



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 16 October 2019

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 16 October 2019

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

The PRESIDENT read the prayers.

Documents

LANDCOM

Tabling of Report of Independent Legal Arbiter

The Hon. ADAM SEARLE (11:01:57): I move:

1. That the report of the Independent Legal Arbiter, the Hon Keith Mason, AC, QC, entitled *Part 2: Landcom return of papers*, dated 2 October 2019, on the disputed claim of privilege on documents relating to an order for papers regarding Landcom, along with all the submissions received by Mr Mason during his evaluation of the documents, be laid on the table by the Clerk.
2. That, on tabling, the report and submissions are authorised to be published.

Motion agreed to.

Business of the House

BUDGET ESTIMATES 2019 TIMETABLE

The Hon. ADAM SEARLE (11:02:24): I move:

That the resolution referring the budget estimates and related papers to the portfolio committees for inquiry and report, adopted by this House on 8 May 2019, be amended as follows:

1. Omit paragraph 2 (b) and insert instead:
"(b) supplementary hearings be scheduled over five days from 28 October to 1 November 2019, or on such other dates as required, with the examination of portfolios on those days to be determined by resolution of each committee,".
2. In paragraph 2 (d), omit "initial, supplementary and further rounds" and insert instead "initial and further rounds".

Motion agreed to.

Motions

GIG ECONOMY

The Hon. DANIEL MOOKHEY (11:03:10): I move:

1. That this House notes that on 8 October 2019, gig economy workers protested outside the Parliament calling for a fair wage, better working conditions and the right to join a union.
2. That this House notes that a recent survey of gig economy workers engaged in food delivery revealed they have experienced:
 - (a) earning only \$12 an hour, nearly half the minimum wage; and
 - (b) an increase in unpaid waiting times of up 80 minutes.
3. That this House supports the rights of gig economy workers to organise and collectively bargain for higher wages, better working conditions and safe systems of work.

Motion agreed to.

CENTRAL COAST ACADEMY OF SPORT

The Hon. TAYLOR MARTIN (11:03:41): I move:

1. That this House notes that:
 - (a) the Central Coast Academy of Sport Athlete Celebration was held at Mingara Athletics Track on Wednesday 2 October 2019; and
 - (b) a number of awards were presented, including:
 - (i) AFL Boys Athlete of the Year: Cohen Crook;

- (ii) AFL Boys Encouragement Award: Harry McClusky;
- (iii) Basketball Athletes of the Year: Holly Handley and Isaiah Walter;
- (iv) Basketball Encouragement Awards: Cushla Alpen and Matthew Marsters;
- (v) Future Stars Athlete of the Year: Ashley Pernecker;
- (vi) Golf Athlete of the Year: Josh Hawkshaw;
- (vii) Golf Encouragement Award: Siddhartha Bezwada;
- (viii) Hockey Athlete of the Year: Marcus James;
- (ix) Hockey Encouragement Award: Katelyn Williams;
- (x) Netball Athlete of the Year: Eden Matterson;
- (xi) Netball Encouragement Award: Maddison Sternbeck and Savannah Casellino;
- (xii) Netball Umpire of the Year: Emma Kohlmeyer;
- (xiii) Netball Umpires Encouragement Award: Anaastazia Dunn;
- (xiv) Swimming Athlete of the Year: Taylem Barnard;
- (xv) Swimming Encouragement Award: Jonathan Hall;
- (xvi) Triathlon Athlete of the Year: Tia Hart;
- (xvii) Triathlon Encouragement Award: Logan Pugsley;
- (xviii) Touch Football Athlete of the Year: Erika Stoddard; and
- (xix) Touch Football Encouragement Award: Archie Tebbutt.

2. That this House congratulates all award winners for their achievements at the Central Coast Academy of Sport.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

External Advice

The Hon. MARK LATHAM (11:04:03): I move:

- 1. That this House notes that Portfolio Committee No. 3 - Education is currently conducting an inquiry into measurement and outcome-based funding in New South Wales schools.
- 2. That on 18 September 2019 the Committee resolved to seek advice from the Clerk of the Parliaments about engaging an external expert to assist with the inquiry, such as a secondee from a government agency or an academic.
- 3. That the advice of the Clerk of the Parliaments received on 26 September 2019 accurately canvassed a range of issues and uncertainty about external committee assistance.
- 4. That this House refer this matter to the Procedure Committee to develop, if appropriate, guidelines for how committees can benefit from expert assistance external to the Parliament while also easing the workload pressures on the committee secretariat.

Motion agreed to.

Motions

KELSEY-LEE BARBER

The Hon. NATALIE WARD (11:04:38): I move:

- 1. That this House notes that:
 - (a) Kelsey-Lee Barber won the gold medal in the women's javelin competition at the world athletic championships in Doha;
 - (b) this was the second throwing gold medal won by an Australian at a world championship; and
 - (c) this outstanding victory is a significant milestone for Australian women in sport.
- 2. That this House congratulates Mrs Barber on her outstanding achievements in javelin, making history in Australia and inspiring sportswomen across the nation.

Motion agreed to.

CENTRAL COAST REGIONAL BUSINESS AWARDS

The Hon. TAYLOR MARTIN (11:05:00): I move:

1. That this House notes that:
 - (a) on Friday 11 October 2019 the Central Coast NSW Business Chamber held the 2019 Central Coast Regional Business Awards presentation at the Crowne Plaza Terrigal; and
 - (b) winners of awards included:
 - (i) Regional Business of the Year: Life Health Foods Australia;
 - (ii) Excellence in Micro Business: LEP Digital;
 - (iii) Excellence in Small Business: Coastal Gourmet 2U;
 - (iv) Excellence in Business: Australian Reptile Park;
 - (v) Excellence in Social Enterprise: The Opportunity Collective Inc.;
 - (vi) Start Up Superstar: Link Legal & Conveyancing;
 - (vii) Outstanding Employer of Choice: Peninsula Villages;
 - (viii) Excellence in Innovation: Life Health Foods Australia;
 - (ix) Excellence in Sustainability: Gosford Private Hospital;
 - (x) Outstanding Business Leader: Matt Kelly (Gosford Private Hospital);
 - (xi) Outstanding Young Employee: Zac Bower (Australian Reptile Park);
 - (xii) Outstanding Young Entrepreneur: Brendon Cooke (BCMC Safety Solutions); and
 - (xiii) Local Chamber of Commerce: Wyong Regional Chamber of Commerce.
2. That this House acknowledges the outstanding work of the Central Coast NSW Business Chamber and congratulates all winners of the 2019 Central Coast Regional Business Awards.

Motion agreed to.

Documents

LANDCOM

Tabling of Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 2 October 2019, on the disputed claim of privilege of papers relating to Landcom, together with invited submissions from members and other interested parties in relation to the claim of privilege.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DON HARWIN: I move:

That Government business notices of motions Nos 1 to 3 be postponed until a later hour.

Motion agreed to.

The Hon. DON HARWIN: I move:

That Government business orders of the day Nos 1 to 5 be postponed until a later hour.

Motion agreed to.

The Hon. PETER PRIMROSE: I move:

That business of the House notice of motion No. 2 be postponed until Tuesday 22 October 2019.

Motion agreed to.

Committees

PRIVILEGES COMMITTEE

Reports

The Hon. PETER PRIMROSE: I move:

That the House adopt report No. 77 of the Privileges Committee entitled *Citizen's Right of Reply (Mr Garry Burns)*, dated October 2019.

Motion agreed to.

Pursuant to standing orders the response of Mr Garry Burns was incorporated.

Reply to comments by the Hon. Mark Latham, MLC, in the Legislative Council on 8 August 2019

My submission relates to the Hon. Mark Latham, MLC, and his statements about me in the NSW Legislative Council on 8 August 2019.

I make these general submissions under Standing Orders 202 and 203 and ask that a response is to be published in *Hansard* by the Parliament.

1. I submit what Mr Latham has said in the New South Wales Legislative Council in relation to me as a private citizen of New South Wales should not have been said under parliamentary privilege.
 2. The matters Mr Latham mentions in relation to me and Mr Gaynor are before the New South Wales Local Court yet to be heard and this has a capacity to impinge on the independent court process.
 3. My complaints against individuals before the Local Court are not vexatious, frivolous or lacking in substance as stated by Mr Latham.
 4. What Mr Latham said in the Parliament in relation to me was pernicious to the public interest work that I do in the community and to my public profile.
-

Rulings

QUESTIONS AND ANSWERS

The PRESIDENT (11:23:17): Yesterday a point of order was called in relation to a question asked by the Hon. Emma Hurst. I made some initial rulings but indicated that I would look at the matter and come back to the House. At the outset, I confirm my earlier ruling in relation to the question being permitted having deleted part of the question. Having carefully looked at the question I indicate that the words, "Watching animals suffer in intense pain is not popular and torturing animals is not recreation" should have been ruled by me to be an opinion and contain argument and I would have had those words removed as well.

I remind members of what I stated yesterday. Namely, questions should be concise and to the point. We should have a preamble but the reality is that a Minister needs to clearly understand what question is being asked without argument being contained in the question. I indicate the following previous ruling of then President John Johnson in October 1986, which was cited by then President Don Harwin in May 2015, and cited by me in October 2008. I quote part of that ruling:

Apart from these rules there are a number of other rules concerning the content of a question which needs to be brought to the attention of members. A question should not, in effect, be a short speech or mainly limited to giving information. Questions may not contain inferences or imputations ... ironical or offensive expressions. In addition, a question may not contain hypothetical matter and may not ask for an expression of opinion or a legal opinion. Lengthy or involved questions and questions outside the immediate knowledge of Ministers should be placed on the notice paper. All members should appreciate that the principal object of questions is to seek information, or press for action by a Minister.

I indicated yesterday that there is clearly a body of precedent from a number of rulings by previous Presidents that a preamble which sets up the foundation for a question is permitted but the preamble should be a small part of the question. However, in my time there has also been quite a body of precedent that has allowed questions to be asked for 60 seconds. On occasions members have gone over the 60 seconds, their time has expired and I have had to pull the member up. I indicate to members that notwithstanding some of the early body of precedent I intend to adhere very closely to the past ruling of then President John Johnson, which I have read out.

Documents

UNPROCLAIMED LEGISLATION

The Hon. SCOTT FARLOW: According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 15 October 2019.

Bills

RACING LEGISLATION AMENDMENT BILL 2019

Second Reading Speech

The Hon. CATHERINE CUSACK (11:28:51): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

It gives me great pleasure to introduce the Racing Legislation Amendment Bill 2019. The bill amends five pieces of legislation and significantly enhances regulation of thoroughbred and harness racing in New South Wales.

Through the bill the Government will continue its support for a competitive and sustainable racing industry in New South Wales with high standards of integrity. It does so by providing Racing NSW and Harness Racing NSW with powers to compel unlicensed persons to attend inquiries and produce documents or things, subject to approval from the Supreme Court; by allowing the Commissioner of the NSW Police Force to direct that someone is excluded from New South Wales racecourses if it is in the public interest; by allowing the Racing Appeals Tribunal to manage its caseload more flexibly and receive advice from expert assessors; by updating penalties for failing to attend a hearing of the Racing Appeals Tribunal; by codifying the power of Racing NSW and Harness Racing NSW in relation to racing rules; and by dissolving the Tax Reduction Trust Fund to allow the greyhound racing industry's share of wagering tax parity reforms to flow directly to Greyhound Racing NSW.

I will now speak to the detail of the bill. The racing industry contributes in excess of \$3.3 billion to the New South Wales economy and sustains more than 27,500 full-time equivalent jobs across the State. The industry is also a source of enjoyment for the many people who attend and watch race events in metropolitan and regional New South Wales. Racing NSW and Harness Racing NSW are responsible for controlling, supervising and regulating thoroughbred and harness racing respectively in this State. In so doing they balance the critical tasks of fostering industry growth, upholding the integrity of racing and maintaining high standards of animal welfare.

The powers and functions of Racing NSW and Harness Racing NSW are set out in the Thoroughbred Racing Act 1996 and the Harness Racing Act 2009 respectively. Under those Acts Racing NSW and Harness Racing NSW have broad powers to investigate and address threats to integrity, animal welfare and the activities of registered industry participants and racing clubs as well as any other matters related to those racing codes. Threats to racing integrity come in many forms, ranging from breaches of riding and driving rules to serious issues such as the systemic use of performance-enhancing substances and criminal interference in betting activities and race fixing. Those matters can negatively affect industry growth, public confidence in the industry, animal welfare and wagering revenue.

Racing NSW and Harness Racing NSW expend significant resources on integrity measures annually to ensure a fair and competitive industry for participants and punters. The efforts of both controlling bodies, particularly their stewarding and integrity personnel, are to be commended. However, the lack of authority for racing stewards to question unlicensed industry participants has the potential to undermine the controlling bodies' ability to fully investigate threats to racing integrity. In recent years persons relevant to investigations but not licensed by racing authorities have refused to cooperate with stewards' inquiries. Additionally, judicial bodies in other jurisdictions have questioned the power of racing authorities in respect of unlicensed persons. Unlicensed persons may be on the periphery of an investigation but hold information that could establish critical facts about an identified threat to the integrity of racing.

While the New South Wales racing controlling bodies have powers to warn off persons from attending the State's racecourses, the fact-finding investigation will be incomplete, presenting an ongoing integrity risk to the racing industry. Examples of unlicensed and unregistered participants include racegoers, bettors, suppliers of unapproved or prohibited substances, industry licence holders who hand in their licence to avoid disciplinary action and organised crime figures. These individuals may hold key information about integrity and animal welfare risks. However, under current legislation regulatory bodies cannot compel them to attend inquiries. I am informed that over the past five years a number of investigations by both Racing NSW and Harness Racing NSW have been frustrated by the controlling bodies' inability to compel unlicensed persons to provide relevant information.

In 2014 the New South Wales Government commissioned a report on the powers of Racing NSW in respect of compelling unlicensed persons to produce documents, attend hearings by stewards and answer questions at such hearings. The report, prepared by Mr David Armati of the Racing Appeals Tribunal, highlighted the seriousness of the regulatory gap in relation to unlicensed persons and recommended that compulsion powers be granted to both Racing NSW and Harness Racing NSW. Mr Armati's report was tabled in Parliament as an attachment to the 2014 statutory reviews of the Thoroughbred Racing Act 1996 and the Australian Jockey and Sydney Turf Clubs Merger Act 2010. The report also recommended that criminal sanctions apply for noncompliance with a compulsion order, including a monetary penalty and term of imprisonment.

Consistent with the Armati report recommendations, this bill amends the Harness Racing Act and the Thoroughbred Racing Act to empower Harness Racing NSW and Racing NSW respectively to compel persons to attend a special inquiry and provide relevant information. The bill includes the failure of a person to comply with a compulsion order as an offence, with maximum penalties of 100 penalty units or six months imprisonment, or both. It is important to note that under the Greyhound Racing Act 2017 inspectors of the Greyhound Welfare & Integrity Commission already have extensive investigation and enforcement powers, including to require any person, whether a participant or not, to furnish information or records and to attend a hearing and answer questions.

Penalties apply for persons who fail to comply with such a requirement, furnish false information or intentionally delay or obstruct a commission inspector.

Achieving consistency across the racing industry is critical and it is imperative that Racing NSW and Harness Racing NSW also have the necessary powers to address threats to racing integrity. Under the proposed model Racing NSW and Harness Racing NSW will be required to obtain authorisation from the Supreme Court to exercise statutory compulsion powers. In applying to the court, a racing controlling body is required to be reasonably satisfied that a person has relevant information and is unwilling to provide that information to a special inquiry. However the bill also provides for a controlling body to apply to the court for authorisation of compulsion powers, if it is reasonably satisfied that a person has relevant information and "exceptional circumstances" exist that require a compulsion power, without first asking the person to voluntarily provide this information.

The "exceptional circumstances" provision protects against the loss of relevant information to a special inquiry in situations where there is a very high likelihood this information will be lost if a person is first asked to voluntarily comply with a request for information. The controlling body must persuade the court that there is a threat to the integrity of racing and comply with a number of legislated requirements in making each application, which will be determined by the court on a case-by-case basis. In making its determination on whether or not a racing controlling body may use compulsion powers, the court must consider the nature of the threat; the value of the information sought; the likelihood that the unregistered person has this information; the likelihood that the person would be unwilling to provide this information; the nature of exceptional circumstances, if relevant; and the potential harm that may be caused to the unregistered person if they are required to provide self-incriminating evidence.

If the court grants leave to use compulsion powers, the racing controlling body can issue a person with a notice to attend the inquiry and provide relevant information, documents or things. A compelled person is not excused from attending an inquiry or providing information on the grounds of self-incrimination. Where a person fails to comply with a notice, the matter will be dealt with summarily before the Local Court. The bill includes a number of safeguards, including the right of a compelled person to be represented by a lawyer. It also requires that the racing controlling body be assisted in its proceedings by an Australian legal practitioner of at least seven years' standing. This legal practitioner is required to inform the compelled person of the effect of compulsion powers, to provide a warning that failure to comply with a compulsion order is an offence and of the requirement to provide potentially self-incriminating evidence.

While the bill provides that a person is not excused from the requirement to provide information under the relevant provisions on the basis of self-incrimination, it also provides that this information is not admissible in any other disciplinary, civil or criminal proceedings against that person, except for proceedings under the relevant legislation. Together these safeguards provide appropriate protection for compelled persons and ensure that sufficient checks and balances are in place.

