functions of the regulator. It is important that we exercise the enforcement powers under the natural resources management legislation. Opposition amendment No. 4 provides the Minister and the Independent Pricing and Regulatory Tribunal with advice on the amount of fees and charges that may be imposed on the holders of access licences under the Water Management Act 2000. It is important that the regulator, in accordance with the Matthews' report, has some means by which to undertake its regulatory function. I have had a number of conversations with irrigators who are also keen to know that the money they are currently paying is actually being spent for that purpose.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:16):** The Government opposes Opposition amendments Nos 3 and 4. Opposition amendment No. 3 is not necessary as it is intended that the regulator will be given certain compliance

and enforcement powers via regulations made under this Act or conferral under one of the natural resources management Acts. For transparency and to make the regulator's role crystal clear, we have already amended the bill to set out the principal objectives of the regulator, which are to ensure effective, efficient, transparent and accountable compliance and enforcement measures for the natural resources management legislation, and to maintain public confidence in the enforcement of the natural resources management legislation.

The Government also opposes Opposition amendment No. 4. The effect of this amendment is to require the regulator to provide advice on fees and charges to be imposed to both the Minister and the Independent Pricing and Regulatory Tribunal [IPART]. This would include requiring the regulator to prepare a separate submission to IPART. This would be inefficient and a waste of resources for the regulator, IPART and water users, who are consulted on each pricing determination. The submission to IPART will be done by the department as part of its services to the regulator in consultation with the regulator. This will ensure that the regulator can focus on doing its job to ensure that there is effective, efficient, transparent and accountable compliance and enforcement of water management.

The bill already has a robust reporting requirement in place to ensure public confidence that the regulator has the resources it requires to do its job. In its annual report it must provide a report of its work and activities for the past 12 months. This is a more effective and efficient accountability mechanism than wasting everyone's time by requiring the regulator to also advise on water licensing fees and charges in addition to the department. For those reasons the Government opposes the amendments.

**Mr JEREMY BUCKINGHAM (21:18):** I do not know what to do because we do not support Opposition amendment No. 3 but we do support Opposition amendment No. 4.

**The CHAIR (The Hon. Trevor Khan):** The answer to that is I will put them seriatim; they can be put separately.

**Mr JEREMY BUCKINGHAM:** The Government has responded to those issues through Government amendment No. 2—the objectives of the regulator. We believe it is a good move, as the Minister has said, to outline the principal objectives of the regulator. There is merit in the regulator having a role in advising the Independent Pricing and Regulatory Tribunal on fees and charges. There is a perception in the community that the department may take a particular view on the quantum of fees and charges and the framework used. More voices in that space would mean that we have a more robust discussion that will assist consensus on the cost of water and water delivery in this State, which will always be a contentious area. The additional functions of the regulator as set out in Opposition amendment No. 4 have merit and so we will be supporting the amendment.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:19):** In relation to Mr Jeremy Buckingham's last comments, the regulator will provide comment on the resources required but it will do so through the department. The amendment suggests that the regulator would put a submission to the Independent Pricing and Regulatory Tribunal. That would require more people being brought into the regulator to prepare such a determination, adding costs that will be passed on to the end users. The intent is not to create another bureaucracy so that those fees are not passed on to irrigators. That is why we have the current structure. This amendment, in a sense, creates a duplicate process where the regulator and the department each provide a submission and the end users pay for the privilege of two lots of bureaucracy doing the same thing. The Government considers that the practice should be maintained where the regulator will be consulted but the submission will come from the department and the department will act as a secretariat for the regulator.

**The CHAIR (The Hon. Trevor Khan):** I will put the questions on the amendments seriatim. The Hon. Mick Veitch has moved Opposition amendments Nos 3 and 4 on sheet C2017-097. The question is that Opposition amendment No. 3 be agreed to.

**Amendment negated.**

**The CHAIR (The Hon. Trevor Khan):** The question is that Opposition amendment No. 4 be agreed to.

**Amendment negated.**

**Mr JEREMY BUCKINGHAM (21:22):** I move The Greens amendment No. 6 on sheet C2017-100B:

No. 6      **Regulator's functions**

Page 4, clause 10. Insert after line 21:

- (b) to direct the head of any Public Service agency responsible to a Minister administering natural resources management legislation to take such corrective action as may be specified by the Regulator or to make

improvements with respect to the exercise of functions under that legislation,

The Greens consider that this amendment improves the reporting functions and strengthens the role of the regulator to make non-binding directions to the Minister. I commend the amendment to the Committee.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:23):** This amendment enables the regulator to give a non-binding direction to the head of the public service agency regarding improvements for corrective action that the regulator thinks is necessary. This amendment is totally unnecessary. If the regulator sees fit, it can make a recommendation to the head of the public service agency without a legislative head of power.

**The Hon. MICK VEITCH (21:23):** Mr Jeremy Buckingham has put a very forceful and compelling argument in support of his amendment. Accordingly, the Opposition supports it.

**The CHAIR (The Hon. Trevor Khan):** Mr Jeremy Buckingham has moved The Greens amendment No. 6 on sheet 2017-100B. The question is that the amendment be agreed to.

**Amendment negatived.**

**The Hon. MICK VEITCH (21:24):** By leave: I move Opposition amendments Nos 5 and 6 on sheet C2017-097 in globo:

No. 5      **Register of offences**

Page 4, clause 10 (d), lines 27 and 28. Omit all words on those lines.

No. 6      **Register of offences**

Page 4. Insert after line 35:

11      **Register of offences**

- (1) The Regulator is to keep a register containing the following details in relation to offences committed under the natural resources management legislation:
  - (a) the name of the person who committed any such offence,
  - (b) the date on which the offence was committed and the property (if any) where the offence occurred,
  - (c) a summary of the offence.
- (2) The details are to be included in the register as soon as practicable after the offence is committed.
- (3) The Regulator is to make the register publicly available in such manner as the Regulator considers appropriate.
- (4) For the purposes of this section, an offence under the natural resources management legislation is committed by a person if:
  - (a) the person is found guilty by a court of having committed the offence (whether or not it convicts the person for the offence or imposes any penalty); or
  - (b) an amount is paid under a penalty notice in respect of the offence; or
  - (c) a penalty notice enforcement order under the Fines Act 1996 is made against the person in respect of the offence.

These amendments relate to the register of offences. For the sake of transparency, it is important that people know where these offences are taking place and what action has been taken. Much of the Matthews report is about people not knowing exactly what has happened although there are allegations. The Opposition believes if there is a register containing this information people will know that the offence has been identified and the appropriate action has been taken by the regulator. A transparent approach such as this will go a long way to ensuring that those handful—let us be clear, there is only a handful—of irrigators who do the wrong thing will be held to account and may experience public shaming, but that will not hurt. In fact, that is the intent of the amendments.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:26):** As we have just heard, the effect of these amendments would be to require the regulator to keep a public register containing details of persons who have committed an offence and to capture persons issued with penalty notices. These amendments are not appropriate. Publishing the personal details of those issued with a penalty notice will potentially lead to the clogging up of the court system because people would likely go to court to defend the matter. This would be a strain on public resources for both the regulator and the courts. The Government recognises that an effective compliance framework must also facilitate a culture of voluntary compliance in the community. That is why it has committed to consulting with the public

and the Privacy Commissioner on a broader public register of water entitlements as part of the exposure bill that will be released in early 2018. The Government believes that is a better way to address this issue of transparency rather than the amendments before the Committee.