The bill also requires the Minister to undertake a review of the level of penalties in respect of noncompliance with a compulsion order to determine whether it remains valid and appropriate for securing the objects of the applicable amendments. A further gap in the integrity controls for New South Wales racing is the inability of the Commissioner of the NSW Police Force to exercise powers to exclude persons from attending the State's racecourses in a manner similar to powers in respect of casinos pursuant to the Casino Control Act 1992. This contrasts with the powers of the Chief Commissioner of Victoria Police, who has powers to exclude persons from both Victorian racecourses and its casino.

I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

The extension of the Commissioner's exclusion powers to New South Wales racecourses would add another layer of protection to the State's racing industry, including by reducing opportunities for organised crime figures to exploit the industry for the purposes of certain criminal activities, such as money laundering.

As such, the bill amends the *Betting and Racing Act 1998* to provide the Commissioner of the NSW Police Force with authority to ban persons from entering or remaining on any racecourse in New South Wales.

The new section 15B of the Betting and Racing Act sets out the main principles of this regime, which will require the Commissioner of the NSW Police Force to consider whether it is in the public interest to exclude an individual from racecourses. A racecourse exclusion order issued by the Commissioner applies to all licensed racecourses in New South Wales at any time during which there is a race meeting at the racecourse. Under the amendments, the Commissioner must notify the individual subject to the exclusion order, if the person can be reasonably found, each controlling body and appropriate interstate authorities.

Racing controlling bodies will be responsible for providing a copy of the order to each registered racing club. A person who breaches an exclusion order may be subject to a maximum penalty of 50 penalty units or imprisonment for 12 months, or both.

While the proposed powers and penalties are similar to police-directed exclusion powers under the Casino Control Act, there are some key differences with the proposed racecourse exclusion orders to ensure the legislation reflects contemporary standards and is effective in a racing context.

In making a racecourse exclusion order, the Commissioner of the NSW Police Force must be of the opinion that it is in the public interest to do so. This is similar to provisions in corresponding Victorian legislation that empowers the Chief Commissioner of Victorian Police to exclude persons from Victorian racecourses.

Unlike in Victoria, racing controlling authorities will be required to inform racing clubs of all exclusion orders in force. This additional obligation ensures buy-in from clubs and assists in reducing the enforcement burden on New South Wales police.

As is appropriate with this type of administrative decision, a person subject to an exclusion order can apply to New South Wales police seeking reasons for the decision to issue an exclusion order. Additionally, the bill proposes appeals rights, allowing a person subject to an exclusion order to appeal the decision to the NSW Civil and Administrative Tribunal. In both circumstances and as is reflected in similar provisions across New South Wales legislation, the bill limits the disclosure of criminal intelligence information where reasons for the decision or an appeal is sought.

The proposed amendment to the Betting and Racing Act creates an additional layer of support to allow the NSW Police Force and racing authorities to protect the racing industry from threats to its integrity.

Operation of the Racing Appeals Tribunal

The bill also amends the *Racing Appeals Tribunal Act 1983* to provide greater flexibility for the tribunal to distribute cases.

Currently, the tribunal Act limits the circumstances in which persons appointed to act as the tribunal are able to hear cases, impacting the efficient handling of caseloads and curtailing opportunities for persons appointed to act as the tribunal to develop experience in the hearing of racing appeals.

The bill amends the tribunal Act to allow persons appointed to act as the tribunal to do so on occasions or in respect of appeals as the tribunal directs, and for the Minister to establish an order of seniority of persons appointed to act as the tribunal.

These amendments will improve efficiency in the hearing of tribunal appeals, while increasing the experience of persons appointed to act as the tribunal and providing opportunities for effective succession planning.

The bill also proposes to expand the provisions of Section 8A of the tribunal Act, which currently allows the tribunal to receive advice from racing experts. The amendments will allow the tribunal to appoint an expert assessor with knowledge, expertise and experience in any relevant subject area, meaning that the tribunal has access to a broader range of expertise to inform decisions.

Under the tribunal Act, the tribunal is empowered to compel any person to appear as a witness at a hearing. Failing to attend is an offence which carries a maximum penalty of five penalty units. The bill increases the maximum penalty to 100 penalty units, six months imprisonment, or both, consistent with penalties for noncompliance with compulsion orders for Racing NSW and Harness Racing NSW.

The bill also allows staff from any racing controlling body to be appointed to assist the Tribunal, sharing this responsibility across the racing codes and increases the number of people available to assist the Tribunal.

Finally, the bill modernises the service of documents, allowing them to be served by email. This provides administrative efficiencies and meets community expectations regarding the electronic service of documents.

Rules of racing

The bill proposes to amend the Thoroughbred Racing Act to explicitly set out Racing NSW's power to make, amend and repeal rules.

A power to make, amend and repeal rules is currently implied by the Thoroughbred Racing Act, which assigns Racing NSW as the State's principal club under the Australian Rules of Racing. The Australian Rules of Racing are made by Racing Australia and adopted by the principal club of each State. The Australian Rules of Racing provide for principal clubs to supplement these rules with their own local rules.

For the avoidance of doubt, the bill makes it clear that Racing NSW has the power to make, amend and repeal rules for the control and regulation of horses racing and the exercise of its functions.

A similar amendment is proposed to the Harness Racing Act. While Harness Racing NSW has a legislated power to make rules, the amendment will make it explicit that the controlling authority can also amend and repeal rules.

Making these powers explicit will enhance transparency and create consistency with powers under the Greyhound Racing Act, which sets out an explicit power for the Commission to make, amend and repeal rules. Amendments in the bill will provide consistency across the racing codes and bring legislation into line with current practice.

Minor miscellaneous and housekeeping amendments are also proposed to both the Harness Racing Act and Thoroughbred Racing Act.

Winding up of the Tax Reduction Trust Fund

Finally, the bill proposes minor amendments to the *Totalizator Act 1997* and the Totalizator Regulation 2012 to wind up the Tax Reduction Trust Fund (the Fund) and allow the distribution of greyhound racing's share of wagering tax parity revenues directly to Greyhound Racing NSW [GRNSW].

Parliament enacted amendments to racing and wagering legislation in 2015 to reduce NSW wagering tax rates over a five-year period until they are in line with Victorian rates in 2020. Revenue from wagering tax parity reforms is distributed amongst the three controlling bodies, with payments currently being made directly to Racing NSW and Harness Racing NSW.

At the time the Fund was established, the future of the greyhound racing industry was uncertain. Establishing the Fund allowed revenue for the greyhound racing industry to be quarantined and held on trust. Since the introduction of the NSW Government's greyhound racing reforms, the balance of the Fund has been paid to GRNSW on a quarterly basis.

The bill winds up the Fund and provides that all payments are made directly to the relevant controlling body, removing the unnecessary administrative burden to facilitate quarterly transfers from the Fund to Greyhound Racing NSW.

It is important that racing legislation remains relevant and continues to meet the expectations of the community and the industry. The changes proposed in this bill will provide racing controlling bodies and the New South Wales police commissioner with a greater level of control over matters which pose a threat to the integrity of racing, ensuring that racing remains a fair and competitive sport, with high levels of public confidence.

I commend the bill to the House.

Second Reading Debate

The Hon. DANIEL MOOKHEY (11:40:47): On behalf of the Opposition, I lead for Labor in the debate on the Racing Legislation Amendment Bill 2019. At the outset I flag to the House that the Opposition will not oppose the bill. The bill seeks to improve the integrity of the thoroughbred and harness racing industries in New South Wales. However, the bill has been a long time coming and many, including many in the industry, argue that it is well and truly overdue, especially as it is designed to improve integrity and legal compliance in those industries. That is an important issue for racing industries which from time to time come under criticism for certain practices that may or may not take place in those industries.

Key elements of the reforms were flagged as part of the review undertaken by Mr David Armati of the New South Wales Racing Appeals Tribunal in 2014, nearly six years ago. During those intervening six years since Mr Armati's report the regulators have not had sufficient clarity of their powers. The bill seeks to address that. The Opposition congratulates the Government on finally bringing these changes to fruition, following Mr Armati's recommendations made nearly six years ago.

The bill amends five pieces of legislation and one regulation: the Harness Racing Act 2009, the Thoroughbred Racing Act 1996, the Betting and Racing Act 1998, the Racing Appeals Tribunal Act 1983, the Totalizator Act 1997 and the Totalizator Regulation 2012. The purpose of the amendments to these statutory instruments is to improve the integrity of the racing industry and also to bring regulation and oversight of the racing industry into line with the regulation of casinos, the greyhound industry and the regulation of racing in other States and Territories across Australia. The bill also allows the greyhound industry's share of wagering tax parity reforms to flow direct to Greyhound Racing New South Wales, which is the final stage of the greyhound racing reforms.

In order to improve the integrity and regulation of the racing industries and maintain a sustainable racing industry, the bill implements several key measures. Firstly, the bill provides Racing NSW and Harness Racing NSW with powers to compel unlicensed persons to attend inquiries and produce documents, subject to approval from the Supreme Court of New South Wales. Secondly, the bill allows the New South Wales Police Commissioner to exclude persons from racecourses. This power is intended to be similar to powers currently in place allowing persons to be excluded from casinos in New South Wales.

Thirdly, the bill facilitates the New South Wales Racing Appeals Tribunal to manage its caseload more efficiently and allows the tribunal to receive advice from experts when considering appeals and making decisions. Fourthly, the bill updates the penalties for failing to appear at a New South Wales Racing Appeals Tribunal hearing. Fifthly, it codifies the powers of Racing NSW and Harness Racing NSW by codifying their respective rules. Finally, the bill dissolves the Tax Reduction Trust Fund to allow the greyhound industry to get its share of wagering tax parity reforms flowing directly to it. As I said, this is the final stage of the greyhound racing reform.

The racing industry brings almost \$3.5 billion to the New South Wales economy and employs more than 25,000 people in full-time equivalent jobs. Not only is the industry of economic importance but it also is a significant employer of people in rural and regional areas across New South Wales. The industry also plays an important role in the cultural development of New South Wales for so many race watchers, racegoers and punters. According to Racing NSW, the amount of money flowing through the racing industry over the past five years has grown tremendously. It has seen the introduction of The Everest, the world's richest turf race, carrying prize money of \$14 million. Racing wagering sales have grown year on year over that time. Prize money and returns to owners revenue increased from just over \$192 million in 2014 to almost \$254 million in the last financial year, an increase of \$61.5 million. On top of that, compared to 2014 numbers New South Wales has increased the number of races it runs by over 120.

Not only is it imperative that we continue to provide a supportive environment for this important industry but also it is imperative that we work with the industry to ensure that it operates with the highest standards of integrity. That is why the Opposition is worried that it has taken the Government so long to implement these

important reforms to strengthen the integrity of the industry. The Opposition calls on the Minister and the Government to commit to proclaiming and commencing the legislation in a speedy manner in order to prevent any further delays.

I turn to the powers of compulsion in the bill. One area of concern for Opposition members relates to compulsion orders to appear and the power to compel the provision of documents. The Opposition understands that the compulsion powers are similar to those currently held by other bodies in New South Wales, such as ICAC and the NSW Ombudsman. The Opposition considers these powers are appropriate and necessary to improve the integrity of the industry and understands that the bill attempts to balance powers appropriately. The potential for self-incrimination when producing documents is limited because those same documents cannot be used in other forums, such as other courts and jurisdictions. Therefore the bill maintains the provision at law when such powers exist, which is that they cannot be used for the purpose of self-incrimination. This is similar to the current situation with ICAC's powers to compel the production of documents. It is appropriate that the bill recognises the same standards and protections.

Similarly the exclusion powers are essentially the same as those powers to exclude any person from a casino in New South Wales. The two systems will operate in a similar manner, however they will operate independently of each other. For instance, a person excluded from a casino is not automatically excluded from a racecourse and vice versa. However, if a person is excluded from a racecourse or a casino for reasons that are likely to affect the integrity of both industries, it would be sensible for the Government to ensure that there is a requirement that the excluding industry inform the other industry of the exclusion so it can make a decision whether to also apply the exclusion. That is important, given that a lot of betting on racing takes place in casinos and it will prevent excluded persons from shifting criminal enterprises from one industry to another. The requirement for the Supreme Court of New South Wales to be involved in the exclusion process provides oversight to ensure that the exclusions are applied appropriately.

I turn now to the budgetary impact. The Minister indicated to Parliament that the bill would not impact on the budget, partly as it is intended to improve the powers of regulatory agencies and streamline the operations of the Racing Appeals Tribunal and its ability to investigate matters. While the Opposition understands the intention to improve the operation of the tribunal and relevant regulatory agencies, it does have concerns that the racecourses themselves will be left with the task of ensuring that excluded persons are identified and prevented from entering racecourses on race days. That is likely to require additional security at small regional racecourses. The industry has indicated that it does not expect many persons to be excluded; however, this is yet to be seen. Even a small number of excluded persons will add to the security task.

We cannot assume that an excluded person will never attempt to enter a racecourse. Hayden Haitana, Fine Cotton's infamous trainer, received a lifetime ban across Australia, which was overturned after 27 years. He has admitted publicly that he visited several racecourses during that time and sometimes he was recognised but not excluded. We cannot assume that everybody who has ever been excluded from a racecourse will be prevented from entering and we cannot assume that it will not impose additional costs on those race clubs or the racing industries to maintain security at those premises and ensure that the law is complied with.

The Opposition does not oppose the bill. It should have been implemented a long time ago. Given the massive growth in racing in New South Wales over the past five years, it is imperative that the Government ensures that the law keeps up with the industry's growth to give the public full confidence that racing is being conducted in New South Wales with the utmost integrity. Again I note these reforms were originally flagged in 2014 and that it is now nearly six years since that the bill has been brought to the Parliament. I call on the Government to ensure that the bill is proclaimed as soon as possible.

Reverend the Hon. FRED NILE (11:49:05): I speak in support of the Racing Legislation Amendment Bill 2019. The bill, firstly, will give Racing NSW and Harness Racing NSW the power to compel a person to provide information and attend an inquiry to answer questions. Secondly, it will empower the New South Wales police commissioner to exclude persons from New South Wales racecourses where it is in the public interest to do so. Thirdly, it makes minor amendments to racing legislation. Threats to racing integrity come in many forms, ranging from breaches of riding and driving rules to serious issues such as the systemic use of performance-enhancing substances and criminal interference in betting activities and race fixing. These matters negatively impact industry growth, public confidence in the industry, animal welfare and wagering revenue.

The integrity measures and technology available to stewards set the benchmark for the regulation of racing. Racing NSW's Australian Racing Forensic Laboratory conducts testing for thousands of performance-enhancing substances in thoroughbred horses and leads the world in the development of a biological passport. The performance of this laboratory, which is wholly owned by Racing NSW, demonstrates the desire of racing regulators to ensure the integrity of the industry and filter out dishonest participants. The lack of clear

authority for stewards and overall racing authorities to question unlicensed persons that participate in the racing industry limits their ability to fully investigate threats to racing integrity.

Racing authorities currently rely on unlicensed persons voluntarily providing information to assist inquiries. This does not equip the regulator with the appropriate investigative powers. Unlicensed persons may be on the fringe of an investigation but hold information that could provide necessary evidence about an identified threat to racing integrity. While the New South Wales racing controlling bodies have powers to warn off uncooperative persons from the State's racecourses, these measures are not consistent with the integrity risk to the racing industry. This bill provides consistent and appropriate regulation and addresses this gap in racing integrity. Where racing stewards are reasonably satisfied that a person has information relevant to an inquiry and is unwilling to provide that information, they can seek approval from the Supreme Court to exercise compulsive powers. Anyone with information crucial to an inquiry will now be required to attend and provide evidence.

This proposed approach is part of the Government's continued commitment to a competitive and sustainable racing industry in New South Wales with high standards of integrity. These reforms support the long-term viability of the racing industry. They strengthen community confidence in racing's regulatory bodies, Racing NSW and Harness Racing NSW and ensure that they have the right tools to investigate nefarious activities and to fully investigate integrity threats to racing. Securing the integrity of racing is a paramount concern for the industry. The wider public demands certainty that horses and industry participants are competing on a level playing field. Without integrity, the average punter cannot be certain a race result is legitimate. Uncertainty in the integrity of racing undermines the industry's economic viability and the jobs it sustains across this State as punters are less likely to continue betting. The bill will improve integrity outcomes and the sustainability of racing. This House and the Christian Democratic Party commend this legislation for its potential to safeguard and secure the future integrity of the New South Wales racing industry.

Racing NSW and Harness Racing NSW have gone to great lengths over the past decade to innovate and grow the industry across the State. The new races and events that have been introduced to grow the sport, such as the recently announced Everest and the Million Dollar Chase on the same weekend in October, make Sydney a must-attend destination for racing fans. Racing in country and regional areas has also benefited from increased prize money, allowing trainers from outside of the metropolitan area to thrive. In thoroughbred racing country prize money will top \$81 million next season, with the cups at Coffs Harbour and Muswellbrook going up to \$150,000 and the Taree Cup, the Dubbo Cup and the Snake Gully Cup at Gundagai to be worth over \$100,000. Employment opportunities are gained from these progressive initiatives, generating more than \$3.3 billion in economic activity each year and boosting the New South Wales economy.

Racing is more than just an event in regional communities, it is part of our culture, which is why it is important the industry has appropriate regulation to ensure its longevity as an industry. This can only occur if the regulators continue to explore new ways to make racing as enjoyable and accessible as possible for the community and by expending significant resources on integrity measures each year to ensure a level playing field for participants and punters. My brother, Jim Nile, owned harness racing horses and was a driver. Sadly, he died of a serious health event. He regularly invited me to watch him race and I learned a lot about harness racing, which may surprise some members. I am sorry that he is no longer with us. He was also a former director of the harness racing club at Condell Park. I commend the bill to the House.

Ms ABIGAIL BOYD (11:55:59): The Greens support strengthened regulation of the horseracing industry to protect horses from being abused or killed. We strongly oppose the industry as a whole but prefer to see stronger protections and welcome even this marginal strengthening of regulations. We do not object to the tax reduction trust funds being transferred to Greyhound Racing NSW as it is not new money. On these grounds, we will not be opposing the Racing Legislation Amendment Bill 2019.

The Hon. MARK LATHAM (11:56:46): One Nation supports the Racing Legislation Amendment Bill 2019 and we declare our love of the track. It is a magnificently authentic Australian institution where you can meet everyone, from the corporate elites to the coat-tuggers and the try-hard punters, characters and colour galore. We had a wonderful reminder of that last night near the Sydney Opera House when the member for Tamworth, the Minister for racing in everything but title—we should have a Minister for racing and it should be the member for Tamworth because he is doing a very good job—presided over the barrier draw for The Everest race next Saturday, a race that will bring so much joy, economic investment and tourism benefits to Sydney.

The Minister was reflecting on our healthy rivalry with Melbourne, which has as part of its Spring Racing Carnival that old race the Melbourne Cup, a wonderful Australian institution. If they were doing the barrier draw for any of the Melbourne races they would be next to that brown puddle the Yarra. We were standing beside the wonderful Sydney Harbour on a beautiful spring night. There is a myth that Taylor Swift would not go to the Melbourne Cup because of propaganda about animal welfare. In fact she was worried about dying of boredom in Melbourne. We have Kelly Rowland at The Everest race on Saturday and she will be wonderfully entertaining in

our city which is full of excitement and life. Nobody has any fears of boredom in the Emerald City, particularly with a race like The Everest to unfold on Saturday. I congratulate Racing NSW for this promotion, this innovation, this huge boost to the industry and economic activity in our State.

One Nation is supporting this legislation because it is an overdue improvement to racing integrity. Nobody in the industry thinks for a nanosecond that nefarious activities like race fixing can be tolerated at all. Anything that improves the integrity of racing and gives confidence to the punters and spectators alike is valuable. These reforms have been six years in the making and should be supported by the Parliament but they should also be monitored by the Parliament with regard to their effectiveness. There is a compulsion provision triggered through the Supreme Court. We need to monitor that to ensure we are not clogging up the Supreme Court with matters that could be dealt with elsewhere. Perhaps in 12 months we could consider the way these compulsion orders could be organised by New South Wales police, which is now working with Racing NSW to ensure integrity is absolutely solid. We support the bill. I do not want to give a lengthy speech. I will stop in recognition of facilitating the House's business. Go Redzel on Saturday.

The Hon. CATHERINE CUSACK (11:59:43): On behalf of the Hon. Damien Tudehope: In reply: I thank honourable members for their contribution and ask that the bill be adopted.

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

Motion agreed to.

Third Reading

The Hon. CATHERINE CUSACK: On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Motion agreed to.

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

Questions Without Notice

SHOALHAVEN MENTAL HEALTH SERVICES

The Hon. ADAM SEARLE (12:00:41): My question without notice is directed to the mental health Minister. Given that the Christmas to New Year period is often the time when the need for mental health services increases, what is the Minister's response to community concerns about the closure of the Shoalhaven Hospital's mental health unit over the Christmas to New Year period?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:01:08): I thank the honourable member for his question about the Shoalhaven subacute mental health unit. Demand for the 20-bed Shoalhaven subacute mental health unit decreases considerably over the Christmas period. Consumers self-refer and tend to either delay their admission or take some time out to spend time with family, friends and carers. The Illawarra Shoalhaven Local Health District is supportive of this where clinically appropriate—I stress this point to the member: where clinically appropriate—as spending time with loved ones over the Christmas period instead of in a subacute service has been shown to have a positive impact on the consumers' wellbeing and mental health. Any mental health consumer requiring an inpatient admission to a subacute unit during the period will be accommodated in the mental health rehabilitation unit at Shellharbour Hospital. Last year the Shoalhaven unit was closed for the same period and only one person needed that service during that time. The Mental Health Line is open 24 hours a day, seven days a week on 1800 011 511. Lifeline and Beyond Blue are also available.

CALGA ABORIGINAL CULTURAL LANDSCAPE

The Hon. TAYLOR MARTIN (12:02:24): My question is addressed to the Aboriginal affairs Minister. Will the Minister update the House on the listing of the Calga Aboriginal Cultural Landscape on the State Heritage Register?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:02:39): I thank the Hon. Taylor Martin for his question. I note that last night he gave an excellent adjournment speech on the issue—well done. It was a great privilege to attend a special ceremony at the Calga Aboriginal Cultural Landscape as I announced its official listing on the State Heritage Register. The listing was published on 1 October 2019 in the New South Wales *Government Gazette*. I was joined by the Hon. Taylor Martin and the local people of the Darkinjung and neighbouring nations for the event.

The Calga Aboriginal Cultural Landscape is perhaps one of the most significant and intact Indigenous sites, with its symbolic and ritualised sandstone amphitheatre shaped like a womb. It is of exceptional social and spiritual importance to Aboriginal people, especially Aboriginal women, as the sacred birthplace of the creation deity known as Daramulan to the local nations. Unsurprisingly the Calga site met all of the seven criteria for State heritage significance and was unanimously recommended by the Heritage Council. It is a place of important lore and ceremony to the Darkinjung, Guringai and Mingaletta people and within it are shared spaces for groups to gather.

As it is a highly sacred area associated with birth and the beginning of life, there are also a number of special areas for traditional practice by women. These important areas are physically and symbolically marked in the landscape by exceptionally rare rock art and stone arrangements. Local vegetation, wildlife and landforms created long ago provide great meaning and cultural connection that has been passed down by lore to Aboriginal people. Aboriginal women view the place as an important link to their ancestors and a key resource for teaching future generations of girls about their culture and spirituality.

The place is of exceptional social and spiritual State heritage significance and demonstrates the continuation of Aboriginal living culture and beliefs. Over the past decade the community has advocated tirelessly to secure the recognition and protection of this sacred landscape. The community's efforts were acknowledged on the day. Along with the Hon. Taylor Martin, I was very proud to meet some of the community members involved and to thank them for their support and advocacy. The Calga Aboriginal Cultural Landscape is an exceptional addition to the State's Heritage Register and is now protected and recognised for all time.

SHOALHAVEN MENTAL HEALTH SERVICES

The Hon. PENNY SHARPE (12:05:51): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women. In light of the public statement last night by Julie Carter, Illawarra Shoalhaven Local Health District's Director of Mental Health Service, that the need for mental health services decreases considerably over the Christmas period and noting the Minister's repetition of those assertions in her previous answer, what evidence has the Minister sought to justify that statement?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:06:26): I thank the honourable member for her question relating to the previous question that was asked by the Leader of the Opposition. The demonstrated evidence was in my answer to that question that when the closure happened last year there was one person who accessed the service that was required. It is important to note that this is a subacute service, as I have said in my previous answer. Anyone requiring assistance over this period in that area will have access to services at the hospital I mentioned in my previous answer.

FARM PRODUCE PRICING

Reverend the Hon. FRED NILE (12:07:07): My question without notice is directed to the Minister for Education and Early Childhood Learning representing the Minister for Regional New South Wales and Industry and Trade. Is it true that New South Wales has the most concentrated supermarket sector in the world? New South Wales farmers are therefore exposed to a highly concentrated domestic market dominated by the supermarket sector. New South Wales farmers therefore have minimal bargaining power and in some cases must conduct their business at below cost prices. Does the Minister agree with a report by Ash Salardini, chief economist of NSW Farmers, in the August issue of *The Farmer*, which states, "Regulators have failed to curb this excessive power [of supermarkets] ...", particularly the two supermarkets Coles and Woolworths? What is the plan to improve the competitiveness of New South Wales farmers and enhance their bargaining power in the local market?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08:06): I thank Reverend the Hon. Fred Nile for his important question relating to market opportunities for our farmers. The issue is close to my heart and to that of all Nationals members, including the Deputy Premier, to whom the question has been asked in his capacity as industry Minister. The member went into quite a bit of detail in his question and also referred to a NSW Farmers report. I will take the question on notice and come back to the member with an answer.

WORLD TEACHERS' DAY

The Hon. SHAYNE MALLARD (12:08:58): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on World Teachers' Day and how we can all celebrate the contribution that teachers make to our community?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09:18): I thank the Hon. Shayne Mallard for his question and his support for our teachers. I know there are teachers in his family. I have teachers in my family and I know many other members in this Chamber have teachers

who are part of their families. I think we even have a former teacher who is not in the Chamber at the moment. It is an important question and with World Teachers' Day celebrations coming up soon in New South Wales it is a good opportunity for all of us to thank all of the teachers in New South Wales. We have tens of thousands of primary, secondary and early childhood teachers who dedicate their time to making a positive and lasting impact on the New South Wales community through educating our children and young learners. From our teachers at the beginning of their careers, to those who are experienced classroom practitioners, to the leaders of our schools, I am proud to recognise and celebrate the skill and experience of the New South Wales teaching profession.

I encourage everyone in this House and in the wider community to join me in thanking a teacher in the lead-up to World Teachers' Day, which will be celebrated in New South Wales on Friday 25 October. There are many ways to show a teacher, past or present, that they are appreciated and supported: You can thank a teacher at your child's school in person and let them know you appreciate the work they do; you can send a teacher from your own school days a shout-out via social media and encourage your friends and colleagues to do the same; you can update your Twitter or Facebook profile to include the special World Teachers' Day frame. If anyone is interested I have posted a link to these on my Facebook page, so you can go on and grab one if you want to do that as well. But whatever you do, make sure you use #WTD2019 so we can get that celebration of New South Wales teachers and World Teachers' Day trending.

Earlier this week I posted my video. It was difficult to think about just one teacher to acknowledge but I went with Kerry Dunn, who was my kindergarten teacher at Gunnedah South Public School. She was a very passionate educator. Her love of learning was instilled into me from a young age and is probably one of the reasons I find myself here today. I know that every member in this House and anyone who is watching us here today would agree that it is hard to pick just one great teacher from your life. I have had many myself. I know everyone in this Chamber would feel the same.

There are a lot of incredible educators and teachers at so many different milestones for all of us and this is the opportunity to say thank you. In the lead-up to World Teachers' Day next week I encourage our entire community to get behind the amazing, talented and passionate teachers, and recognise someone who has made or is making an impact in either your life or the life of one of your children. Many resources are available on the NSW Education Standards Authority website to help parents, students and the community celebrate World Teachers' Day. Again I say thank you to the teachers in New South Wales for their commitment and determination in what is a challenging, rewarding and vital role in our society and, everyone, get on social media, #WTD2019.

KOALA HABITAT

The Hon. EMMA HURST (12:12:22): My question is directed to the Minister for Education and Early Childhood Learning representing the Minister for Regional New South Wales, Industry and Trade. After logging an area in which there are koalas, some trees are retained per hectare to provide feed trees for the surviving koalas. What is the minimum size of the tree that could remain and satisfy the feed tree requirements and have there been any assessments as to whether a koala could live in a tree of that size?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:12:57): I thank the Hon. Emma Hurst for her question in relation to koalas and the trees for them. That is not information that I have with me in the House. I note she has asked it on behalf of me representing another Minister so I will take it on notice and come back to her with an answer.

NORTHERN BEACHES HOSPITAL MENTAL HEALTH SERVICES

The Hon. TARA MORIARTY (12:13:16): My question is directed to the Minister for Mental Health, Regional Youth and Women. Given the concerns raised by senior New South Wales police officers, the Northern Beaches mayor and the general community about public safety, will the Minister commit to a review of the treatment of mentally ill patients at the Northern Beaches Hospital?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:13:44): I thank the Hon. Tara Moriarty for her question regarding the Northern Beaches Hospital and police. Police are dedicated first responders who regularly face confronting situations, in many of which they may be the first on the scene. As the Commissioner of Police rightly pointed out during budget estimates, it is not always clear where a mental illness is the relevant factor during an incident. When the New South Wales Liberal-Nationals Government was elected in 2011, 90 per cent of police officers had received no mental health training to deal with people suffering from a mental illness. I am pleased to say that in 2014 we implemented a one-day mental health intervention course that has now reached all 17,000 police officers—that is quite an achievement. Every police officer in New South Wales has now undertaken at least a one-day training course—

The Hon. Walt Secord: Point of order: My point of order relates to direct relevance. The question was very specific: It asked about the Northern Beaches Hospital. While it is very interesting to hear about the training

for police officers, the question was specifically about concerns raised by police officers, the Northern Beaches mayor and the general community about safety. It goes to direct relevance.

The Hon. Wes Fang: To the point of order: The question clearly outlined the concerns of police. The Minister is being directly relevant in answering what the Police Force is doing in relation to mental health concerns.

The Hon. Penny Sharpe: To the point of order: I think you have to look very closely at what the question is asking. We are raising concerns that New South Wales police have raised in relation to the impact and the activities of the Northern Beaches Hospital. If she is to be directly relevant, this is not an opportunity for the Minister to tell us about what the New South Wales police are doing in relation to mental health. That is not the question.

The PRESIDENT: The question clearly states:

Given the concerns raised by senior New South Wales police officers, the Northern Beaches mayor and the general community about public safety, will the Minister commit to a review of the treatment of mentally ill patients at the Northern Beaches Hospital?

I am of the view that the Minister is permitted to lay some foundation in relation to the concerns raised by the police officers and a review of treatment of mentally ill patients. Yes, it specifies "at Northern Beaches Hospital" but the Minister is entitled to lay some foundation. She must then proceed to being directly relevant to the substance of the question. The Minister has the call.

The Hon. BRONNIE TAYLOR: The Northern Beaches Hospital provides safe and high-quality care to all patients, public or private, and the hospital works closely with community mental health services to deliver comprehensive mental health care for eligible patients. The hospital has developed streamlined referral pathways with the Northern Sydney Local Health District to ensure that the patient and their care is safely transferred from hospital to the community, which we know is very important when we are dealing with mental health consumers. We need to provide an acute care facility in those circumstances where it is warranted, with really good follow-up in the community. Patients across the Northern Beaches Hospital's emergency department—in the same way as any other public hospital emergency department in New South Wales—and all mental health patients are assessed and managed in the same way, whether they are public or private patients.

Patients who require mental health care but who do not require admission to the hospital may be referred to the public community mental health service for follow-up. That is obviously dependent on a range of factors: an assessment of the risk of harm to themselves or to others, their supports in the community and the need for support by other service providers. Under New South Wales privacy laws we cannot discuss any personal details of mental health patients that can be recorded here. I would like to talk directly about police, working in the mental health sphere and recently being at the mental health awards. The Police, Ambulance and Clinical Early Response [PACER] program, which is a police and mental health service response—

The Hon. Penny Sharpe: Point of order: The issue is direct relevance. The Minister is entitled to take a Dixier in relation to police programs and mental health. This question is very specific and it is about the Northern Beaches Hospital. She was sticking to it for most of that but I believe she is now straying.

The Hon. Wes Fang: Why don't you like good news, Penny?

The PRESIDENT: Order! I call the Hon. Wes Fang to order for the first time. I have indicated previously that if someone is taking a point of order and I commence to speak I do not want interjections. It is difficult enough to maintain my train of thought on important matters being raised without having interjections thrown at me. I am looking at the question again and maybe I was misunderstood the first time. Part of the question clearly says, "Given the concerns raised by senior New South Wales police officers," comma. It is part of the question.

Then it goes on to say, "the Northern Beaches mayor", meaning concerns raised by the Northern Beaches mayor, and then it talks about "and the general community", meaning given the concerns raised by the general community, comma. Then it talks about public safety, comma. Then, in effect, the second part of the question says, "Will the Minister commit to a review of the treatment of mentally ill patients at the Northern Beaches Hospital?" I believe that the Minister was being relevant in relation to "concerns raised by senior New South Wales police officers," comma. That is the way the question reads. The Minister is being relevant. The Minister has the call.

The Hon. BRONNIE TAYLOR: As I was saying, the PACER program is a police and mental health service response which is activated by police targeting peak demand times, offering on-scene and telephone assistance in the community. We have seen outstanding results with this program, and that is the great thing—you have got to try different things for different outcomes. You have got to look for solutions. [*Time expired.*]

INTERNATIONAL DAY OF RURAL WOMEN

The Hon. WES FANG (12:20:53): My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on the importance of the International Day of Rural Women?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:21:11): I thank the Hon. Wes Fang for his question. I inform the House that yesterday was International Day of Rural Women, a day that is celebrated across the world to recognise the critical role and contribution of rural women. As a woman who calls country New South Wales home and as the New South Wales Minister for Regional Youth and Women, the day could not be closer to my heart. Country women are the backbone of rural communities in New South Wales and there is absolutely no doubt—

The Hon. Penny Sharpe: Sconversation.

The Hon. BRONNIE TAYLOR: I acknowledge that interjection about a sconversation that the mighty Country Women's Association has started for Mental Health Month—how fabulous. I take this opportunity to highlight the positive contribution of a couple of outstanding female trailblazers who live in rural New South Wales. The 2019 Agri-Futures national winner was Jo Palmer, from Wagga Wagga. She grew up in Jindabyne, so she is really a Monaro girl. She is the founder of Pointer Remote Roles based out of her farm at The Rock, near Wagga Wagga.

Jo, a mum of two, has been addressing a problem many professional women living in rural New South Wales face all the time—access to diverse work opportunities. Through her platform, Pointer Remote Roles, Jo has created a pathway connecting rural professional workers with companies looking for workers. So if you live in Nimmitabel but you have great engineering skills, through Jo's work you can take up a job in Western Australia to help a company with those skills. It is fantastic—you can work from home, you can work from anywhere. She has assisted hundreds of New South Wales women land jobs from their farms in areas including law, graphic design, accounting and digital marketing.