**Mr JEREMY BUCKINGHAM (21:27):** The Minister's contribution is very interesting. However, New South Wales has had a voluntary compliance regime, and we are debating this legislation because some of those involved in it have been doing the wrong thing. The Greens support Opposition amendments Nos 5 and 6 relating to the register of offences. This is a step in the right direction because we are not compelled by the Minister's argument about clogging up the courts. Rather, we are compelled by the fact that the Darling River is clogging up because of lack of flow and because of a failure to administer the Water Management Act properly. We do not know whether only a handful of people have been doing the wrong thing because, as the Ombudsman said in his latest report, there has been a complete failure in compliance.

Each year scores of people are issued with penalty infringement notices and warnings, and are prosecuted. It could be worse: There may be more. I hope not. I am sure that the majority are doing the right thing, and this is a step in the right direction. It reflects what we see with the Environment Protection Authority—a register of offences and enforceable undertakings. It is searchable so members of the community can see who is doing the wrong thing. This could be a stick to help some people do the right thing when considering how they can access water in accordance with the law.

**The Hon. MICK VEITCH (21:30):** I was interested to hear the Minister say that an exposure draft will come out next year that will cover some of these matters. We look forward to seeing that. In my time in this Chamber, I have seen several Ministers approach the lectern with legislation relating to law and order regimes. To paraphrase, they said, "If you do the right thing, you won't finish up on the register. You won't have to worry about your privacy being breached because only those who breach the Act will finish up on the register." For all the irrigators who are doing the right thing, this will not be an issue because they will not be on the register.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mick Veitch has moved Opposition amendments Nos 5 and 6 on sheet C2017-097. The question is that the amendments be agreed to.

#### **Amendments negatived.**

**The CHAIR (The Hon. Trevor Khan):** We now come to Opposition amendment No. 7 on sheet C2017-097. After the Hon. Mick Veitch moves it, I will invite Mr Jeremy Buckingham to move The Greens amendments Nos 8 and 9 on sheet C2017-100B. Although they offer alternatives, they seem similar.

**The Hon. MICK VEITCH (21:31):** I move Opposition amendment No. 7 on sheet C2017-097:

No. 7      **6-monthly reports**

Page 5, clause 12, lines 1 to 12. Omit all words on those lines. Insert instead:

#### **12            6-monthly reports**

- (1)            The Regulator is to provide a report on its work and activities to the Minister every 6 months.
- (2)            Without limiting subsection (1), each report must include the following:
  - (a)           details of notices, orders and directions issued under the natural resources management legislation in connection with the enforcement of that legislation during the 6 month period to which the report relates;
  - (b)           such other particulars as may be prescribed by the regulations.
- (3)            A report under this section is to be provided to the Minister and made publicly available by the Regulator as soon as practicable after the end of the 6 month period to which the report relates.
- (4)            A report that is required under this section may be included in any annual report of the Regulator required under any other Act.

This amendment relates to six-monthly reports. Essentially, it requires that the regulator provide to the Minister a report on its work and activities every six months. Without limiting what the report would do, it would at least contain details of notices, orders and directions issued under the natural resources management legislation in connection with the enforcement of that legislation during the previous six-month period. A report would be provided to the Minister and made publicly available—it is important to us that it be made publicly available—as soon as practicable after the end of the six-month period to which the report relates.

Again, this is about transparency: People will actually see what the regulator is doing and know that it is working. But there is also some work to be done here to ensure that the sector and the community have faith in the work of the regulator. We want a strong, independent regulator; we want a regulator that works. We are of the



view that this sort of reporting will provide the community with the information it needs to satisfy the community's requirement that the regulator works.

**The CHAIR (The Hon. Trevor Khan):** I invite Mr Jeremy Buckingham to move The Greens amendments Nos 8 and 9 on sheet C2017-100B. If Opposition amendment No. 7 passes, The Greens amendments Nos 8 and 9 will lapse. If Opposition amendment No. 7 fails, I will put The Greens amendments Nos 8 and 9 to the vote.

**Mr JEREMY BUCKINGHAM (21:34):** By leave: I move The Greens amendments Nos 8 and 9 on sheet C2017-100B in globo:

No. 8      **Annual report**

Page 5, clause 12, line 3. Omit "the Minister". Insert instead "both Houses of Parliament".

No. 9      **Annual report**

Page 5, clause 12. Insert after line 7:

- (b) details of any strategies, policies or procedures, or any advice or report, the Regulator has prepared or provided under section 10,
- (c) details of any directions the Regulator has given to the head of a Public Service agency under section 10,
- (d) any matter that the Board considers to be relevant for inclusion in the report,

These amendments head in the same direction as the Opposition's amendment. The Greens amendment No. 8 omits the report being made available to the Minister. Instead, it requires it be made available to both Houses of Parliament. This will ensure excellent oversight of the executive and/or agency and the people of New South Wales, through this Parliament, will get to see the reports. The Greens amendment No. 9 concerns annual reporting. The Opposition's amendment regarding six-monthly reports is also supportable.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:35):** I will address Opposition amendment No. 7 and The Greens amendments Nos 8 and 9 at the same time. I will start with the Opposition amendment, which relates to the publishing of six-monthly reports. The Government believes the supporting time frame identified in the bill is appropriate and that it is unnecessary for the regulator to publish six-monthly reports. The regulator has the ability to publish reports and documents on its website in a timely manner, and as it sees fit. There is no need to wait for the annual report. If the regulator wants to provide more information it can do so through those mechanisms.

I turn now to The Greens amendments, which seek to mandate the inclusion in the annual report of the details of any strategies, policies or procedures, or any advice or report, prepared by the regulator. The Government agrees with the intent to increase transparency, but it does not agree with the mechanism that has been chosen. The intention is that the regulator be very transparent and provide information to the public; however, the regulator needs discretion as to whether to publish strategies. This could disclose tactical operation matters, which are not appropriate for publication, as it would forewarn offenders of imminent investigations or activities. The Australian Taxation Office uses a similar model—it publishes certain information but not the algorithm that it raises to target non-compliance.

Further, it is intended that these types of documents, unless confidential for the reasons noted, will be published on the regulator's website in a timely manner without waiting for the next annual report. The annual report can also include additional matters at the regulator's discretion, without the need for this to be set out specifically in the Act. Further, the bill already includes the ability to prescribe additional matters to be included in the annual report by regulation. The Government opposes Opposition amendment No. 7 and The Greens amendments Nos 8 and 9.