The 2019 NSW Regional Woman of the Year, Dr Louise Baker, has provided more than 30 years of dedicated service as a GP and obstetrician in Cowra. Louise has been at the forefront of training and mentoring countless medical students on placement from across New South Wales. In doing so, Louise has encouraged medical students to see the benefits of going into practice in rural New South Wales, which is such important work. As Minister for women, one of my major priorities is to ensure barriers are removed so that all women and girls, no matter where they live, have access to opportunity and choice. We recently released the Year Two Action Plan of the NSW Women's Strategy, which includes a number of actions aimed directly at women and girls who live in rural and regional areas.

When it comes to delivering economic opportunity for rural women, we are working with the Sydney School of Entrepreneurship to deliver a workshop series tailored to women living in rural and regional New South Wales who are running a business or who want to start their own business. Connections are so important, which is why we are working with the NSW Rural Women's Network to provide a range of platforms to support, inform and connect rural women in New South Wales. In my role as Minister for women I am lucky enough to meet so many amazing women and women's organisations who give so much to our rural communities. From local councillors to volunteers who work on the P&C committees and the absolutely wonderful Country Women's Association, New South Wales owes them so much.

BARMAH CHOKE OVERFLOW

The Hon. ROD ROBERTS (12:24:21): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Water. We are currently in the grip of the worst drought in living memory. During this time water should be treated as the precious commodity it is. In light of this, what action is the Minister taking in relation to the Barmah Choke on the Murray River, where the wanton and reckless management of the river is causing the water to overflow, to be wasted and to damage surrounding ecosystems when it should be allocated to areas where it is desperately needed?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:25:08): I thank the Hon. Rod Roberts for his question. We all know that water is a precious resource and we are all working very hard to find good solutions for water management. We have recently had some fantastic focus by the Deputy Premier, John Barilaro, on water and the importance of dams and storage. As the member has asked me a question that relates to a member in the other place I represent, I will take the question on notice and get back to him.

PUBLIC SCHOOL INFRASTRUCTURE

The Hon. GREG DONNELLY (12:25:40): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that in 2011-12 the Government spent \$5 million on demountable classrooms in New South Wales and that in 2018-19 it spent \$78 million on demountable classrooms, why is the Government spending funds on temporary demountable classrooms rather than providing permanent ones for schoolchildren?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:26:08): I thank the Hon. Greg Donnelly for his question. The answer is that we are spending money on permanent buildings for our schoolchildren—in fact, we are investing \$6.7 billion over the next four years to deliver more than 190 new and upgraded schools to support communities across New South Wales. This is in addition to our record \$1.3 billion investment in school maintenance and the \$500 million for our sustainable Cooler Classrooms program. All in all, this is the largest investment in public education infrastructure in the history of New South Wales. Our record investment in infrastructure is responding to the once-in-a-generation spike in student enrolments, which are projected to grow by 21 per cent, or 164,000 students, by 2031. More than 80 per cent of this growth will be in Sydney.

In relation to demountable buildings, I have been asked about this in the House before and I will repeat what I have said. The department retains a stock of demountable buildings to help accommodate student enrolment changes at schools and provide classrooms, library sites and labs as well as toilets and staffrooms. While it is very important to provide permanent facilities—and, as I said, we are doing that with our \$6.7 billion infrastructure program where there is long-term need—demountables also allow the department to manage periodic fluctuations in school enrolments. Importantly—and, again, I have said this before—demountables also allow the department to be highly responsive to school needs by enabling the provision of emergency accommodation following things like fires and natural disasters, and also in meeting accommodation needs arising from capital works and maintenance projects in schools. I have been at schools where demountables are in place while we are doing the construction of the permanent facilities—that is how we manage our capital program.

I add for the member's benefit that an annual accommodation review of all schools is undertaken based on projected enrolment and staffing figures for the coming school year. The review identifies schools requiring additional demountable accommodation as well as schools that will be in a position to release demountable accommodation. This is a review that commences in August each year to address the accommodation needs for the following school year. It is also important to note that all of our demountable classrooms are air-conditioned and are regularly refurbished both on and off school sites.

We are regularly replacing demountables with permanent facilities through investment in school capital works, as I said at the beginning of my answer. For example, in order to deliver the record-breaking investment in public education infrastructure by providing those new and upgraded schools, we have created temporary pop-up schools for schools such as Alexandria Park Community School and Ultimo Public School, and there are many other examples of projects where we have removed demountables as we continue to provide new and upgraded schools to our communities. This will be the case as we continue on with our \$6.7 billion infrastructure program.

The Hon. GREG DONNELLY (12:29:05): I ask a supplementary question. In light of the Minister's answer to my question, I refer to the spending on temporary demountables that she has outlined. Is the growth in that spending likely to continue in the next forward estimates given its increase going back to 2011-12, which I referred to?

The Hon. Trevor Khan: Point of order: That does not arise from the answer given. The member has asked, in essence, a new question.

The Hon. GREG DONNELLY: To the point of order—

The PRESIDENT: I indicate to the Hon. Greg Donnelly that I am struggling to see the link to a part of the answer given by the Minister. I ask that the member assist me in that respect, because I am of the same view as the Hon. Trevor Khan.

The Hon. GREG DONNELLY: My original question talked about the spending in 2011-12.

The PRESIDENT: I have got that. The member has ticked one box. Next?

The Hon. GREG DONNELLY: Then there is this period in 2018-19 with the increase to \$78 million. The Minister specifically referred to spending on temporary demountables as being an important part of the Government's expenditure with respect to classrooms. There was an increase over that period of 2011-12, which is quite significant. From my supplementary question I am trying to establish if that increase is likely to continue,

given the Minister's answer. There has been a big increase between 2011-12 and 2018-19. I would submit that there is a link to ask whether that growth is likely to continue.

The PRESIDENT: I uphold the point of order. While I can see how the question relates to the member's original question, I am trying to understand how it relates to the Minister's answer, to which he is seeking an elucidation. I do not recall the Minister indicating that in her answer. I cannot see how the member has linked the answer and the supplementary question. The supplementary question is out of order.

REGIONAL TOURISM

The Hon. LOU AMATO (12:31:50): My question is addressed to the Minister for Finance and Small Business. How are strong tourism numbers working to support our businesses in New South Wales?

The Hon. Penny Sharpe: Are you going to do Stuart Ayres' Dixers?

The Hon. Mick Veitch: Damien can deliver them better than Ayres.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:32:08): It is a great pleasure to be able to answer this question in this place and to be given the opportunity to bring good news, as I do every day. I thank the Hon. Lou Amato for his question. New South Wales remains the number one place to visit in Australia. Figures released last week show tourist numbers to New South Wales at a record high, with international and domestic tourists streaming to Sydney and the regions. In 2018-19 New South Wales received 37.2 million domestic overnight visitors and 4.4 million international visitors, the highest volume ever from both markets. The latest data shows unprecedented growth with domestic overnight visitors spending \$22.6 billion in the State, an increase of 13 per cent on the previous year. There have been significant gains in the markets of the United States and Japan, which are the result of fantastic airline partnerships and trade initiatives in those countries.

The Hon. Mick Veitch: He is better than Stuart Ayres.

The Hon. DAMIEN TUDEHOPE: Listen, Ralph! On the domestic side, New South Wales achieved its highest growth in domestic visitor nights on record, with 37.2 million visitors staying 116.1 million nights—

The Hon. Mick Veitch: If you want interjections on the transcript you have to acknowledge them.

The Hon. DAMIEN TUDEHOPE: I am acknowledging them. That is 11 per cent more than the previous year. In regional New South Wales local communities welcomed almost 27 million international and domestic overnight visitors. When a tourist visits by cruise ship or plane, New South Wales businesses grow. These numbers tell us something we already know: There is so much to do and see in our regional communities and as this drought continues every overnight stay on a farmstay in a regional community is helping local businesses and farmers—we would all agree with that. Regional tourism directly employs more than 90,000 people—

The Hon. Lou Amato: Point of order—

The PRESIDENT: The Minister will resume his seat. The Clerk will stop the clock.

The Hon. Lou Amato: It is very difficult to hear the Minister's good news when there are so many interjections coming from all sides of the Chamber.

The PRESIDENT: First, I uphold the point of order. Secondly, what is worse than members interjecting when a Minister is speaking is interjections that occur after a point of order is taken and I have not had an opportunity to rule on it. That is even more offensive. The Minister is entitled to be heard in silence.

The Hon. DAMIEN TUDEHOPE: The Government is committed to continuing to help grow opportunities for those who have helped generate record numbers of visitors to New South Wales this year. Stephen Cartwright from the NSW Business Chamber said, "This growth in activity provides an opportunity for businesses right across New South Wales to ensure they are tourist ready and provide experiences and services that will ensure repeat custom."

The PRESIDENT: I call the Hon. John Graham to order for the first time, not because of his first interjection but because of his second interjection after I had made my clear ruling. The Minister's time has expired.

SILICOSIS SCREENING

Mr DAVID SHOEBRIDGE (12:36:15): My question without notice is directed to the Minister for Finance and Small Business, representing the Treasurer. In the last seven days the Royal Australian and New Zealand College of Radiologists [RANZCR] delivered a position statement on screening workers for

silicosis. It says in part that CT is strongly recommended for screening all workers. Further, the RANZCR guidelines identify that chest X-rays, the primary diagnostic tool used by icare to test more than 6,500 workers in New South Wales for occupational lung disease, have been found to miss some 40 per cent of silicosis cases. Given these facts, will the Government immediately act and install high resolution, low dose CT scans on icare's Lung Bus and at its Pitt Street screening clinic?

The Hon. Trevor Khan: I do not know if you can get them on a bus.

Mr DAVID SHOEBRIDGE: The inquiry said that you can.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:37:10): I thank Mr David Shoebridge for his question and I acknowledge the seriousness of the issue he raises. In fact, I was at a conference of icare a couple of months ago. That issue was front and centre in relation to making sure there is a response. I am not going to pre-empt the Treasurer's response to the question as clearly there are budgetary expectations and that sort of thing. I would have thought it is a combined response from the New South Wales health Minister, Treasury and icare in respect to addressing the issue.

Mr David Shoebridge: Will you direct it to both Ministers?

The Hon. DAMIEN TUDEHOPE: If the honourable member asks that I direct it to both Ministers, I am happy to do that on his behalf.

PUBLIC SCHOOL INFRASTRUCTURE

The Hon. MARK BUTTIGIEG (12:38:12): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that the new Riverbank Public School in The Ponds has 39 demountable classrooms, when will the students and teachers get permanent classrooms to replace all of the demountables to relieve overcrowding?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:38:40): I thank the Hon. Mark Buttigieg for his question in relation to Riverbank Public School—

The Hon. Walt Secord: In The Ponds.

The Hon. SARAH MITCHELL: In The Ponds. Thank you very much.

The Hon. Walt Secord: Demountables everywhere!

The Hon. SARAH MITCHELL: I just said the name of the school, Walt. I thank the member for his question in relation to the classrooms at that school and the demountables. I will seek some further advice on the specifics of that particular school as I do not have that information with me. I will come back to him with an answer shortly.

[Business interrupted.]

Visitors

VISITORS

The PRESIDENT: I take this opportunity to welcome to the President's gallery guests of the Hon. Natalie Ward, including her husband, Mr David Begg; Senator Zach Wahls of Iowa and his fiancée, Ms Chloe Angyal; and Chloe's parents, Dr Abby Bloom and Mr Robert Angyal. I welcome you to the House for question time, to the New South Wales Parliament and the State of New South Wales.

Questions Without Notice

CENTRAL COAST CONSERVATORIUM OF MUSIC

[Business resumed.]

The Hon. TAYLOR MARTIN (12:39:50): I address my question to the arts Minister. Will the Minister update the House on the Government's commitment to upgrade the Central Coast Conservatorium of Music?

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:40:08): I am happy to answer that question from the Hon. Taylor Martin.

The Hon. Walt Secord: He did an adjournment speech on this last night.

The Hon. DON HARWIN: And he wants more detail—that is why he is asking the question. As the Hon. Walt Secord correctly identified, the Hon. Taylor Martin gave an excellent adjournment speech that touched on this issue, amongst others.

The Hon. Catherine Cusack: That is how you ask a question. Pay attention. It was perfect.

The Hon. DON HARWIN: I thank the Hon. Catherine Cusack for her enthusiastic support.

The Hon. Mick Veitch: Point of order: My point of order is that responding to interjections is disorderly.

The PRESIDENT: I uphold the point of order. I remind all members that interjections from either side of the Chamber are disorderly, as is responding to them. If I recall the ruling of then President Don Harwin, it is always disorderly. Then President Harwin pinned that on me when I was Minister.

The Hon. DON HARWIN: Indeed, I did. It was an excellent ruling then and it is an excellent ruling now. The Central Coast conservatorium is a much-loved facility in the region now providing education and performance opportunities for 1,200 up-and-coming musicians. It is so important that young musicians on the Central Coast are able to learn, rehearse and perform locally. I was absolutely delighted when the Premier, in the company of the excellent member for Terrigal, Adam Crouch, and the Hon. Taylor Martin, announced funding of \$2 million for the upgrade of the iconic former court house and police station and now conservatorium building. The building was constructed in 1847 and the conservatorium has called it home since 1987.

It is high time the facilities were upgraded to bring them into the twenty-first century and make them fit for purpose. The advocacy of the local community has been extraordinary. In return they will receive an upgrade of teaching and rehearsal spaces, new furniture, safety upgrades and improved amenities. The Robert Knox Hall will have retractable seating that increases the capacity of the performance space. A new professional grade piano will be installed in the hall. The conservatorium will be able to attract performances from high calibre local and international artists, boosting its reputation as a leading professional acoustic venue and teaching institution. The upgrades will allow the conservatorium to maintain its competitive advantage and will create further value for its students and clients.

The Government has provided \$2 million of funding for master planning on the site to assist the conservatorium to plan its future infrastructure needs. We are proud to deliver on this election commitment. We look forward to seeing the benefits that the upgraded facility will bring to young musicians. It would not have happened without the tireless efforts of the member for Terrigal and the Hon. Taylor Martin. In particular, the community supporters of this conservatorium, such as Claire Braund, kept at it—and they have got it.

DEPARTMENT OF EDUCATION HEALTH AND SAFETY DIRECTORATE

The Hon. MARK BANASIAK (12:43:44): I direct my question without notice to the Minister for Education and Early Childhood Learning. On 18 September I asked the Minister a specific question regarding the Department of Education, Health and Safety Directorate, about how many complaints had been made about executive staff citing alleged bullying and harassment since 2007 and how many of those complaints have been dismissed or found to be true and acted upon. I was directed by the Minister to the department's annual report. I looked at that report but that information appears to be missing. Will the Minister inform the House if she has been misled by her department when providing that answer? If not, when will this House get an answer to this pressing matter?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:44:21): I thank the Hon. Mark Banasiak for his question. It is a good question. Obviously as Minister when questions are asked of me, particularly in relation to specifics involving departmental processes, I rely on the advice of my department. Given that the member is seeking further information than that provided, I will take it on notice and come back to him with more information.

PUBLIC SCHOOL INFRASTRUCTURE

The Hon. COURTNEY HOUSSOS (12:44:53): I direct my question to the Minister for Education and Early Childhood Learning. Will the Minister inform the House whether Oran Park Public School and Girraween Public School, both with 44 demountable classrooms on their sites, now hold the Australian record for the most demountable classrooms at any existing school in the country?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:45:18): I thank the Hon. Courtney Houssos for her question. This is obviously an area I canvassed in a response to the Hon. Greg Donnelly earlier in question time. I repeat: We are making an incredible investment into school infrastructure of \$6.7 billion over the next four years. We do have demountables and they will continue to be a feature of the New South Wales education system. The Government is making an historic investment into

infrastructure to provide permanent accommodation, but demountables will continue to assist in managing fluctuations in enrolments as they have for decades. This is nothing new. We have had demountables in place in New South Wales for decades both when we have been in Government and when those opposite were in Government.

The Hon. Natasha Maclaren-Jones: Point of order: Interjections are disorderly. As there is a lot of chatter across the Chamber, I ask that members come to order.

The PRESIDENT: I uphold the point of order.

The Hon. SARAH MITCHELL: As I said in an earlier answer, this record investment into infrastructure is responding to the once-in-a-generation spike in student enrolments. By 2031 growth is projected to be 21 per cent, with 80 per cent of that growth in Sydney. We are working hard in terms of the investment into permanent school infrastructure. I have canvassed this issue extensively in the House today and on other occasions.

The Hon. COURTNEY HOUSSOS (12:46:56): I ask a supplementary question. Given the Minister's answer referring to the fact that demountables have been in schools for decades, will she elucidate her answer and inform the House which school in New South Wales holds the record for the most amount of demountables?

The PRESIDENT: Simply taking part of an answer and going back to the specifics of the question does not satisfy the three requirements for a supplementary question. I would have thought that a point of order would have been called that the Minister was not being directly relevant to the part of the question that the member attempted in the supplementary question, but that did not occur. Repeating that part of the question as a supplementary question does not work. The supplementary question is out of order.