**Mr JEREMY BUCKINGHAM (21:38):** The Greens amendment does not talk about tactical operations. It talks about "strategies, policies or procedures, or any advice or report". I accept what the Minister has said, but The Greens are not looking for that level of detail.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mick Veitch has moved Opposition amendment No. 7 on sheet C2017-097. The question is that the amendment be agreed to.

**Amendment negatived.**

**The CHAIR (The Hon. Trevor Khan):** Mr Jeremy Buckingham has moved The Greens amendments Nos 8 and 9 on sheet C2017-100B. The question is that the amendments be agreed to.

**Amendments negatived.**

**The Hon. MICK VEITCH (21:39):** By leave: I move Opposition amendments Nos 1 and 2 on sheet C2017-111A in globo:

No. 1 **Parliamentary Joint Committee on the Regulator**

Page 5. Insert after line 20:

**Part 3 Parliamentary Joint Committee**

**14 Constitution of Committee**

- (1) On the commencement of this Part and as soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of Parliament, to be known as the Committee on the Natural Resources Access Regulator (the *Parliamentary Joint Committee*), is to be appointed.
- (2) The Parliamentary Joint Committee has the functions conferred or imposed on it by or under this Act or any other Act.

**15 Functions of Committee**

- (1) The Parliamentary Joint Committee has the following functions under this Act:
  - (a) to monitor and review the exercise by the Regulator of the Regulator's functions;
  - (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter relating to the Regulator or connected with the exercise of the Regulator's functions to which, in the opinion of the Committee, the attention of Parliament should be directed;
  - (c) to examine each annual or other report of the Regulator and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report;
  - (d) to inquire into any question in connection with the Regulator's functions which is referred to it by both Houses of Parliament and report to both Houses on that question.
- (2) Nothing in this Part authorises the Parliamentary Joint Committee to investigate a matter relating to specific matter that is being considered or determined by the Regulator.

**16 Membership of Committee**

- (1) The Parliamentary Joint Committee is to consist of 7 members, of whom:
  - (a) 3 are to be members of, and appointed by, the Legislative Council; and
  - (b) 4 are to be members of, and appointed by, the Legislative Assembly.
- (2) The appointment of members of the Parliamentary Joint Committee is, as far as practicable, to be in accordance with the practice of Parliament with respect to the appointment of members to serve on joint committees of both Houses of Parliament.
- (3) A person is not eligible for appointment as a member of the Parliamentary Joint Committee if the person is a Minister of the Crown or a Parliamentary Secretary.
- (4) Schedule 2 contains provisions relating to the Parliamentary Joint Committee.

No. 2 **Parliamentary Joint Committee on the Regulator**

Page 12. Insert after line 14:

**Schedule 2**

**Parliamentary Joint Committee**

(Section 16 (4))

**1 Definition**

In this Schedule, *Committee* means the Parliamentary Joint Committee constituted under section 14.

**2 Vacancies**

- (1) A member of the Committee ceases to hold office:
  - (a) when the Legislative Assembly is dissolved or expires by the effluxion of time, or
  - (b) if the member becomes a Minister of the Crown or a Parliamentary Secretary, or
  - (c) if the member ceases to be a member of the Legislative Council or Legislative Assembly, or

- (d) if, being a member of the Legislative Council, the member resigns the office by instrument in writing addressed to the President of the Legislative Council, or
  - (e) if, being a member of the Legislative Assembly, the member resigns the office by instrument in writing addressed to the Speaker of the Legislative Assembly, or
  - (f) if the member is discharged from office by the House of Parliament to which the member belongs.
- (2) Either House of Parliament may appoint one of its members to fill a vacancy among the members of the Committee appointed by that House.

### **3 Chair and Deputy Chair**

- (1) There is to be a Chair and a Deputy Chair of the Committee, who are to be elected by and from the members of the Committee.
- (2) member of the Committee ceases to hold office as Chair or Deputy Chair of the Committee if:
- (a) the member ceases to be a member of the Committee, or
  - (b) the member resigns the office by instrument in writing presented to a meeting of the Committee, or
  - (c) the member is discharged from office by the Committee.
- (3) At any time when the Chair is absent from New South Wales or is, for any reason, unable to perform the duties of Chair or there is a vacancy in that office, the Deputy Chair may exercise the functions of the Chair under this Act or under the Parliamentary Evidence Act 1901.

### **4 Procedure**

- (1) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Committee.
- (2) The Clerk of the Legislative Assembly is to call the first meeting of the Committee in each Parliament in such manner as the Clerk thinks fit.
- (3) Subclause (2) does not apply to the Committee as first constituted under this Act.
- (4) At a meeting of the Committee, 4 members constitute a quorum, but the Committee must meet as a joint committee at all times.
- (5) The Chair or, in the absence of the Chair, the Deputy Chair (or, in the absence of both the Chair and the Deputy Chair, a member of the Committee elected to chair the meeting by the members present) is to preside at a meeting of the Committee.
- (6) The Deputy Chair or other member presiding at a meeting of the Committee has, in relation to the meeting, all the functions of the Chair.
- (7) The Chair, Deputy Chair or other member presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (8) A question arising at a meeting of the Committee is to be determined by a majority of the votes of the members present and voting.
- (9) The Committee may sit and transact business despite any prorogation of the Houses of Parliament or any adjournment of either House of Parliament.
- (10) The Committee may sit and transact business on a sitting day of a House of Parliament during the time of sitting.

### **5 Reporting when Parliament not in session**

- (1) If a House of Parliament is not sitting when the Committee seeks to furnish a report to it, the Committee may present copies of the report to the Clerk of the House.
- (2) The report:
- (a) on presentation and for all purposes is taken to have been laid before the House, and
  - (b) may be printed by authority of the Clerk, and
  - (c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House, and
  - (d) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after receipt of the report by the Clerk.

**6 Evidence**

- (1) The Committee has power to send for persons, papers and records.
- (2) Subject to clause 7, the Committee must take all evidence in public.
- (3) If the Committee as constituted at any time has taken evidence in relation to a matter but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as constituted at any subsequent time, whether during the same or another Parliament, may consider that evidence as if it had taken the evidence.
- (4) The production of documents to the Committee is to be in accordance with the practice of the Legislative Assembly with respect to the production of documents to select committees of the Legislative Assembly.