OLYMPICS UNLEASHED INITIATIVE

The Hon. TREVOR KHAN (12:47:54): I address my question to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the Government is inspiring students to strive for excellence in the lead-up to the Tokyo 2020 Olympic Games?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:48:49): That is an excellent question from such a sporty colleague. I thank the Hon. Trevor Khan for his question. The Liberal-Nationals Government is committed to supporting children and young people across New South Wales to live healthy and active lifestyles. As part of the Government's new Olympics Unleashed initiative, students at every public high school in New South Wales will have the opportunity to be inspired by some of the nation's most elite athletes. The program is run by the Australian Olympic Committee to give students right across the State the chance to learn from 100 past, present or aspiring Olympians in the lead-up to Tokyo 2020. The program is targeted at year 9 students who attend public high schools and central schools, giving them insight into what it takes to be an elite athlete, while also promoting the Olympic values of friendship, respect and excellence. Athletes will deliver health, wellbeing and motivational messages to students and staff, focusing on themes including unleashing passion, goal setting, overcoming challenges, determination and building resilience.

Teachers are also provided with educational resources that are mapped to the New South Wales Personal Development, Health and Physical Education syllabus in collaboration with the Department of Education. We want to encourage more young people to participate in sport and learn about goal setting, and having athletes visit schools is a great way to inspire our students. That is why we are investing \$1 million to support the rollout of this incredible program in schools across the State over the next two years, providing students with personal access to some of Australia's greatest athletes. We want every student across the State to be able to experience this opportunity, and a visit from an athlete is available to any public metropolitan, regional or remote high school that chooses to be involved.

While all public high schools will be able to have an Olympian visit free of cost, the program is also available to Catholic and independent schools so that every student can experience the Olympic spirit. The Olympic story is one of hard work and perseverance, and Olympics Unleashed will motivate the next generation of athletes and help them achieve their dreams. This program will inspire students to aim higher not just in sports but also in their academic endeavours and other life goals, both at school and in their personal lives. Olympians understand the importance of hard work and perseverance, and are keen to pass these lessons to inspire the next generation to be their best in the classroom, on the sporting field and in their personal endeavours. By hearing the athletes' unique stories of determination, discipline and overcoming adversity, students will be inspired to reach their full potential. More than 200 schools have already registered or taken part in the Olympics Unleashed program, and I encourage all schools to sign up to experience this fantastic opportunity.

KOALA WELFARE

The Hon. EMMA HURST (12:51:40): My question is directed to the Minister for Education and Early Childhood Learning, representing the Minister for Regional New South Wales, Industry and Trade. In April 2013 a sick koala was found near logging operations in Kareela State Forest by Forestry Corporation staff. The sick koala was dead by the next day, and the body buried on site. Is there a protocol that must be followed by Forestry when sick or injured koalas are found near logging operations? Does it include a requirement for a vet to determine the cause of death?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:52:17): I thank the Hon. Emma Hurst for her question about an incident in 2013 involving a koala. I advise the honourable member that I have received some information about her question. In 2013 a koala was noticed to be unwell during the mark-up surveys prior to harvesting. The animal appeared to have advanced stages of disease that had led to the development of facial disfigurement wastage consistent with chlamydia. The koala was located up a tree in an area away from the active harvesting area during mark-up surveys. The following day the koala was found dead in a nearby location. This koala was not taken to a vet as it was determined by Forestry Corporation to have died from the effects of the disease.

In relation to the processes and practices in place, I advise the Hon. Emma Hurst that under the 2014 Koala Code of Practice Forest Harvesting in New South Wales, Forestry Corporation staff and contractors are required to report injured koalas and, depending on the circumstances and if it is safe to do so, Forestry Corporation would take a koala to a vet for treatment.

[Business interrupted.]

Visitors

VISITORS

The PRESIDENT: I welcome into the public gallery Mohammed Saleh, a year 10 student from Bellfield College, Rossmore, who is undertaking work experience in the office of the President.

Questions Without Notice

CAMPION COLLEGE AND THE LIBERAL PARTY

[Business resumed.]

The Hon. ROSE JACKSON (12:54:04): My question is directed to the Minister for Education and Early Childhood Learning. Has the Minister or the Government investigated complaints by the member for Castle Hill, Ray Williams, MP, and students about the recruitment of students at Campion College to join the Liberal Party? What measures are in place to protect students who refuse to join a political party from bullying and coercion?

The Hon. Scott Farlow: Point of order: The question does not relate to public affairs to which the Minister is connected. Therefore, the question should be ruled out of order.

The PRESIDENT: The question is in order.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:55:33): The Hon. Rose Jackson asked whether I had received any correspondence in relation to that matter.

The Hon. Walt Secord: Have you investigated the matter?

The Hon. SARAH MITCHELL: Have I investigated it? I am not aware of any information about that other than what has been in the public domain, which is clearly what the member is referring to. I will double-check with my office to see if any information has come to me. I have seen it in the media, but it is not something that has come across my desk. However, I will check if there has been any paperwork.

WOMEN IN LEADERSHIP

The Hon. SHAYNE MALLARD (12:56:15): My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on the Government's efforts to drive diversity in the public sector, particularly in relation to women in leadership?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:56:52): The New South Wales public sector is the largest employer in New South Wales, with 396,000 employees—65.1 per cent of whom are women. As one of the largest employers of women we have a responsibility to ensure our female public servants—whether teachers, nurses or heads of department—have the

opportunity to reach their aspirations. When it comes to women in leadership we are trending in the right direction—women currently hold 38.7 per cent of senior leadership roles. This is up from 33 per cent in 2014. Some key departments are also exceeding 50 per cent women in leadership, including the Department of Family and Community Services, the Department of Education and the Department of Premier and Cabinet. I congratulate them. The good news is this makes us more progressive than the private sector, where women hold 28.4 per cent of board directorships on ASX-200 companies. However, it is clear we have more work to do. To reach our goals best-practice workplace diversity strategies are being utilised by department heads.

The NSW Public Service Commission and the Secretaries Board have also developed the NSW Leadership Academy, which promotes excellence through a suite of development programs and each year a number of places in this program are designated specifically for women. Other initiatives underway by the Secretaries Board include identifying recruitment strategies to make executive roles more attractive to women and the piloting of career sponsorship programs. It is well known that flexible workplaces are a major factor in attracting women, particularly those with caring responsibilities. We have committed to ensuring that all government sector roles can be flexible on an "if not, why not" basis. A Strategic Framework, Make Flexibility Count has been developed to help guide flexible working. The NSW Women's Strategy 2018-2022 Year Two Action Plan builds on our commitment to increasing women in leadership, including new arrangements to help agencies share specific strategies that are working in their own departments.

Our approach is not just for appearances; research shows diverse workforces are more innovative and flexibility benefits both men and women. A couple of weeks ago I attended the Women in Resources National Awards dinner and was able to see firsthand the impact of female leaders and role models driving positive change in a traditionally male-dominated industry. Some amazing people attended that event. In my career as a politician, and as a nurse, I have come across outstanding women in the public sector who are truly serving the community. I hope that through a sustained focus on diversity strategies the Government will ensure that the New South Wales government sector capitalises on the diverse talents available and better reflects the community that it serves, which is a responsibility of us all.

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

Supplementary Questions for Written Answers

SCHOOL INFRASTRUCTURE

The Hon. WALT SECORD (13:00:26): My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. In response to her answer to the Hon. Greg Donnelly, the Minister referred to "pop-up" schools. How many pop-up schools were established in New South Wales in 2016-17, 2017-18 and 2018-19? In what areas were those schools located? Will the Minister please provide a list of those pop-up schools?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TARA MORIARTY: I move:

That the House take note of answers given to questions this day.

SHOALHAVEN MENTAL HEALTH SERVICES

NORTHERN BEACHES HOSPITAL MENTAL HEALTH SERVICES

The Hon. TARA MORIARTY (13:01:17): Earlier today the Hon. Adam Searle directed a question to the Minister for Mental Health, Regional Youth and Women in relation to the closure of the Shoalhaven mental health unit. The Minister advised the House that the Shoalhaven mental health unit will close over Christmas for five weeks. That information is publicly available. We must do better than that. It is not acceptable that the unit is closing at all but it is particularly unacceptable that it will close over the Christmas period. The Minister said that it is not so bad that the unit is closing because people usually want to spend time with their families at that time of year. Christmas is a particularly stressful time for people. Sufferers of mental illnesses cannot choose the time they need to use services, so it is not acceptable to close mental health services at any time and is it not acceptable to close the services for five weeks over Christmas.

In a further answer, the Minister said that during the Christmas period last year only one person needed the service. Again, that is not acceptable. It is not possible to know how many people will need a service at any particular time of year. It is not acceptable to close the unit and move people to another facility down the road on the basis that only one person needed the service last Christmas. We need more mental health services everywhere.

We need more mental health services across the whole of the State. We need more mental health services in the Shoalhaven and we must do better.

As all members are aware, there are general concerns about the Northern Beaches Hospital. Concerns have been raised in the local community and by senior police and local officials, including the mayor, about mental health services, particularly in relation to follow-up services. The Minister was asked if she would commit to a review of these issues to alleviate some of those concerns and fix some of the issues. The local community and communities everywhere expect us to do better and expect that we do the best we can to alleviate any concerns about community safety. Instead of answering that question, the Minister provided some useful information that the police are being trained in how to deal with mentally ill people. That is important—I support it and am sure all members do—but it is not relevant to what we need to hear about the specific issues relating to Northern Beaches Hospital. We need to be doing better.

WESTERN SYDNEY AEROTROPOLIS

The Hon. MARK LATHAM (13:04:02): I take note of answers to questions Nos 436, 437 and 438 and bring to the attention of the House a clear example of a promise broken by the Government. Those questions related to concerns of landowners surrounding the Western Sydney Airport site that the acquisition of their properties would not be at fair value: that the Government would come in and buy the land at cow-paddock rates, rezone it and make a profit on realisation of the improved value.

On 4 October 2018, in response to that concern, the then Minister for Planning, Mr Roberts, wrote, "Can I point out that no landholder will be disadvantaged. It is the Government's intention to acquire land in this precinct directly from existing landowners prior to any rezonings. This will ensure no current landowners are impacted, either positively or negatively, by any decisions to rezone land. This land will be acquired at fair value on valuations based on the current rezoning," meaning the rezoning proposals.

I asked the Minister for Planning and Public Spaces, the Minister for Transport and Roads and the Minister for Jobs, Investment, Tourism and Western Sydney whether they were aware of this promise made by the Government in October last year. The planning Minister and the roads Minister did not indicate they were aware of it—so much for a whole-of-government approach. The western Sydney Minister said that he was aware of it and then said, "The Government has not acquired land in the aerotropolis zone". He went on to say, "Government decisions in relation to land acquisition in the aerotropolis zone will be informed by the release of the final land use and infrastructure implementation plan."

The Buhac family, who have lived in Luddenham for 50 years and operate a farm there, have to go to the NSW Land and Environment Court because of the unfair acquisition of their land. The Government proposed a four-lane road corridor through their acquired property at the corner of Northern Road and Elizabeth Drive. The Government has not agreed to acquire the rest of the property at fair enhanced rezoned rates. They cannot operate their farm anymore. They are having to go to the court. The rezoning of their land is at the cow-paddock rates. It is an atrocious breach of faith and a broken promise of which the Minister for Jobs, Investment, Tourism and Western Sydney is clearly unaware. Two Ministers are unaware of former Minister Roberts' commitment in 2018.

I call on the Government to honour the promise it made in October 2018 and not defend the matter against those landowners in the NSW Land and Environment Court, to honour the promise of an enhanced, rezoned value of their land and, in fact, take the entire property. It is one kilometre from the airport site. It is clearly an affected property in the aerotropolis zone and the family should be treated fairly in accordance with the promise that the Government made last year. The Government should own up to this and take a genuine whole-of-government approach where all three Ministers know what is going on and do the right thing. [*Time expired.*]

CALGA ABORIGINAL CULTURAL LANDSCAPE

The Hon. TAYLOR MARTIN (13:07:09): I take note of the answer given by the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and the Minister responsible for heritage, regarding the Calga Aboriginal Cultural Landscape. In my adjournment speech in the House last night I spoke about the State heritage listing of the site. The listing will mean that one of the State's most sacred Aboriginal sites will now be protected forever. The announcement was made in a very special ceremony. It was moving to see the raw emotion of those present for having gained this protection.

Tracey Howie, the Guringai Cultural Heritage Officer, said she was ecstatic that the Aboriginal community had come together as one and been successful, and they have. As the Minister outlined, the site is a place of history and ceremony and includes shared spaces for groups to gather and areas solely for women's business. The importance of the site to Aboriginal women was emphasised on the day by Tina West from the Darkinjung Local Aboriginal Land Council, who said, "To be able to secure such a prestigious cultural and heritage site for past women, current women and future women is of great significance and a huge achievement."

I could not agree more. The area is particularly revered by Aboriginal women as a link to their ancestors. Many passionate locals campaigned for about 15 years to seek protection against the site becoming a sand mine. I congratulate them on their efforts.

The Minister also answered my question today regarding the \$2 million in funding for the refurbishment of the Central Coast Conservatorium. That conservatorium is based in the former courthouse and police station that was originally built in 1847. It is currently the oldest building still standing on the Central Coast. The facility is certainly showing its age. The funding delivers on our commitment not only to make the space fit for purpose but also to create a master plan for the venue's future. I thank the Minister for his answer.

The Hon. Penny Sharpe: You don't get to answer the question.

The Hon. TAYLOR MARTIN: No, I am taking note. You wanted a take-note debate. Here is a take-note of the Minister's answer. The president of the conservatorium's board, Peter Brandon, put it best when he said—

The Hon. Walt Secord: Point of order: I have been listening patiently and quietly. I do not see how this fits within the constraints of the take-note debate. The honourable member's comments are related to the answer but not to things introduced by the Minister. The Minister did not refer to any of these individuals.

The PRESIDENT: I do not uphold the point of order. I will give my reasons later. The member has the call.

The Hon. TAYLOR MARTIN: The conservatorium board president, Peter Brandon, put it best when he said that the decision to deliver the \$2 million for The Con was music to their ears. I thank Claire Braund and Patrick Brennan for their hard work and advocacy. They have been battling away through the council for years and negotiating with the State Government to make sure this becomes a reality. It is great news that young people on the Central Coast will have this in the future.

The PRESIDENT: I will now give my reasons for not upholding the earlier point of order. New Sessional Order 28 originally stated that debate on the motion may canvass any answers to oral questions. If that was still the case the Hon. Walt Secord would have been correct in his point of order. However, as the honourable member knows, Sessional Order 28 was amended by way of a motion moved by the Leader of the Opposition and approved by the House to insert a new subclause (3), which states:

A speaker will be in order as long as the contribution is relevant to the subject matter of the question asked and the answer given.

On that basis, I have been allowing speakers in take-note debates—like the previous speaker and the speaker before him from the Opposition—to talk about "the subject matter". Clearly, the member was in order.

PUBLIC SCHOOL INFRASTRUCTURE

The Hon. COURTNEY HOUSSOS (13:11:26): During question time today the Opposition asked a series of questions about demountable classrooms in New South Wales. In response the Minister said that they have always been a feature of the New South Wales school system. Our questioning showed that demountable spending has ballooned under this Government from \$5 million in 2011-12 to \$78 million in 2018-19. The reason for this was uncovered in further questioning when the Opposition Whip asked about Riverbank Public School, which has 39 demountables. Riverbank Public School opened in term one of 2015. The school is four years old and has 39 demountable classrooms. That is a significant failure to plan for the future growth of a school.

I asked whether there was an Australian record at Oran Park and Girraween public schools. At Oran Park, which was opened in January 2014, there are 44 demountable classrooms. The Government likes to talk about its amazing spending program and all the new schools it is going to be building around New South Wales. The local communities that are promised local schools expect permanent classrooms, permanent toilet blocks and permanent libraries, not simply a plot of land to host a sea of demountables.

SILICOSIS SCREENING

Mr DAVID SHOEBRIDGE (13:13:02): During question time the finance Minister took on notice a question—in good faith—about poor diagnosis rates when X-rays are used to identify silicosis. It is especially concerning for workers in fabrication yards and those who install manufactured stone in New South Wales. Over 6,500 scans of workers who are at significant risk of an occupational lung disease have been done by icare, which is the principal agency in charge of the Dust Diseases scheme. Many of them work in the manufactured stone industry. The reason silicosis is so troubling is that we thought it was an occupational disease that we had eradicated. Unfortunately, because of manufactured stone, a significant number of workers across the country are being struck down with silicosis, which can progress rapidly—

The Hon. Natalie Ward: Point of order: Although he is speaking about a serious topic, the honourable member is not dealing with the answer that the Minister gave. The Minister took the question on notice and the honourable member is well aware that this is the subject of a current parliamentary inquiry. I ask you to draw his attention to the rules for a take-note debate. His contribution clearly does not comply with them.

The Hon. Adam Searle: To the point of order—

The PRESIDENT: For the same reasons I gave earlier, there is no point of order.

Mr DAVID SHOEBRIDGE: More than 6,500 workers have been scanned using X-ray technology. The Royal Australian and New Zealand College of Radiologists advises that they may be missing more than 40 per cent of silicosis cases. That is unacceptable. I think all of us agree it is unacceptable. The member who took the point of order and the Chair of the law and justice committee—both Government members—have been genuinely concerned about this issue. It is not and it should not be a partisan issue. But at the moment the key regulator in New South Wales, which is SafeWork NSW, is failing to do its job and is handing over all responsibility to Safe Work Australia.

I am not satisfied that it will give appropriate and timely advice to the ministers so that we get CT technology installed. I am also not satisfied that icare is aware of the latest key medical advice about the use of CT scans because it was unaware, for example, that X-rays miss such a large proportion. The evidence we heard in the inquiry is that technology is available right now to put low-dose, high-resolution CT scans in the Lung Bus. It cannot wait another month. It cannot wait another six months. It needs to be done now. [*Time expired.*]

PUBLIC SCHOOL INFRASTRUCTURE

The Hon. WES FANG (13:16:09): We have heard much from the Opposition today about school funding.

The PRESIDENT: I indicate that in the take-note debate honourable members are required to say what question and answer they are referring to. Otherwise it becomes difficult for me.

The Hon. WES FANG: I wish to take note of the excellent answer by the Minister for Education and Early Childhood Learning about the fantastic school funding that the Government is delivering. Those opposite like to focus on small issues. We have talked about the increase from \$5 million to \$78 million—

The PRESIDENT: Order! Opposition members will come to order. The member has the call.

The Hon. WES FANG: They just don't like good news. Here we are with \$6.7 billion for school infrastructure to deliver permanent classrooms for kids right across New South Wales. Yes, there has been an increase in spending on demountables. That is probably because members opposite failed to deliver anything for education. They absolutely failed.

The Hon. Penny Sharpe: Point of order: This is an important debate in which we are supposed to talk about the answers that were given, not speculate on what might be a good thing that the Government may or may not have done in a way that does not directly reflect upon the answers given.

The PRESIDENT: There is no point of order. It is clear that as a result of the amendment in the motion moved by the Leader of the Opposition the take-note debate is no longer only about the answer given. That is what it was previously. It is now about the answer given and the subject matter of the question. It is difficult for me to limit a speaker as long as they are talking about the subject matter of an answer given. The member is in order, unless we change the sessional orders again.

The Hon. WES FANG: I am delighted to talk about the \$6.7 billion that the Liberal-Nationals Government is spending on schools across New South Wales. Members on this side of the House are supporting our students in rural and regional communities and in metropolitan areas. Members opposite are vacant when it comes to schools. They have no ideas and nothing but scare campaigns. Members on this side of the House know the importance of schools and of investing in our students. Those opposite—with their fear campaigns and their scare tactics—are failing to cut through. The people of New South Wales know that this Government is delivering for kids. We will always be the Government that delivers for the students of New South Wales. [*Time expired.*]

NORTHERN BEACHES HOSPITAL MENTAL HEALTH SERVICES

REGIONAL TOURISM

The Hon. ROSE JACKSON (13:19:30): I take note of two answers given today during question time. The first was from the Minister for Mental Health, Regional Youth and Women about the mental health training that New South Wales police receive. The Minister talked about the rollout of a one-day mental health training program to the entire NSW Police Force. As the Minister noted, that is a fantastic program that has given all

New South Wales police officers some insight into mental health problems. However, as we learnt in budget estimates, there is a more intensive four-day program that police can access to really understand the chronic mental health patients that they are dealing with.

It was revealed that almost 50,000 callouts for police involved mental health-associated matters. It was also revealed in answers to supplementary questions that, for example, only one training officer and three radio operators in the Communications Group had received the intensive four-day training, the rollout of which has been at a glacial pace. Whilst the police have access to the one-day program, the dedicated training needed for them to understand the depth of the mental health crisis is not being rolled out at nearly the necessary rate to ensure that they are able to properly manage situations. During budget estimates Commissioner Fuller acknowledged that police are not nurses and doctors. In her answer, the Minister referred to the Police, Ambulance and Clinical Early Response [PACER] program, which is a Health-led initiative that co-locates police with dedicated health professionals. But it is happening only in the St George area command.

A question was asked about an extensive program to co-locate mental health professionals with police on site so that police are able to do their job. The reply was that it had not been considered or budgeted for in New South Wales despite the fact that other jurisdictions in Australia, such as Western Australia, and internationally have adopted the model. The New South Wales Government has not resourced it so the police continue to have to do the job of mental health professionals when there should be more mental health professionals on site supporting those police.

I also take note of the answer from the Minister for Finance and Small Business touting New South Wales tourism numbers. I note that the Minister has left the Chamber. It does not surprise me that people want to come to New South Wales—it is a fantastic place to live and visit. It surprises me that the Government would try to claim any credit for that, considering that over the past two years it has slashed over \$60 million from the tourism budget, pulled Destination NSW into Treasury, imposed a crushing efficiency dividend and underspent the Regional Tourism Fund by \$13 million. In fact, the fund is now frozen because Treasury is doing a review of Destination NSW, presumably to get more budget cuts out of tourism.

SHOALHAVEN MENTAL HEALTH SERVICES

The Hon. PENNY SHARPE (13:22:29): I make a brief contribution regarding the answers given by the mental health Minister about the three-week closure of the Shoalhaven Hospital mental health unit over Christmas. The first point I make is that the parliamentary inquiry into the drug ice recently went to Nowra and heard pretty terrifying evidence about the impact of ice use and the mental health outcomes for people in that area. Christmas is a stressful time for families. Trying somehow to justify the closure of the mental health unit over Christmas this year because only one person was referred to subacute care at Shellharbour Hospital last year is problematic. I believe the closure is happening just to save money.

I draw attention to the fact that in Nowra in the past 12 months, 60 per cent of child removals from parental care were due to ice use by parents or carers. That significant issue flows over into not just mental health but also child removals. Christmas is a stressful time with kids at home. When parents who have significant mental health issues due to ice use cannot get into any rehab facilities, they often end up in mental healthcare facilities and hospitals. The simple fact that only one person went to Shellharbour Hospital last year is not evidence to suggest that the units must close over Christmas. I urge the Minister to explain whether this is simply a cost-cutting exercise. The people of the Shoalhaven have serious issues that must be addressed. Mental health is a serious matter—I know everyone in the House believes that is the case—but we simply cannot say that because only one person went to Shellharbour last year it justifies a three-week shutdown.

REGIONAL TOURISM

The Hon. WALT SECORD (13:24:28): My brief contribution to the take-note debate relates to the answer that the Minister for Finance and Small Business gave about regional tourism. I find it extraordinary that the Minister would give a Dorothy Dixier on supporting the tourism industry when his Government has cut \$60 million from the tourism sector. Under this Government, there has been a poor targeting of new markets and destinations that would attract visitors to New South Wales. For example, the Government is neglecting the emerging middle class in India. I end my contribution by saying that every seven international visitors and every 14 domestic or interstate visitors create or support a new job in the New South Wales economy. Rather than cutting tourism funding, the Government should be investing in supporting our tourist operators. They have made representations to the Opposition and want us to speak out on their behalf to criticise the Government for its lack of support for the tourism sector.

REGIONAL TOURISM

The Hon. JOHN GRAHAM (13:25:41): I speak about the answer of the Minister for Finance and Small Business on tourism. I am glad my colleagues have spoken about this issue. I have concerns with the Minister's approach. It is not just about money being cut; it is about the growth rate in tourism. Yes, tourism is growing in New South Wales but not nearly as quickly as in other States and countries. We should be aware of that. A look at the budget reveals that tourism numbers are one of the key risks to the New South Wales economy. That statement is not buried in the back of the budget papers; it is up in lights in *Budget Paper No. 1*, which shows the figures for tourists coming to New South Wales this year. That is not a good sign. That is not a sign of a system on track. I am glad more people are coming to New South Wales and I hope the numbers grow more, but tourism is not on track.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (13:26:50): In my contribution to the take-note debate I will firstly address the issues that the Hon. Tara Moriarty and the Hon. Penny Sharpe raised about the Illawarra Shoalhaven Local Health District. They said that only one person in that area needed mental health services during the Christmas period last year, but that is the fact. This is about a subacute mental health care unit with voluntary admission. We have clearly said that if people require those services, or if inpatients do not want to exit the facility to go home or are not ready to, then we will accommodate that. To insinuate that places are shutting and that there will not be anywhere for someone to go is simply wrong. We have said very clearly that there will be places to go and somewhere to stay. Opposition members insinuated that staff would not be looking at that, but these are clinical decisions that are being made.

I also refer to the Police, Ambulance and Clinical Early Response [PACER] program. I thank the Hon. Rose Jackson for her positive comments about mental health, the Government's policy and the police doing the one-day mental health course. About 17,000 police have done the one-day course. I acknowledge what the member said; we all need more training and we can all do more things, but that is a pretty good achievement. About 2,000 officers have completed the four-day mental health training course. I want to see more of it too. It is happening. It is rolling out. I do not think that 2,000 officers doing a four-day intensive mental health training course is insignificant. I think that was an unfair and inaccurate comment. I make it clear that the PACER program is a great program. It is a trial. You do not keep doing the same thing and expecting different outcomes; you try new things. That is what PACER is all about.

I spoke to the police officers who are doing this and I spoke to the mental health clinicians who are doing this. They are really excited about this program, which is a good thing. If we are going to achieve the great results we think we are going to achieve then we do the right thing. We have a go, we try something different, we work together and we end up getting great results. When we get great results, we can look at trials and we can roll them out because if we keep doing the same thing while expecting a different outcome, we often do not get it. I raise those issues but these are really good initiatives. These are good trials. This Government is brave and courageous. Most importantly, brave and courageous mental health workers work— [*Time expired.*]

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

Motion agreed to.

Deferred Answers

EARLY LEARNING STOCKTON

In reply to **the Hon. PENNY SHARPE** (25 September 2019).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

On Wednesday 25 September 2019, the Department of Education contacted Mission Australia Early Learning Beresfield. A staff member confirmed that following the closure of the Early Learning Stockton service, only one child was bussed for two weeks and is no longer being transported. Further, the department was advised where families wanted continuity of care, these children have been enrolled in other local services.

PUBERTY-BLOCKING DRUGS

In reply to **Reverend the Hon. FRED NILE** (25 September 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—

The Minister provided the following response:

Young people in New South Wales receive puberty blockers for a variety of indications, the main indications being precocious puberty, gonadal protection or menstrual control during chemotherapy for cancer as well as gender dysphoria. All young people

that are treated with puberty blockers receive regular clinical review and appropriate investigations to monitor for any adverse effects by medical specialists.

Although all medical procedures have associated risks, there is no evidence to support the existence of risks as described in the member's question.

INTEREST RATES

In reply to **the Hon. WALT SECORD** (25 September 2019).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

As at mid-October 2019, NSW Treasury does not expect the cash rate to be cut to zero during the four-year budget forecast period.

However, financial markets currently expect a further cut of 0.25 per cent to the cash rate by March 2020, which would see the cash rate drop to 0.50 per cent.

There are several mechanisms by which monetary policy easing would stimulate increased economic activity:

- a. **savings and investment**—interest rates impact incentives for savings and investment. Generally, lower interest rates discourage saving and encourage borrowing and investment.
- b. **cash-flow**—lower interest rates reduce debt repayments, increasing the cash available for spending. However, a reduction in interest income on savings could reduce spending for some households and businesses.
- c. **asset price and wealth**—lower interest rates support demand for assets like housing and equities, pushing up prices. This in turn increases equity for asset holders, improving their borrowing capacity. Improved wealth can also lead to higher consumption and housing investment as households generally spend some share of any increase in their wealth.
- d. **exchange rate**—lower interest rates generally result in a lower exchange rate than would otherwise arise, increasing export demand stimulating Australian business activity. A lower exchange rate can also add to inflationary pressures, including capital imports, which can partly offset some of the benefit to business investment.

While lower interest rates and a stronger economy benefit the community as a whole, the impact on individuals would depend on their personal circumstances. However, NSW Treasury is able to provide some general comments:

- e. Households that are **"borrowers"**—will generally be positively affected by cuts to the interest rate.
- f. Households that are **"lenders"** typically older households (e.g. self-funded retirees)—will be negatively impacted by cuts to the interest rate. However, these households tend to be (comparatively) asset rich, meaning they will benefit via the asset price.
- g. **Low income households** tend to have both limited debt and limited assets. These households benefit the most from a lower unemployment rate (which supports labour income). Even if monetary policy has less of an impact when interest rates are low, any net benefit for the economy should also benefit these households.

NSW Treasury continues to monitor the outlook and assess the likely economic and fiscal impacts of unconventional monetary policy.

COAL INDUSTRY

In reply to **Ms ABIGAIL BOYD** (25 September 2019).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

My stated aim is to make New South Wales the number one mining investment destination. Coal is a huge part of that, delivering regional prosperity. I have seen nothing that alters my position.

MARSDEN PARK SCHOOL

In reply to **the Hon. DANIEL MOOKHEY** (25 September 2019).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

A project is underway to deliver a new primary school on Northbourne Drive in the Marsden Park area for up to 1,000 kindergarten to year 6 students. This project is in the design phase and is forecast for completion in early 2021. This was not an election commitment. The project has been underway since receiving funding in the 2018-19 budget.

A commitment at the 2019 election was to build a new high school in Marsden Park. This project is in the early planning stage.

LONGWALL COALMINING

In reply to **the Hon. MARK PEARSON** (25 September 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

This question should be referred to the Minister for Water, Property and Housing.

SYDNEY TRAINS ASBESTOS REGISTER

In reply to **the Hon. MARK BUTTIGIEG** (25 September 2019).

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council)—The Minister provided the following response:

I am advised:

Please refer to my answer to the budget estimates question taken on notice.

SCHOOLS ASBESTOS MANAGEMENT PLAN

In reply to **the Hon. ROSE JACKSON** (25 September 2019).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

Schools that have works being conducted on site which impact the open or green space, are excluded from the Share Our Space program.

All schools undergo a risk assessment before participating in the Share Our Space program. Risk assessments take asbestos removal works into consideration.

JUVENILE DETENTION CENTRES

In reply to **the Hon. ROD ROBERTS** (26 September 2019).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

As the representative of the Minister for Families, Communities and Disability Services in the Legislative Council, I enclose advice received from the Minister in response to a question without notice on 26 September 2019.

I am advised as at 22 July 2019, there were 54 young people in Youth Justice custody in New South Wales who were 18 years old or older.

ANTIBIOTICS USE

In reply to **Reverend the Hon. FRED NILE** (26 September 2019).

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women)—The Minister provided the following response:

There is currently no published data available on the rate of consumption of antibiotics in New South Wales per year.

The inappropriate use of antibiotics contributes to antimicrobial resistance in bacteria, resulting in some antibiotics no longer being effective in combating infections. Antibiotics should only be used when clinically indicated, where benefits outweigh risk of harm.

New South Wales has supported the National Antimicrobial Resistance Strategy 2015-2019 and has provided input into Australia's Next Antimicrobial Resistance Strategy 2020 and Beyond, which includes appropriate and judicious prescribing, dispensing and administering of antimicrobials, and an increased awareness and understanding of antimicrobial resistance.

All New South Wales hospitals have antimicrobial stewardship programs in place to ensure that antibiotics are used appropriately to prevent and treat infections. New South Wales hospitals also have infection prevention and control programs that further assist in the reduction and management of antimicrobial resistance.

The Clinical Excellence Commission has a statewide Antimicrobial Stewardship Program and HAI [Healthcare Associated Infection] program to support initiatives in New South Wales public health facilities and works closely with Health Protection NSW.

Written Answers to Supplementary Questions

REGIONAL TEACHERS

In reply to **the Hon. WALT SECORD** (15 October 2019).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

The department monitors school enrolments continually and adapts educational provision accordingly. For any school where enrolments may be declining for various reasons there is wide consultation with school communities prior to any considerations being made to request the Minister to approve closing a school or placing a school into recess.

The relevant procedures governing the process for consultation and decision making processes are outlined in the following documents.

- Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered - 2017
- EDUCATION ACT 1990 - SECT 28 Closure of government schools

I have been advised by the department there have been five schools placed into recess since 2017:

Collingullie Public School
Oxley Public School
Premier Public School
Wollar Public School
Mingoola Public School

Members

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT: I report receipt of a communication from the Official Secretary to Her Excellency the Governor. I will acknowledge Her Excellency's communication and the resignation of the Hon. Niall Blair will be made in the Register of Members of the Legislative Council.

Documents

MEMBER FOR DRUMMOYNE

Dispute of Claim of Privilege

The PRESIDENT: Yesterday I informed the House that the Clerk had received written communications disputing the validity of the claim of privilege on documents lodged with the Clerk on 26 September 2019 relating to the disclosures of Minister Sidoti under the ministerial code of conduct:

1. Correspondence from Mr Shoebridge, dated 27 September 2019; and
2. Correspondence from Mr Searle dated 1 October 2019.

I further informed the House that, according to standing order, the Hon. Keith Mason, AC, QC, being a retired Supreme Court judge, had been appointed as an independent arbiter to evaluate and report as to the validity of the claim of privilege.

This morning the Clerk and I received correspondence from Mr Mason indicating that, having commenced his examination of the papers, he had formed the view that he may have a perceived conflict of interest in dealing with this matter and that in the circumstances he should recuse himself from this matter and has returned the papers to the Clerk. I am therefore required under Standing Order 52 to appoint an alternative independent legal arbiter in this matter. I will be consulting with members and will advise the House once an alternative independent arbiter has been appointed.

I will now leave the chair. The House will resume at 3.00 p.m.

Condolences

THE HON. TIMOTHY ANDREW FISCHER, AC, FORMER MEMBER FOR STURT AND FOR MURRAY, AND FORMER DEPUTY PRIME MINISTER

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)
(15:02:55): I move:

That:

1. This House acknowledges with sadness the death of the Hon. Timothy Fischer, AC.
2. This House recognises with gratitude his service:
 - (a) as Deputy Prime Minister from 1996 to 1999;
 - (b) as Leader of the National Party from 1990 to 1999;
 - (c) as the Federal member for Farrer;
 - (d) as a member of the Legislative Assembly representing the districts of Sturt and Murray;
 - (e) as the Australian ambassador to the Holy See; and
 - (f) to our nation during the Vietnam War.
3. This resolution be communicated by the President to his family.