**7 Confidentiality**

- (1) If any evidence proposed to be given before, or the whole or a part of a document produced or proposed to be produced to, the Committee relates to a secret or confidential matter, the Committee may, and at the request of the witness giving the evidence or the person producing the document must:
  - (a) take the evidence in private, or
  - (b) direct that the document, or the part of the document, be treated as confidential.
- (2) If a direction under subclause (1) applies to a document or part of a document produced to the Committee:
  - (a) the contents of the document or part are, for the purposes of this clause, to be regarded as evidence given by the person producing the document or part and taken by the Committee in private, and
  - (b) the person producing the document or part is, for the purposes of this clause, to be regarded as a witness.
- (3) If, at the request of a witness, evidence is taken by the Committee in private:
  - (a) the Committee must not, without the consent in writing of the witness, and
  - (b) a person (including a member of the Committee) must not, without the consent in writing of the witness and the authority of the Committee under subclause (5),  
disclose or publish the whole or a part of that evidence.  
Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.
- (4) If evidence is taken by the Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) must not, without the authority of the Committee under subclause (5), disclose or publish the whole or part of that evidence.  
Maximum penalty: 20 penalty units or imprisonment for 3 months, or both.
- (5) The Committee may, in its discretion, disclose or publish or, by writing under the hand of the Chair, authorise the disclosure or publication of evidence taken in private by the Committee, but this subclause does not operate so as to affect the necessity for the consent of a witness under subclause (3).
- (6) Nothing in this clause prohibits:
  - (a) the disclosure or publication of evidence that has already been lawfully published, or
  - (b) the disclosure or publication by a person of a matter of which the person has become aware otherwise than by reason, directly or indirectly, of the giving of evidence before the Committee.
- (7) This clause has effect despite section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975*.
- (8) If evidence taken by the Committee in private is disclosed or published in accordance with this clause, sections 5 and 6 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* apply to and in relation to the disclosure or publication as if it were a publication of that evidence under the authority of section 4 of that Act.

**Note.** The *Defamation Act 2005* makes provision for 2 defences in respect of the publication of defamatory matter that is contained in evidence taken by, or documents produced to, the Committee in private, but only if the evidence or documents have been disclosed or published in accordance with this clause.

Section 28 of the *Defamation Act 2005* (when read with clause 8 of Schedule 2 to that Act) ensures that such documents attract the defence relating to public documents in defamation proceedings.

Section 29 of the *Defamation Act 2005* (when read with clause 17 of Schedule 3 to that Act) ensures that proceedings in which such evidence is taken or documents produced attract the defences relating to fair reports of proceedings of public concern in defamation proceedings.

#### **8 Application of certain Acts**

For the purposes of the *Parliamentary Evidence Act 1901* and the *Parliamentary Papers (Supplementary Provisions) Act 1975* and for any other purposes:

- (a) the Committee is to be regarded as a joint committee of the Legislative Council and Legislative Assembly, and
- (b) the proposal for the appointment of the Committee is to be regarded as having originated in the Legislative Assembly.

#### **9 Validity of certain acts or proceedings**

Any act or proceeding of the Committee is, even though at the time when the act or proceeding was done, taken or commenced there was:

- (a) a vacancy in the office of a member of the Committee, or
- (b) any defect in the appointment, or any disqualification, of a member of the Committee,

as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

#### **Schedule 3**

#### **Amendment of Defamation Act 2005 No 77**

##### **[1] Schedule 2 Additional kinds of public documents**

Insert after clause 8 (g):

- (h) a document (or part of a document) produced to the Committee on the Natural Resources Access Regulator in proceedings conducted in private, but only if the document (or part of the document) has been disclosed or published in accordance with clause 7 of Schedule 2 to the *Natural Resources Access Regulator Act 2017*.

##### **[3] Schedule 3 Additional proceedings of public concern**

Insert after clause 17 (g):

- (h) proceedings of the Committee on the Natural Resources Access Regulator constituted under the *Natural Resources Access Regulator Act 2017* conducted in private, but only to the extent that those proceedings relate to the taking of evidence that is disclosed or published in accordance with clause 7 of Schedule 2 to that Act.

This is a critical part of the Opposition's case. It is essential that there be a parliamentary joint committee that oversees the operations of the regulator. It is essential that the regulator be strong, independent and robust to meet the requirements of the community, the Matthews' interim report, and the potential for further natural resources, which we heard about earlier in the Committee stage. It is not unusual—there are other parliamentary oversight committees. Most of us serve on at least one. They work quite well. These amendments provide Parliament with the scrutiny it requires of the regulator.

The amendments also ensure that the people of New South Wales have a degree of respect and insurance that the regulator undertakes that critical parliamentary oversight. These amendments provide the Parliament with the surety that the regulator is working well. Once established, the regulator will mature over time and the parliamentary oversight committee will have a role in ensuring that it matures as required by Parliament. This is a critical set of amendments for the Opposition.

**Mr JEREMY BUCKINGHAM (21:41):** For the reasons so eruditely put by the Hon. Mick Veitch, The Greens will support the amendments. If we want to have confidence that the regulator is meeting the requirements of the Act and is performing its functions in the way the Government wants, then a parliamentary joint committee will not hurt; it will only strengthen the confidence the people of New South Wales have in the management of natural resources in this State. As the Hon. Mick Veitch said, such committees operate in so many other areas. We asked the Government to consider requiring the agency to report to Parliament, but it has knocked that back. The amendments would insert new section 15, which states that the committee's functions would be to "monitor and review the exercise by the regulator of the regulator's functions" and to "report to both Houses of

Parliament, with such comments as it thinks fit..." Those are both reasonable propositions put by the Opposition and we will support them.

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:42):** The effect of these amendments is to appoint a joint committee of members of Parliament, which would be known as the Committee on the Natural Resources Access Regulator. The committee would have certain prescribed monitoring, review, reporting, examination and inquiry functions. We do not need another parliamentary committee; what we need is an independent, transparent and effective regulatory body, and that is what this bill provides. A number of mechanisms in the bill already ensure that the regulator is independent and transparent, such as the provisions that require it to report on its activities on an annual basis and the fact that it is not subject to the control or direction of the Minister in relation to operation or compliance matters. We already have a number of powerful oversight bodies in New South Wales, such as the Independent Commission Against Corruption and the NSW Ombudsman. We do not need another parliamentary committee. The Government opposes the amendments.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mick Veitch has moved Opposition amendments Nos 1 and 2 on sheet C2017-111A. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....14  
Noes .....18  
Majority.....4

**AYES**

Buckingham, Mr J  
Field, Mr J

Donnelly, Mr G (teller)  
Graham, Mr J

Faruqi, Dr M  
Moselmane, Mr S  
(teller)  
Secord, Mr W  
Veitch, Mr M

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

Searle, Mr A  
Shoebridge, Mr D  
Walker, Ms D

**NOES**

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

Amato, Mr L  
Colless, Mr R  
Franklin, Mr B (teller)  
MacDonald, Mr S

Blair, Mr N  
Cusack, Ms C  
Green, Mr P  
Maclaren-Jones, Ms N  
(teller)  
Mason-Cox, Mr M  
Ward, Ms P

Mallard, Mr S  
Nile, Reverend F

Martin, Mr T  
Phelps, Dr P

**PAIRS**

Houssos, Ms C  
Mookhey, Mr D  
Wong, Mr E

Fang, Mr W  
Mitchell, Ms S  
Taylor, Ms B

**Amendments negatived.**

**The Hon. MICK VEITCH (21:51):** I move Opposition amendment No. 8 on sheet C2017-097:

No. 8      **Establishment of separate staff agency**

Page 8. Insert after line 24:

**18                      Amendment of Government Sector Employment Act 2013 No 40**

**Schedule 1 Public Service agencies**

Insert in alphabetical order in Part 3:

Natural Resources Access Regulator Staff Agency

Chief Regulatory Officer of the Natural Resources Access Regulator. The Minister administering the Natural Resources Access Regulator Act 2017 is to exercise the

employer functions of the Government in relation to the Chief Regulatory Officer.

This amendment relates to the establishment of a separate staff agency and amendment of the Government Sector Employment Act 2013 No. 40 so that the chief regulatory officer of the Natural Resources Access Regulator exercises the employer functions of the Government in relation to the chief regulatory officer. It is straightforward and I urge all members to support this amendment after my compelling contribution.

**Mr JEREMY BUCKINGHAM (21:52):** I was not inclined to support the amendment, but after listening to the Hon. Mick Veitch's contribution to this debate I have been swayed by the power of his oratory. I will not be moving The Greens amendment No. 13 because the Opposition amendment has the same effect but is slightly better. Clearly, the amendment sets out to create a separate agency under the Government Sector Employment Act 2013 No. 40. It makes sure that we have a separation of staff at the Department of Primary Industries, which was the key part of the Matthews report recommendations. The community wants that inherent conflict of interest dealt with at all levels. The amendment goes to that recommendation and The Greens will be supporting it.

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (21:54):** The effect of the Opposition's amendment would be that persons employed in the public service to support the regulator in exercising its functions would sit outside the Department of Primary Industries in a separate staff agency. The water management compliance improvement package of Mr Matthews recommended that all compliance and enforcement functions for non-metropolitan water activities in New South Wales be consolidated.

This bill delivers on that recommendation. Staff will report to the chief regulatory officer, who will report to the regulator on carrying out its day-to-day management of the activities of the regulator. Keeping the staff of the regulator within the industry cluster is critical, particularly in the current reform process. Further, there is evidence that recent separation of functions has contributed to current problems. Having a separate agency would not be cost efficient and would lead to a duplication of functions which then would be considered by the Independent Pricing and Regulatory Tribunal in its price determination. Therefore, the Government opposes the amendment.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mick Veitch has moved Opposition amendment No. 8 on sheet C2017-097. The question is that the amendment be agreed to.

**Amendment negatived.**

**Mr JEREMY BUCKINGHAM (21:52):** I will not move The Greens amendment No. 14.

**The CHAIR (The Hon. Trevor Khan):** The question is that the bill as amended 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 with amendments.

**Motion agreed to.**

### **Adoption of Report**

**The Hon. NIALL BLAIR:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. NIALL BLAIR:** I move:

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

**Motion agreed to.**

### *Adjournment Debate*

### **ADJOURNMENT**

**The Hon. NIALL BLAIR:** I move:

That this House do now adjourn.

**MEMBER FOR PORT STEPHENS**

**The Hon. CATHERINE CUSACK (21:57):** Last year the Labor MP for Port Stephens, Ms Kate Washington, and Labor's shadow Minister for Health, the Hon. Walt Secord, stumbled across a government tender document for imaging services in the Hunter region. Reference was made to X-ray services at Tomaree Community Hospital. This is a service longed for by the local community. It was fantastic news, but at this preliminary stage the Government was not ready to make an announcement. So Labor seized the chance to pre-empt the Government. But the spin of the story was that it was bad news, not good news. Labor slammed the proposal. On 26 October 2016, the *Newcastle Herald* reported:

... Port Stephens State MP Kate Washington ... said the Government owed her constituents "public services in a public hospital".

"This is part of the systematic privatisation of our health system by the Coalition government," Ms Washington said.

Labor spokesman Walt Secord called on the Government to "drop the culture of cover-up" around its tender for privatised imaging services, which also includes hospitals in Tamworth, Armidale, Moree, Glen Innes and Tenterfield. In response, the local area health district explained that the use of private contractors had begun under the Carr Government. All they were doing was retendering to continue existing services and to look at expanding the arrangement to Tomaree. Understandably, Labor backed down. The bureaucracy then got on with the design and technical requirements for a purpose-built X-ray room, the imaging and IT equipment, a power upgrade, the funding model and the service contract. Questions were asked during the September council campaign and my office started making inquiries of the health Minister about the X-ray room. We were told it was ready to roll.

It seems Labor got wind of the fact that an announcement was imminent and Kate Washington jumped in again. A year ago she was slamming the proposed service but this time she was demanding that the Government deliver it. Off I went to Tomaree Community Hospital to make the announcement and to invite East Ward local councillors, Kate Washington, MP, and Federal member Meryl Swanson to the event. It was a success. I pay tribute in particular to the volunteers whose tireless advocacy has paid off. Kate Washington, who condemned the proposal last year, has now backflipped so comprehensively she is brazenly claiming credit for delivering the very service that she previously said was unacceptable. She said, "Thank you to all ... who have fought alongside me and Meryl Swanson, MP, to make sure our community has the diagnostic tools we need."

The Government is constantly dealing with this type of politicking but it continues to get on with the job. Duty members of the Legislative Council are being appointed because some communities such as Port Stephens are not receiving the correct information or effective representation due to this politicking. I have previously spoken about another serious issue—the future of the Mambo Wetlands. Again, the same problem has occurred—of politics ahead of community—which has undermined the future of the former school site. Issues that should have been addressed a year ago have not been addressed and that has resulted in a fiasco. As previously explained, last year a six-hectare site adjoining the reserve was declared surplus to education requirements and sent to the finance department for sale.

That was procedure taking its course without understanding the site was contiguous wetland. The local member failed to advocate the environmental values of the site to the environment Minister and to lobby the finance Minister to explain the debacle. She even failed to table the community petition taken up for Parliament. Ms Washington attacked a Minister in the media but it was the wrong Minister. She now says that Adrian Piccoli has to fix the issue. Mr Piccoli retired from politics months ago and is now living in Griffith. This is not a sensible plan to fix the Mambo problem.

Ms Washington has frequently been ejected from Parliament for poor behaviour. Perhaps this affected her ability to represent the community. Members and the community will never know why the petition was not tabled, but it was a critical error on her part. Since becoming engaged on this issue I have obtained the Mambo Management Plan, which summarises its high biodiversity values, and I provided it to the Office of Environment and Heritage [OEH]. The OEH has revised its assessment positively and the issues are now better appreciated. I am making representations for tougher environmental and heritage protections for those wetlands.