It is with great privilege as leader of The Nationals in this place that I stand here and move this motion to acknowledge the life of the Hon. Timothy Fischer AC.

[Business interrupted.]

Visitors

VISITORS

The PRESIDENT: I think this is an appropriate time to welcome into my gallery this afternoon Ms Judy Brewer, wife of the Hon. Timothy Fischer, AC. Ms Brewer is accompanied by their son Dominic Fischer, Mr Fischer's sister Ms Vicki Baudry, his brother-in-law Mr Yves Baudry, his niece Ms Cynthia Coghill and several close friends. Mr Fischer's family and friends are visiting the Chamber this afternoon to hear the condolence motion to honour his enormous contribution to the State of New South Wales and Australia.

Condolences

THE HON. TIMOTHY ANDREW FISCHER, AC, FORMER MEMBER FOR STURT AND FOR MURRAY, AND FORMER DEPUTY PRIME MINISTER

[Business resumed.]

The Hon. SARAH MITCHELL: Like you, Mr President, I also want to begin by acknowledging the members of Tim's family and his friends, especially those who are here with us at Parliament today, particularly his wife, Judy, and one of their sons, Dominic. I understand that they will be with us for a little while during this condolence motion and that they will then move to the other place where members will also be honouring Tim in Parliament this afternoon. Thank you for being here. It is wonderful to see you at Parliament.

There is much that can be said about Tim and his life but I do not intend to make a lengthy contribution, as I know many others in the House would also like to speak on this motion this afternoon. I will largely limit my remarks to his political contribution, while of course acknowledging the many and varied roles he had throughout his life. Tim, known affectionately as the man with the hat, was a great politician and an icon of regional Australia. He had a profound impact on Australia, on the National Party and on many members in this place.

In every aspect of his life, Tim served our country with commitment, courage and integrity. At the age of 18, Tim found himself conscripted into the army as part of national service. He had two nine-month stints in Vietnam, fulfilling the role of transport officer as well as platoon commander. When Tim became the member for Sturt in the other place in 1971 it was exceptional for a number of reasons. The *Border Morning Mail* at the time described him as "Single, a farmer and from Boree Creek". At 24 he became the youngest New South Wales politician to be elected, as well as the first returned serviceman from the Vietnam War. I am sure all members would agree they are two extraordinary achievements. Tim served as the member for Sturt from 1971 to 1980. He then served as the member for Murray from 1980 to 1984. I know that the communities of those electorates have much to be thankful to Tim for with the incredible work that he did as their local member and that they hold him in the highest regard.

While in the New South Wales Parliament, Tim also served as the shadow Minister for Conservation and Water Resources from 1978 to 1981, the shadow Minister for Transport from 1981 to 1983 and shadow Minister for Water Resources and Forests and Corrective Services until his retirement from State politics in 1984. Tim made significant contributions on behalf of not only The Nationals but also the Coalition in all of the roles that he held. It was in 1984 that Tim ran for and won the Federal seat of Farrer. During his time in Federal Parliament he served as the shadow Minister for Veterans' Affairs, the shadow Minister for Energy and Resources and the shadow Minister for Trade. But, most importantly, he was leader of The Nationals, Deputy Prime Minister and Minister for Trade from 1996 to 1999.

Much has been said in the media, particularly since Tim's passing, and I think it would be a fair comment to make that many commentators in the Canberra bubble certainly underestimated Tim's ability to lead The Nats. He was seldom seen far from his beloved akubra hat and he had a kaleidoscopic collection of ties. He had a speaking style possessing the mild echo of a childhood speech impediment but, as became clearly evident during his time as leader of The Nationals in that place, he always stood for what was right, not just what was politically easy.

There are many great contributions that Tim made during his time in public life and I gave a lot of consideration to which of those I would mention in my contribution, but, for me, it was pretty clear. One of his greatest legacies was without doubt his fearless approach to the reform of our gun laws that have kept Australians safe for generations. After the tragic Port Arthur massacre in 1996, Tim was tasked by then Prime Minister John Howard to gather support for the Government's gun reform legislation in the bush. This was no easy feat and Tim

often faced angry sentiments in the bush. I remember being only a high school student at the time living in a regional area, but even I can recall the angst that this reform created in many country communities. What Tim did was not politically easy, but it was right. His support for those reforms, his dedication and his ability to communicate with the bush and get the outcomes that we needed truly changed this nation for the better.

Tim resigned as Deputy Prime Minister in 1999 to spend more time with his two sons, Dominic and Harrison, and his wife, Judy. Further, he resigned from Parliament in 2001. After Tim's retirement from politics he was involved in numerous public roles and I am sure that many members who make contributions to this debate today will comment on those. In particular I acknowledge his positions with the United Nations High Commission for Refugees, the Fred Hollows Foundation and the Royal Flying Doctor Service. It would also be remiss of me to make a parliamentary contribution about Tim Fischer and not mention trains. It is no secret that Tim was a lover of trains and the railway, even writing three books on the matter. Throughout his political career, he made a point of visiting railway stations across country Australia to "... get a feel for the standard of living and quality of infrastructure in countries off the beaten track". He always stood up for the people of regional Australia. Our communities and our infrastructure in the bush are better because of Tim Fischer.

From a personal perspective, despite being from the same party as Tim, I had the opportunity to meet him only a handful of times at The Nationals events over the years. This was largely because we were from different parts of the State and my time in politics and The Nationals started after Tim had left Parliament. But I can say without doubt that Tim was a giant of The Nationals. He was one of the best leaders our party has had and will ever see. His passion and dedication to the bush were without measure. There is no doubt that the boy from Boree Creek left an indelible mark on both The Nationals and the nation. We are forever grateful to him. Vale, Tim Fischer.

The Hon. ADAM SEARLE (15:10:22): On behalf of Labor I associate our side of the Chamber with the condolence motion for the Hon. Tim Fischer, AC, and extend our condolences to his wife, Judy, the rest of the family and his friends. In the passing of Tim Fischer the bush and Australia has lost one of its finest sons. He will be forever remembered as a once-in-a-generation politician who radiated kindness and empathy for the people he served. I join the Deputy Leader of the Government in her words and all members in this place in extending our condolences to his family and friends and the people that he helped throughout his life and career. As a former State and Federal parliamentarian, the former Federal Leader of The Nationals and Deputy Prime Minister from 1996 to 1999, Tim Fischer was genuinely respected across the political spectrum. He will always be known as a man of decency and compassion who prided himself on his service to his community as well as his nation.

His life was an extraordinary one by any measure. But despite the illustrious titles he held throughout his over 40 years in public life, he was first and foremost a country boy. He was known as the boy from Boree Creek and became permanently identified with the akubra, which he would don later in life. Raised in the small town of Lockhart in the Riverina, he served Australia in the military at the age of 18, being conscripted into the army and serving as a second lieutenant in the Vietnam War. After the war he returned to the Riverina. He served New South Wales in the other place of this Parliament for some 14 years, representing Sturt and Murray. He later served his nation in the Federal Parliament as the member for Farrer and ultimately as Leader of the Nationals and Deputy Prime Minister.

During his time in public life Tim Fischer was known by both sides of politics as a man of conviction who stuck by his principles even when it was difficult to do so. As the Deputy Leader of the Government outlined, and I am sure many members in this place and the other place will note, he will forever be remembered for his steadfast advocacy for stricter gun control regulation in the wake of the Port Arthur massacre. No-one should ever underestimate how difficult and courageous he was when he took a stand on gun control. When the legislation passed the Federal Parliament then Opposition Leader the Hon. Kim Beazley mentioned that Tim Fischer and The Nationals did not need to vote the way they did because the House of Representatives had the numbers for that legislation to be carried without their active engagement. The Hon. Tim Fischer led his party and engaged with a very difficult issue for its constituency. We acknowledge that this was a very difficult and polarising issue for The Nationals' constituency but he did not squib the fight; he did not duck it as is often the way in politics. He squared his shoulders and he met the challenge head on.

The stand he took on gun control occurred despite the fierce opposition from many in The Nationals constituency and in the conservative constituency more generally. Despite the political risks he stood his ground because he knew that it was ultimately the right and moral thing to do. More than 20 years later, Australia is a more peaceful nation that is largely free of the terrible gun crime and certainly the mass shootings that we see in other Western democracies such as the United States. All of Australia owes him a debt of gratitude for that.

Tim Fischer also demonstrated great courage and conviction by standing up to the divisive and racist sentiments expressed by Pauline Hanson and One Nation in the late 1990s. Tim was known as a straight talker. He did not hold back when he rightly labelled Hanson's politics as "divisive, dumb and wrong". He opposed

Hanson's politics not only from a moral standpoint but also from an economic standpoint. He knew that regional and rural Australia would be able to succeed and thrive only by engaging with international markets, particularly in Asia. Tim Fischer said that it was just plain dumb to pursue an isolationist view of economics and politics and he was absolutely right.

His stance came from his strong belief that coming from the bush should not limit what a person is able to achieve—a belief I hope all members of this House hold strongly. Tim Fischer stands as an example for all kids in the bush that they have the potential to achieve anything that they strive for. While Tim Fischer held the title of the boy from Boree and rose to become Deputy Prime Minister, he was also Australia's first resident ambassador to the Holy See in the Vatican. But when all was said and done, the most important aspect of life for Tim was his family. He retired from politics in 1999 by putting his family's needs before his continued political career. Following the announcement of Tim Fischer's retirement from politics, then Labor leader Kim Beazley summed up the respect and reverence shown towards Tim by members of both sides of Parliament when he said:

You are one of the very genuinely loved people in this place ... You are going to be very much missed by us.

Unless my memory is playing tricks on me, which is always possible, I remember that when he announced his retirement and was being doorknocked on the steps of Federal Parliament House, he was being pressed as to why, at the zenith of his influence in the Howard Government, he was choosing that moment to retire. It seemed strange and the cynics around Parliament were having trouble with the notion that someone might want to leave public life to spend more time with their family. Tim Fischer said this: The time to go is when they are asking you to stay. I think many of us in public life can learn from that sentiment. Following Tim Fischer's passing, the sentiment expressed by Kim Beazley about him being missed takes on a new meaning for New South Wales and Australia. I conclude by extending my condolences and the condolences of the Australian Labor Party to Tim's wife, Judy, and sons, Harrison and Dominic, who are here with us today.

The Hon. WES FANG (15:17:38): Others will talk about Tim Fischer's achievements, but I want to lend my voice to the person, the mentor and the friend that I was fortunate enough to know him as. I remember the first phone call I had from Tim because it was unexpected. A mobile phone number popped up on my phone. When I answered he said, "Hi, Wes. It's Tim", and we started a conversation. This was long before I was elected to this place. Tim has always been generous with providing advice and guidance to those who could use his help and he was always generous to me. We had so many similarities in our lives, even though it may seem unlikely. We both grew up in the Riverina. We were both army officers and second lieutenants, which is a fairly unusual rank these days. We were both elected to the New South Wales Parliament. I will expand on a number of other similarities later.

I would get random phone calls from Tim delivering pieces of advice or guidance or it was telegraphed through a mutual friend, Kay Hull. I really valued that advice. I knew if I needed to I could pick up the phone and seek the rational, level-headed, commonsense guidance that Tim would provide. Tim was a frequent visitor to the New South Wales Parliament and would often pop in to say hello to me or to tell me what I had done wrong or share things I could potentially employ in the future. I remember earlier this year on one of Tim's last visits to this place I came down to the Chamber and the attendants said, "Tim was here and he asked us to say g'day to you". He often did that. I thought I had missed him and I would not have a chance to chat with him.

A few weeks earlier I had attended the opening of a gallery dedicated to Tim at the Greens Gunyah Museum, Lockhart. The Minister opened an extension to the gallery last week. It was a wonderful celebration of everything Tim had achieved in life, not just in Parliament. There were so many people there that day that I did not get a chance to sit down and talk with him and I was not happy that I had missed an opportunity to catch up with him in this place. The Boree Creek Public School choir sang the national anthem at the gallery opening. The principal of that school, Liss Routley, took a leaf out of Tim's book and said to me, "I need help getting some money for a covered outdoor learning area". The P&C had raised a substantial amount of money and just needed a little more to get over the line. We were able to do that for them.

I made sure that Tim was invited to the presentation because it was due to the meeting at his gallery opening that we were going to Boree Creek Public School to hand over the cheque. Unfortunately, Tim told us he was unwell and was not able to come. Two or three days before the presentation I received a phone call from Tim where he said, "G'day, it's Tim." I said, "Hi Tim, how are you going?" He said, "Good. I am going to come. By the way, we are going to meet afterwards for a steak sandwich at the Boree Creek pub." And that is what we did. Tim and Kay were with us at the school to hand over the cheque and to sit and talk to the kids. Tim signed a book for the kids.

We then went to the Boree Creek pub and had a steak sandwich with Phil and Jen Baker. Before then we took the opportunity to pop out to visit his farm, Peppers. I will never forget the occasion or the photo I have of Tim, me and Kay at the farm gate. It is a precious thing to me that I was able to spend one more day with somebody

who took such an interest in my career and my life. After the steak sandwich we said goodbye. I read afterwards that Phil, the owner of the pub, said he knew he was saying goodbye for the last time. I think I did as well, although I did not want to think about that. We lost Tim the following week.

There is no shortage of tributes that will flow for Tim in this place. I can see the number of members who are here and who want to say wonderful things about him and all his achievements. I remember not only those things but also the man who took an interest in me, who was always willing to provide advice and guidance and who was so kind and courageous. Everyone will agree upon those last two attributes. In 2017 Tim and I took a selfie as we sat next to each other just after I was elected. He said, "We should send a photo to Kay". That is how I will remember Tim Fischer. I extend my condolences to Judy, Harrison, Dominic and the rest of the family. It is a loss for the nation but it is particularly a loss for his family. It was an absolute pleasure to know him and it was an absolute pleasure to seek guidance from him. We as a nation are poorer for his passing.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (15:25:02): It is a privilege to speak to this motion. Regional New South Wales and Australia have never had a better friend than the Hon. Tim Fischer. Tim was a man who stood for the great traditional country values: He was kind, he was loyal and he was a true fighter. He was dedicated to the bush, he was courageous and he had a fierce love for Australia. Tim was as comfortable talking to locals in the country pub as he was to people at Parliament or at the Vatican. He could have a genuine discussion with anyone who crossed his path and made sure he gave everyone the time of day. It was that quality that earned him the nickname Two Minute Tim. To him everyone was worth talking to and every opinion mattered, even if he did not personally agree.

Tim was a good and faithful servant for regional, rural and remote Australia and a stalwart of the National Party. He will be truly missed. He was famous for his love of trains and was a tireless advocate for rail, writing books and hosting radio programs on the subject. As a fitting farewell, Tim made his final journey from The Rock to Albury by train. Known as "the boy from Boree Creek", Tim was always 100 per cent committed to The Nationals and spent years of his life dedicated to serving our nation. Tim was known as and will forever be a giant of our great party and of Australian politics.

So many in the National Party and across the political divide have a deep admiration for Tim, and it is easy to see why. He loved his family, Judy, Dom and Harrison. He loved his trains. He genuinely loved people. He absolutely loved the National Party. He loved the country and he loved Australia. His legacy is mammoth. He improved the lives of thousands living in regional, rural and remote Australia and his work will benefit those who call Australia home for generations to come. I know the people of regional, rural and remote Australia will miss their biggest advocate. Vale, Tim Fischer.

The Hon. BEN FRANKLIN (15:28:31): I contribute today to the condolence motion for former Deputy Prime Minister Timothy Andrew Fischer, AC, an extraordinary individual, beloved husband and father and a national treasure. I was devastated to learn of his passing on 22 August at the age of 73, after battling cancer for over a decade. He was a towering figure and lived his life with integrity, passion, decency and grace. Known affectionately as the "man with the hat", a near permanent fixture was the akubra on his head. He was the best of Australian politics: firm when strength was required, gentle when a compassionate touch was needed and always authentic—a quality he never compromised. He was considered a quintessential parliamentarian, quirky, clever and an incredible grassroots campaigner who commanded respect from all sides of politics.

Born in Lockhart, New South Wales—where a bronze, life-size sculpture will be erected to acknowledge his life—he attended Xavier College in Melbourne and was conscripted into the Australian army in 1966. In May 1968 he was wounded in the Vietnam War at the Battle of Coral-Balmoral. Upon his return from Vietnam he took up farming at Boree Creek, becoming active in the then Country Party. In 1971 he entered the New South Wales Parliament at the age of 24. Tim served 13 years as the member for Sturt and then as the member for Murray before making his move to Canberra, winning the Federal electorate of Farrer in 1984. He was Federal Leader of The Nationals from 1990 to 1999 and became a pivotal player as Deputy Prime Minister in the Howard Government from 1996 to 1999. The former Prime Minister described him as the "epitome of a good bloke" and noted that "he was somebody of whom most people I encountered spoke with great affection and great gratitude for the contribution he made to public life in our country."

Tim will obviously be remembered for the key role he played in reforming Australia's gun laws in the wake of the tragic Port Arthur massacre. It was an extraordinary achievement. He faced fierce resistance among the rural base of my party, The Nationals. But he did it because he believed it was the right thing to do. Then, as always, he acted on principle and he never wavered on his beliefs and commitments. And this, Mr President, is a true representation of the man he was, in and outside of politics.

Affectionately known as Two Minute Tim, he was always on the go. On the campaign trail he often appeared outside a train station in a small town, made a short speech and got right back on the train to go to the

next stop. He would travel thousands of kilometres, farm to farm, before reporting back to the Canberra bubble. He was always in touch with the bush, never tiring of representing what he stood for.