This is not being helped by the local member attacking the people who are needed to act. She has effectively promised a future Labor government will repurchase the land, thereby giving the developer a windfall profit. The message is to hold on until Labor is elected and then he is looking at a super-profit. Why would the developer sell the land now? The land is not for sale. I suppose the politics of the issue are irresistible, but it is cynical and counterproductive. [*Time expired.*]

**SYDNEY JEWISH MUSEUM TWENTY-FIFTH ANNIVERSARY**

**The Hon. WALT SECORD (22:03):** On Sunday, as Deputy Leader of the Opposition and Deputy Chair of the Parliamentary Friends of Israel, I had the honour to speak alongside former Governor Marie Bashir and Sydney Deputy Lord Mayor Jess Miller at the Sydney Jewish Museum's twenty-fifth anniversary celebration. We officially congratulated the museum administration, staff, benefactors and its more than 250 volunteers. But most



importantly, we recognised the Holocaust survivors, who inspire and educate visitors to the museum every year. Most of them comprise thousands of non-Jews with little or no knowledge of the Shoah.

Outside Israel, Australia's Jewish community has the highest percentage of survivors. Between 1946 and 1954, more than 17,000 migrated to Australia. I often say that whenever I attend Jewish functions I feel like I am at home, and this applies to the Sydney Jewish Museum. While I am not Jewish, my entire life has been connected to the Jewish community, both in Australia and in my birthplace, Canada. As members will recall, my links to the Jewish community predate my arriving in Australia and stretch back to an Indian reserve in Canada. I owe a special debt of gratitude to a wonderful Jewish man and mentor from my childhood, the late Gödel Silber, an Auschwitz-Birkenau survivor.

Mr Silber always saw the best in people and supported anyone who asked for help. He profoundly shaped my views on racism, social justice, health and education. His influence followed me to Australia, where I worked as a journalist at the *Australian Jewish News* from 1988 to 1991. I have also been a regular visitor to the Sydney Jewish Museum since it was officially opened on 18 November 1992—in fact, Mr Silber had steeped me in knowledge of the Jewish faith and culture so well that the editorial team of *Australian Jewish News* did not realise that I was not Jewish until about three weeks into the job. During my time at the newspaper, I was fortunate to cover all aspects of Jewish communal activity, but most importantly I got to see Michael Bures' early museum plans, Kylie Winkworth's curatorial work, and eventually the museum come to fruition. At the time, I also remember interviewing Albert Halm, Eddie Jaku, Sol Schonberger, Mendel Gelberman, Olga Horak, Marika Weinberger, Pierre Lang and John Engleman. It was wonderful to see Ms Horak and Mr Jaku at the event. They are both in their nineties and they are very active.

The museum was founded due to the generosity of the late John Saunders and by members of the Australian Association of Jewish Holocaust Survivors. Today it is one of the most beautiful and important Jewish museums in the world. I can compare it most favourably to other Jewish museums and institutions because I have been to a great many of them. I have been to Yad Vashem on three separate occasions. I have also visited the Memorial to the Murdered Jews of Europe in Berlin, the Jewish Museum Berlin, the United States Holocaust Memorial Museum in Washington; and great synagogues and smaller museums around the world, including in Cairo, Toledo, Cordoba, Rome, Florence, Venice and Shanghai as part of my Jewish education.

Some people might regard these as unusual travel priorities for a non-Jewish person. People might regard some of my other travel itineraries as even more unusual, for many of them are informed by not only the study of Jewish genocides but genocides in general. In the past five years, I have been to Israel twice, stood at Auschwitz-Birkenau in Poland on a freezing January day, walked through the ruins of the Armenian genocide in Turkey, visited the halls of the national Armenian Genocide Museum in Yerevan, and travelled to Iraqi Kurdistan where Saddam Hussein murdered at least 5,000 Kurds in chemical attacks. Here in Australia, I have also attended the infamous Myall Creek and Appin massacre commemorations as well as local ceremonies conducted by the survivors of the Bosnian and Rwandan genocides.

Many colleagues and friends have asked me why. In fact, I heard a colleague once shout across the Chamber that during the parliamentary recess I should just go to the beach and read a book in the sun. My answer is clear: I follow the study of genocides; I speak in Parliament about them; I travel to their locations; and I support education about them because public knowledge of genocides is the best way to prevent them. My studies have shown me one thing: Any attempt to deny or cover up is the final stage of the process of genocide. Denial is the precursor to empower future perpetrators. And this is why museums like the Sydney Jewish Museum are so important. I understand the museum has hosted more than 27,000 New South Wales school students. With the ageing of the Holocaust survivors and the loss of their testimony to the murder and atrocities of the Shoah, the work and activity of the museum is even more important, and that is why I support its work and its programs.

In conclusion, I wish the Sydney Jewish Museum a happy twenty-fifth birthday and I hope that I will be around to attend the fiftieth anniversary celebrations. At the museum's birthday celebrations, Professor Bashir described the museum as a "sacred place" and said it showed the resilience of the Jewish community and, particularly, Sydney's Holocaust survivors. I endorse that sentiment. I also cite the untiring efforts of Norman Seligman, Dr Gus Lehrer, Aviva Wolf and Roslyn Sugarman. Furthermore, I acknowledged the recent pledge by four families—the Lehrer, Magid, Shand and Kamenev families—to donate \$10 million to the Sydney Jewish Museum. That is truly outstanding and it will ensure the future of the wonderful institution. I thank the House for its consideration.

#### CHRISTIAN DEMOCRATIC PARTY

**The Hon. PAUL GREEN (22:07):** I bring to the attention of the House the achievements of the Christian Democratic Party in 2017. Most recently, this Parliament has worked on tightening parole legislation, including the introduction to the other House of a provision for "no body, no parole". This provision will help to

alleviate the distress of victims' families. I am proud to have made representations to the Minister for Police, Troy Grant, and the Minister for Corrections, David Elliott, to bring this legislation before the Parliament. We hope that it will come to the upper House early next year.

The achievement of which I am most proud is as chair of the Select Committee on Human Trafficking and the report that was recently tabled on human trafficking in New South Wales. We heard statements of evidence from multiple parties and have come up with five key recommendations. The first is the establishment of a modern slavery Act for Australia. The second is for New South Wales to lead Australia with the appointment of an anti-slavery commissioner. The third is the drafting of legislation aimed at the eradication of slavery from supply chains, which would make supply chains ethical across all sectors—government, business, non-government organisations and faith groups alike. The fourth is the introduction of amendments to the New South Wales Crimes Act, making it easier to prosecute cases of child cybersex trafficking.

In September, the Christian Democratic Party delivered changes to the New South Wales education State environmental planning policy—more commonly known as the education and childcare SEPP. Non-government schools now share the same ability as government schools when it comes to exempt-complying development. Independent and Christian schools can now build small-scale, one-storey developments without the need for local council development consent, provided that an appropriate environmental assessment is undertaken. I am excited to announce that Independent and Christian schools can now move forward with upgrades, repairs and applicable expansions as required, potentially saving the schools anywhere from \$5,000 to \$15,000 on application fees. They can now put that money back into meeting the needs of students.

I had the privilege of serving as Chair of the Select Committee on Off-Protocol Prescribing of Chemotherapy in NSW. This committee sought to address the values of St Vincent's Hospital and the abuse of patients' trust. Four pillars of the report laid the platform for 11 recommendations. The four pillars were: organisation, culture and training; multidisciplinary teams; informed consent; and incident reporting and management. This year the report entitled "Sexualisation of Children and Young People" was published. It set out 10 recommendations designed to protect our most vulnerable—our children. I have said in Parliament before that the sexualisation of this generation is happening at an exponential rate. Through the internet and social media, children are being easily exposed to pornography and inappropriate material. It is my hope that the recommendations in this report will provide guidelines to protect New South Wales children and young people and will continue to make New South Wales the safest place to raise a child.

In March this year, Portfolio Committee No. 2 published its 28 recommendations from the inquiry into child protection. These recommendations will improve our child protection system by injecting funding into men's behaviour change programs to ensure that practice is evidence based. Funding will also be provided for ongoing audits and reviews into the Department of Family and Community Services to ensure that services are continually improving. This year the Standing Committee on State Development conducted several inquiries, the most notable being the inquiry into economic development in Aboriginal communities. The Aboriginal land rights amendment paved the way for land to be returned to the Aboriginal people without restraint, giving them the ability to be self-reliant. The Aboriginal Languages Bill 2017 passed through Parliament recently. The highlight for me was hearing Aboriginal people speak from the floor of this Chamber. The bill establishes a trust governed by Aborigines to protect Aboriginal languages, which will allow Aboriginal languages to grow and to be nurtured. It was an honour to take part in debate on the two bills that give recognition to Aboriginal people and their culture.

Portfolio Committee No. 5 is currently running an inquiry into water augmentation to address the affordability of water in regional New South Wales. While urban areas have housing affordability issues, our regions are facing the issue of water affordability. We are endeavouring to resolve this matter so that our farmers who sustain our agriculture sector are not hit with further hardships. We want to encourage them to become the food bowl to the world. The Safe Schools program became a contentious topic for our nation. I am delighted that, with the hard work of the Christian Democratic Party, it finally ceased. I am pleased that the Minister for Education introduced a broad-based anti-bullying program that is available for parents, teachers and students alike. It has been a great year. I appreciate the help and support that I have received from all members in this Chamber and look forward to working with them again in 2018.

### HOUSING AFFORDABILITY

**The Hon. LOU AMATO (22:12):** We all proclaim Australia to be the lucky country. The vastness of our land, its natural rugged beauty, our peaceful way of life, the freedoms we enjoy, and food in abundance are some of the attributes that make it lucky. Home ownership, which is one of the most important aspects of our lucky country status, has been seen as a right more than a privilege since we first became a nation. Sadly, home ownership is falling and the actions we take today will affect the outcomes of tomorrow. The release of the 2016 Census revealed that the dream of home ownership is slipping from our fingers. According to data collected in the Census, home ownership has fallen to its lowest rate in 60 years. More than one in three Australians can no

longer afford to own their own home. The exponential rise in home prices has probably seen that figure rise somewhat since the 2016 Census.

In simple terms, the economic model represents the supply-and-demand curve. Many members know this model states that price is dictated by what the market is prepared to pay. Obviously the supply-and-demand model has many exceptions to its simplistic explanation of price movements based on market demand. Luxury items such as prestige motor vehicles display somewhat reduced demand elasticity in relation to price variation. The substantial increase in price of a Bentley, for instance, will not have the same effect as a similar price increase for everyday commodities. For most Australians, home ownership is not considered to be a luxury item but a normal commodity essential for daily existence. Due to the nature of geographical home price variation, construction quality and land size, in the past home prices aligned extremely closely to demand and external factors such as interest rates, expectation theory and, of course, the economic cycle. These factors played a significant role in automatic price adjustment, ensuring that home ownership during difficult recessionary periods would fall into line with the current economic position. In other words, home affordability fluctuated but always through market self-correction would once again become affordable.

The supply-and-demand model is in itself not flawed. Shifts in demand can occur from externally initiated factors, independent and unaffected by domestic economics. When such external shifts occur, extremely positive results can also occur, much in the same way that foreign demand for Australia's rich commodities initiated the now contracting mining boom. The contraction of the mining boom is an example of the negative results of externally altered demand. The housing market with its primary role of providing home ownership to Australians should be shielded from external demand shifts. Not all external forces can be eliminated, such as imported material costs and global financial changes which impact Australia's economy. However, the housing market's ultimate purpose is to provide Australian home ownership, which must remain our primary focus.

In recent times the Australian housing market has seen exponential price increases far exceeding the potential of most Australians to service. Even currently low interest rates have not been enough to negate enormous mortgage repayments that are beyond working-class Australians. Many have blamed negative gearing as the main culprit, with investment property acquisition pushing up prices to unaffordable levels. Granted that negative gearing will in the scheme of things increase property demand and have an impact on property prices, sadly the main reason for the destruction of property affordability has at best received only cursory attention. When the 2016 Census reported for 25- to 34-year-olds a reduction from 58 per cent home ownership in 1986 to 45 per cent in 2016, something must be wrong.

In recent times New Zealand has experienced spiralling costs of home ownership. Unlike our sometimes novel discussions on the cause, New Zealand has identified the main culprit without engaging in a pseudointellectual debate on the issue. The problem it seems is that foreign buyers are pushing up house prices and restricting New Zealanders' access to the market. Presently one in four properties sold in our country is being purchased by foreign buyers who consistently outbid Australians. It is obvious there is a correlation with spiralling property prices and foreign investors bidding up prices way beyond market value.

The Government has been a champion in initiating relief for first home buyers. New measures have been introduced such as abolishing stamp duty on homes up to \$650,000, stamp duty relief for homes up to \$800,000, a \$10,000 grant for builders of new homes up to \$750,000 and purchasers of new homes up to \$600,000, abolishing insurance duty on lenders' mortgage insurance, foreign investors paying higher duties and land taxes, and investors no longer being able to defer stamp duty on off-the-plan purchases. The measures introduced are a positive step. However, if we wish to keep home ownership alive so it does not become a dream we all once remember having, we must do more. Restricting and monitoring foreign purchases of Australian land will allow the forces of supply and demand once again to find an equilibrium.

## SPORTS INFRASTRUCTURE

**The Hon. LYNDIA VOLTZ (22:17):** In June 2014, more than three years ago, the then Baird Government announced that it would invest \$600 million in sporting infrastructure. By 2015 this amount had grown to \$1.6 billion. Announced, as is the usual case with this Government, with a big Kath and Kim sign over their heads saying, "Look at moy," it contained little substance about what the Government was planning to deliver. The only commitment by the then Premier, other than a rebuild of Parramatta Stadium, was that there would be no new stadium on Centennial Parklands. On the other hand, and despite the comments by the Premier in the House, the Minister for Sport—backed by the Sydney Cricket and Sports Ground Trust—was busy telling the Waratahs and Roosters to ignore that and that he would build on parklands.

At the same time, the National Rugby League, and NRL clubs in particular, alongside the Football Federation Australia [FFA], were what can only be described as flabbergasted. Bringing and keeping big events in New South Wales means redevelopment of Sydney Olympic Park into a rectangular stadium and makes the

most sense. Not only will a rectangular stadium seating 77,000 give us the competitive advantage over Melbourne and Brisbane but, situated in Western Sydney, it is in the heartland of league and football fans. Those sports were not shy in letting the Government know this. But there was little direction from the New South Wales Government other than a \$27 report into stadiums by John Brogden. In the end, when the Waratahs, Sydney Football Club and the Roosters twiggged that their stadium would be closed for three years, they also sent the Government a message: If the Government closed down the Sydney Football Stadium and forced them to play elsewhere the likelihood was that they would not return.

Former Premier Mike Baird took the bit between the teeth, pulled his Minister for Sport back into line, and on 14 April 2016 announced that work on ANZ Stadium would be the Government's priority for major stadiums and that work would begin within the next three years. This announcement secured long-term content agreements with the NRL, Australian Rugby Union [ARU] and the FFA. Already locked in were the State of Origin grand finals for 20 years, 10 years of Bledisloe Cup, a guaranteed British and Irish Lions tour and 24 Socceroos and Matildas games. Yet 1½ years into that three-year build schedule proffered by Mike Baird we are now back at ground zero. It is as if the Government's announcement on stadiums did not happen. Is this Groundhog Day? Has Doctor Who been hanging around the New South Wales Parliament?

No, the minute that Mike Baird was out of earshot the Minister for Sport was at it again talking about a new stadium at Moore Park. It was another case of the tail wagging the dog, with the Sydney Cricket and Sports Ground Trust running government policy. The Minister's lobbying was so vociferous that the new Premier, Gladys Berejiklian, was forced to confirm Mike Baird's 14 April announcement. I outline some of those confirmations in the media. On 7 February 2017 the *Sydney Morning Herald* states, "Premier Gladys Berejiklian ... has made it clear the funding priority would remain with Parramatta and ANZ Stadium". On Channel 9 on 26 August 2017 Ms Berejiklian stated, "ANZ is the next cab off the rank". The Premier's media release of 12 April 2017 stated, "The Government will invest \$1 billion of the proceeds into upgrading Parramatta and ANZ Stadiums and refurbishing Allianz Stadium". On 21 August 2017 the Premier said that Sydney Olympic Park's ANZ Stadium remained the priority. On 28 April 2017 in the *Daily Telegraph* Ms Berejiklian "recommitted to the ANZ Stadium redevelopment, saying it will rival anything in Australia or overseas."

Either the Premier is going to stand by her word and follow through on the rational announcement made by Mike Baird on 14 April or she can tear up her media statement that she would not be performing any more backflips. A backflip on her commitment that ANZ Stadium would be reconfigured first would see the Premier labelled as weak and unable to stand up to her Minister for Sport and the Sydney Cricket and Sports Ground Trust. It would not be in the best interest of New South Wales, the growth of the event market or sport in particular. I note also that discussion of an indoor sports stadium seems to have disappeared. For all the lip-service this Minister for Sport pays to women's sport, a failure to deliver funding to put a cover on and to upgrade the NSW Tennis Centre at Sydney Olympic Park because the money has been delivered to the Sydney Cricket Ground would be seen as a slap in the face not only to tennis but also in particular to netball, the biggest women's sport in the country. Those in New South Wales sport are not interested in another round of computer graphics, glossy brochures and fancy speeches. Rather, they expect the Government to get on with it and to develop ANZ Stadium.

### PARLIAMENTARY CHRISTIAN ETHICS

**Reverend the Hon. FRED NILE (22:22):** I speak on the subject of the Government as the minister of God. That is a quote from Romans 13:4 of the *Bible*. I endeavour in my role in Parliament to be a minister of God. As we move towards the Christmas period I reflect on the deeper issue that underpins the work we do in our political vocation and our governmental role. I say "vocation" because we are stewards of the public as much as representatives of its interest. In addition to my elected position I also have a role as a minister of Jesus Christ, and I endeavour to carry out that role in addition to my parliamentary role.

We have done a great deal of good work in this Parliament in 2017. We have also witnessed some very bad decisions, mainly on the national level rather than the State level. The most recent and most obvious from my perspective was the Australian Bureau of Statistics survey effectively to redefine marriage to allow two men to marry. It seems to me that society has begun to believe it can democratically overturn ideas that have been based on the realities of human experience for centuries by placing opinion and fad above truth. This is a very dangerous attitude because it rests on the view that there is no higher authority than man's will.

A conservative spokesman, Luke Torrasi, delivered a speech at the University of Technology Sydney on 8 April 2015 about the idea of an enduring moral order. I believe that that moral order comes from the creator God, the God of Abraham, Isaac and Jacob, the God of our Lord Jesus Christ. In his speech, Luke Torrasi claimed that such an order must be "something that is permanent. It has got to be something that continues throughout time as a constant golden thread." I think we have forgotten this important fact, much to our loss as a community. We see the fruit of this loss in our society that is fraying at the edges and in individuals who are increasingly alienated from each other.

He further stated that we should see morality as being fostered by institutions like the family and the church. His point is that freedom is found in order and not outside of it. In my understanding, this order he speaks of must be drawn from our Christian tradition, sometimes described as a Judaeo-Christian ethic. As we depart from this idea of order, we move towards something that is the opposite of freedom. The reason for this should be emphasised because far too often people of goodwill think that freedom is somehow equated with a free-for-all. The recent Australian Bureau of Statistics survey illustrated this by redefining one of the most important institutions that is fundamental to preserving the enduring moral order. As we look at history, this is a precursor to anarchy and disaster, not the so-called liberation that progressives like to remind us we need more of with each passing year.

I hope that my colleagues here and our counterparts in Canberra bear these things in mind in 2018. They are essential for good political stewardship. We owe that to the people who put us here, even if they may disagree with some of our views. We pray every day at the opening of Parliament in our Legislative Council that Almighty God will guide and direct us in every decision, in Jesus Christ's name, amen. There is a higher guidance that comes to all nations and all societies. I believe that comes from the creator, Almighty God, not from an idol or a statue, but from a living spirit we describe as "Almighty God". I believe that he was also Abraham, Isaac and Jacob's God and the God of our Lord, Jesus Christ. May God help us to develop and to promote that order of right and wrong in our Parliament as we consider all the legislation that comes before us.

#### **DONALD MACKAY MURDER FORTIETH ANNIVERSARY**

**Mr SCOT MacDONALD (22:26):** This year, 2017, is the fortieth anniversary of the murder of Donald Mackay in Griffith. He was a Liberal-endorsed candidate at the time and had been a candidate on previous occasions. His wife, Barbara, died only a few years ago. He was a courageous drug and crime fighter, and I think he deserves the respect of a mention on the fortieth anniversary of his death. His body has not been found.

**The DEPUTY PRESIDENT (Dr Mehreen Faruqi):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 22:27 until Wednesday 22 November 2017 at 11:00.**