Tim was a devoted husband and father. That came through loud and clear in the beautiful episode of *Australian Story* in which he praised his son Harrison for helping him to get through his cancer treatment and where, although he considered himself a fairly normal Australian ex-army officer, farmer, parliamentarian and party leader, his wife disagreed, saying he was anything but ordinary and was the most extraordinary man she had ever met.

We all know that he was a lifelong railway enthusiast, with a childhood hobby of studying gauges from around the world. He had an extraordinary mind for numbers and was able to roll off train time schedules at the drop of a hat. He was a tireless advocate for rail transport, both during his political career and after, explaining that his fascination stemmed from wanting to gain an understanding of the role trains played in developing modern economies. After retiring he continued his association with rail as a special envoy to the Adelaide to Darwin rail line and, incredibly, travelled on the inaugural freight train and first Ghan passenger train to Darwin in 2004. He even had a locomotive—numbered V-544—named after him.

Fittingly, his last voyage was on one of his beloved trains. Leaving the station for the final time, his coffin made its way from The Rock to Albury, where his State funeral was held on 29 August. Mr President, it was a deeply humbling privilege to attend that service. I was seated directly behind former Prime Ministers John Howard and Kevin Rudd who were there, side by side, warmly sharing stories about Tim. To me, the symbolism of that moment summed up Tim perfectly.

Following his exit from politics, Tim Fischer worked tirelessly for a plethora of causes, including autism, veterans' affairs and agricultural research. He became extensively involved in charity work, assisting the St Vincent de Paul Society and Autism NSW. On 21 July 2008 Tim Fischer was nominated by then Prime Minister Kevin Rudd as Australian Ambassador to the Holy See, the first resident Australian to hold the title. He worked closely with the Vatican on all aspects of the canonisation of Australia's first Roman Catholic saint, Mary MacKillop, before retiring from the post in January 2012. These are just a few of the achievements he was recognised for and their breadth and depth underscore exactly how he earned the incredible respect he commanded throughout his life.

His biographer and journalist Peter Rees described him as a once-in-a-generation politician, and I could not agree more. On a personal level I was honoured to call him a friend. When I decided to run for the Legislative Council he insisted on giving me a reference to distribute to the party's membership. The strength of his endorsement blew me away. When he came to Byron Bay a couple of years ago to speak at the Byron Writers Festival—an event that does not necessarily guarantee the warmest reception for conservative politicians—he was mobbed. He was surrounded with love and warmth from all sides.

Just this year in the run-up to the State election, with his health very much in decline, I was so honoured to arrive home late one night to find a message on my phone from Tim, saying how he was thinking of me, wanting me to win and giving me a long endorsement I could use in the campaign if it would help. I did not ask him for that. But this man, nearing the end of his life, was still thinking of how he could help others before himself. I will keep that message for the rest of my life.

Today and always my thoughts and condolences are with Tim's magnificent wife, Judy, and his beloved sons, Harrison and Dominic. He will never be forgotten. We will never see his like again. The nation thanks you for your service, Tim. May you rest in peace.

Reverend the Hon. FRED NILE (15:34:19): It is a great privilege to support the condolence motion in honour of the Hon. Timothy Andrew Fischer. I remember a community meeting held not long ago at Brighton-Le-Sands to discuss some local issues where Tim turned up. I thought with all the things he had to do why would he give his time to such a small local community meeting. But he was all about relating to the needs of the community. The motion moved by the Minister for Education and Early Childhood Learning states:

1. That this House acknowledges with sadness the death of the Hon. Timothy Fischer, AC.
2. That this House recognises with gratitude his service:
 - (a) as Deputy Prime Minister from 1996 to 1999,
 - (b) as Leader of the National Party from 1990 to 1999,
 - (c) as the Federal member for Farrer,
 - (d) as a member of the Legislative Assembly representing the districts of Sturt and Murray,
 - (e) as the Australian Ambassador to the Holy See—

Given my involvement in and support of the church, I was particularly pleased to see him take up that role and carry it out with great enthusiasm and diligence—

(f) his service to our nation during the Vietnam War—

He was wounded in that conflict—

3. That this resolution be communicated by the President to his family.

Tim Fischer was educated at Xavier College, Melbourne. He saw military service in Vietnam as a platoon commander and transport officer in the First Royal Australian Regiment in 1967. After a career in New South Wales State politics as a member of the Country Party, later the National Country Party and from 1982 the National Party in the Legislative Assembly, Mr Fischer entered the Federal Parliament in 1984, representing the interests of farmers and country people. He rose through the ranks to become the National Party leader in 1990. Mr Fischer was re-elected leader after the National Party won two additional seats from the Australian Labor Party in the March 1993 general election. As a senior leader of the National Party, representing rural and regional Australia, he was seldom out of the headlines.

I will not refer to the headlines today but one that caught my attention related to a disagreement he had with former Prime Minister Paul Keating. Tim Fischer, himself a Roman Catholic, was critical of the attempt by Prime Minister Paul Keating to link his own Irish Catholic heritage to support for Australia's republican movement. Mr Fischer warned that sectarianism was never very far from the surface in Australian political life and added that Keating had been irresponsible in fanning its embers by saying that an Irish Catholic background had led to his commitment to abolishing links with the British monarchy. Fischer felt no such allegiance. On the contrary, he spoke out against the republican movement, launching a fierce campaign urging Australians not to change the Constitution without considering "the huge ramifications of making the president commander in chief of the Australian armed forces".

Mr Fischer served as Deputy Prime Minister and trade Minister in John Howard's Liberal Government from 1996 to 1999 and gave very faithful and loyal service to John Howard, the Prime Minister. Mr Fischer resigned as National Party leader in 1999 and retired from politics in 2001, after which he took on a variety of public service positions. An important position was in January 2009 when Mr Fischer became the Australian Ambassador to the Holy See, which represents the Roman Catholic Church in Vatican City. He carried out those duties with great zeal and genuine appreciation of his role and of serving in that way. We thank God for Mr Fischer, for his life and for his service to the nation.

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (15:39:40): This afternoon we pay tribute to a former member of the New South Wales Parliament in the other place who represented the electorates of Sturt and then Murray, a former member for Farrer in the Federal Parliament who served as both leader of the then National Party and as Deputy Prime Minister and an Ambassador to the Holy See from 2009 to 2012.

As Leader of the Liberal Party in this House and on behalf of Liberal members, I pay tribute to someone whose tireless work for the people of Australia endeared him to members on both sides of the aisle, to use that expression. Like my interactions with many Liberal and Nationals members of Parliament whom I knew before my election to this place, I got to know Tim Fischer because I was in the middle of an argument about an electoral boundary redistribution. It was a collision between Tim and Wal Fife. Of course I was in Wal's corner. Tim won but he was always magnanimous in victory and we had many pleasant interactions in the oddest of places over the years after that.

Invariably we would be traversing his idiosyncratic and diverse range of interests, a number of which I shared, including Monash and Bhutan. He was very interested in Bhutan, as I am. And we all know about his interest in trains. I will burden the House with my childhood interest in trains on another occasion. In particular I remember an experience with Tim that would not have been at all unusual for him, and that was a Brindabella Airlines flight between Canberra and Albury—the only one I ever took. That flight virtually goes vertically up and then vertically down very quickly. It is quite an experience. Sitting in the back row, Tim took me through that and provided all sorts of aviation trivia along the way, which kept me constantly entertained.

Tim Fischer was possibly Australia's most famous trainspotter. He was also renowned for his love of machinery and farm vehicles. Earlier the Hon. Wes Fang spoke about Tim's association with the Greens Gunyah Museum at Lockhart, of which he was a patron. The Hon. Wes Fang told the House that the local museum volunteers decided to dedicate a gallery in the huge brand-new pavilion—paid for by the Regional Cultural Fund—to Tim Fischer, arguably the most famous son of the Lockhart shire. The gallery has his maps and his train memorabilia and his tractor is out the back amongst a huge collection of antique farm machinery. It is quite

extraordinary. I have no doubt that Tim Fischer had a big role in developing that idiosyncratic and extraordinary collection.

I will not speak for long this afternoon because I know that a number of members want to make a contribution. In conclusion, Tim Fischer was passionate about everything he did. He was a leader and a patriot. His life was well lived and, most importantly, a very large part of it was dedicated to the service of his nation, which we all benefited from. Vale, Tim Fischer.

The Hon. WALT SECORD (15:44:18): I make a brief contribution to the condolence motion regarding the life of former Deputy Prime Minister Tim Fischer, who died on 22 August 2019 at the age of 73. I commend the Minister for Education and Early Childhood Learning, the Hon. Sarah Mitchell, for moving the motion in this House. Mr Fischer was a farmer, soldier, politician, diplomat and author and—it might be said with the greatest of affection—a tad eccentric. He served in the New South Wales Parliament from 1971 to 1984 and on the Opposition frontbench from 1978 to 1984. More significantly, he was the Federal member for Farrer from 1984 to 2001. He led the then National Party from 1990 to 1999 and was Deputy Prime Minister and trade Minister in the Howard Government. After politics he was chairman of Tourism Australia from 2004 to 2007 and was Australia's Ambassador to the Holy See from 2009 to 2012, appointed by then Prime Minister Kevin Rudd.

I vaguely remember the appointment and a photograph involving the Pope and an akubra. Before that, Mr Fischer served as a conscript on active duty with the Australian Army in Vietnam for two separate nine-month stints. That is a lot of life. I will be brief today as there are many other tributes and columns to Tim Fischer and his contribution to Australian public life, including a condolence motion in the Federal Parliament on 9 September 2019. I have been active in Labor Party circles in all three spheres of government since 1991 and encountered Mr Fischer on several occasions in an official capacity. I had the honour of meeting Tim Fischer when he was promoting a Tumbarumba walking track, the Tumba track.

At that time I worked as Director of Communications to then Premier Bob Carr. Tim Fischer and Mr Carr undertook a short symbolic trek for the media. Afterwards he presented a handcrafted wooden walking stick to the office to commemorate the occasion. I still have that walking stick. In fact, it is upstairs in my office behind my desk. When I smashed and shattered my ankle in 2016, I used it in Sydney and I thank Mr Fischer for the stick. I note that Mr Fischer had quirky interests like trains and military history but he was able to connect those interests with positive public contributions. He was armed with an encyclopedic knowledge of Australia at war and was at the forefront of the push to give the appropriate recognition to Sir John Monash, arguably Australia's greatest soldier and a prominent member of the Melbourne Jewish community. Monash is considered to be one of the best Allied generals of the First World War.

Sir John Monash rose to the rank of lieutenant general by the end of World War I and was knighted in August 1918 by King George V outside Villers Bretonneux, a village in western France. He was the last person to be knighted on the battlefield. Despite the royal acclamation, some of Sir John Monash's relatives and his historical champions believe he was denied greater military recognition to field marshal because of powerful and influential people, including the then Prime Minister Billy Hughes. Sir John Monash's biographers also contend that his Jewish origins were counted against him.

Regardless of the reasons for Sir John Monash not receiving the recognition he deserved during his lifetime, Tim Fischer was part of the move to have him posthumously promoted to the supreme army rank of field marshal. As the Deputy Chair of the NSW Parliamentary Friends of Israel, I lend my support to the calls by Tim Fischer and others to posthumously and properly recognise Sir John Monash. However, it would be remiss of me not to mention that Mr Fischer also disagreed with the Australian Jewish community on Lebanon, Israel and Palestine. While there was some disagreement, he was always respectful, polite and sincere. The nation can be very proud of Mr Fischer's role in gun law reform in Australia after the Port Arthur massacre. A strong advocate for rural and regional Australia, he was one of the first to recognise the importance of Asian and Middle Eastern markets, leading Australia's diversification away from dependence on Commonwealth ties.

In a similar vein, he also fought with former Queensland Senator Ron Boswell against emerging extremist groups in Australia, like the Australian League of Rights, the Lyndon LaRouche-affiliated Citizens Electoral Council and Pauline Hanson's One Nation, which promoted bizarre and very simplistic conspiracy theories to rural families. He fought them. Here he showed his capacity to act in the nation's long-term interests over short-term political exploitation. While cut from a different political cloth to mine, it is easy to see how Tim Fischer did strive to find and harness what Paul Keating called "the golden threads" of our communities. He sought to face challenges conservatively but clearly and with a frankness that will be missed. I commend the motion to the House.

The Hon. SHAOQUETT MOSELMANE (15:49:44): I wish to make a short contribution on this condolence motion, recognising one of our great political leaders. Tim Fischer, AC, was a genuine man, respected

by many around Australia and overseas. Tim was a devout Catholic. He held strong socially conservative views. He did not hide them and did not hesitate to express them but he was always respectful. He was also a uniting figure who spoke against divisive politics such as Hansonism and racism. According to *The Guardian*, he was the only Minister in the Howard Government to sign up to the parliamentary code of race ethics championed by Labor and the Australian Democrats. Unlike Prime Minister Howard, he took on Pauline Hanson, labelling her race-based commentary as "divisive, dumb and wrong".

He was always a resolute individual. A man of conviction. He stood by those convictions even if they were to his political detriment. He opposed Mabo and stood with gun control. He was always steadfast in his positions as he was in his support for justice for the Palestinian people and their right to their homeland. For that, he was much loved and respected by the Australian Arab community. He was as much interested in multicultural Australia as he was in forging closer relationships between Australia and Asia, building strong friendships particularly with people in Thailand, Singapore, Indonesia and others. Tim Fischer was an admirable political leader and for that he will always have our respect. My condolences to his family. May he rest in peace.

The Hon. MICK VEITCH (15:51:44): A lot has been said about the Hon. Tim Fischer's political life. A bit like the Hon. Wes Fang, I have known Tim for a while. I was elected to Young Shire Council in 1995. Not long after my election I crossed paths with Tim. It was an interesting conversation. It was pretty much, "Where are you from? What do you believe in? What do you want to achieve?" I walked away thinking, that is a conversation I had with a prominent Australian politician but I was an irrelevance so it would not really matter. But two weeks after—and to this day I do not know how Tim acquired my mobile phone number—he rang. A bit like the Hon. Wes Fang it was, "G'day Mick, it's Tim."

He spoke about the conversation we had a couple of weeks earlier. He had been reflecting upon my comments. He said a few things that have held me in good stead since then. From time to time he would call and one day I asked him why a prominent National Party icon would be contacting a mere irrelevant regional Labor MP or a shire councillor for the Labor Party. He said, "Because it matters. Regional New South Wales needs strong representatives. It matters." This was a sign of his character, the sign of the individual. He was not scared to reach across the Chamber, to reach across the political divide. His view was that regional New South Wales—and regional Australia—needed strong advocacy and wherever we get that, we should support it.

We had crossed paths a few times and in the presence of Kay Hull as well, particularly in local government. I got elected to this Parliament. It would be fair to say that 2007 to 2011 may not have been the best years for the Labor Party in government. We had some testing days. During one of those I received a call out of the blue from Tim. It was more about, "How are you going? Stay true to your cause. Don't let it wear you down. It is a tough existence politics, keep at it." It is characters like that, it is conversations with people that you least expect, in this occupation, that do us all well.

One of Tim's endearing features was the fact that he would always say, "G'day". I have crossed paths with politicians from all sides over many years and not all of them will take the time to say g'day, but Tim would do that. The word "parliamentarian" is used pretty loosely in describing what we do. There are politicians, there are legislators. But to call someone a parliamentarian in the true sense, the true meaning of the word "parliamentarian", is a pretty high bar for us to achieve. Tim Fischer was a parliamentarian. He pursued issues that, at the start of his political career, may not necessarily have been causes he was going to undertake. I am certain that had you spoken to Tim Fischer, he would never have envisaged being a champion for gun law reform in this country. He was on the side of right. He did the right thing but he had to pursue that at a time—and I remember these debates, I attended one of the public meetings—when his views were not well received.

But despite all that he still held true to his cause. He held true to the issue of the day and he took the right position. Another phrase we use loosely in this game is the word "icon". We have icons. Recently Australian politics has lost a couple of real icons. The Labor Party lost Bob Hawke, a true and genuine icon to Australian politics. The conservative side of politics has lost Tim Fischer, a true and genuine icon to Australian politics. I was immensely proud to attend—along with the Hon. Ben Franklin and others in this Chamber, including the Hon. Wes Fang—the State funeral for Tim at Albury. It was different to other State funerals I have attended. Tim planned it, of course. He organised his State funeral so it was very Tim Fischer, right down to the train trip to get there.

The breadth of individuals who spoke at the funeral and their sentiments, I will say with the utmost respect, it was a very country State funeral. It was a Tim Fischer State funeral. My thoughts are with the family. Tim had a couple of families: the National Party family, his own family, then he had the train buff family. Whenever he could he spoke at length about the need to maintain the rail network in New South Wales. One of our conversations was about my support for rail trails. Members of this House all know that I am a fan of rail trails. Tim had a view about those that others in this Chamber may have heard about. His view was that the rail network was important and should have trains on it. I do not necessarily disagree—it is about using the asset. My

thoughts are with the family. I am pleased to associate myself with this condolence motion. We have lost one of the true icons of Australian politics, particularly regional politics, in this country.

Debate adjourned.

Committees

PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS

Membership

The PRESIDENT: I inform the House that this day the Clerk received advice from the Leader of the Government nominating the Hon. Trevor Khan as a member of Portfolio Committee No. 5 - Legal Affairs in place of the Hon. Niall Blair, resigned.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Government Response

The Hon. DON HARWIN: I table the Government response to report 4/56 of the Joint Standing Committee on Electoral Matters entitled *Inquiry into the impact of expenditure caps for local government election campaigns*, dated October 2018. I move:

That the report be printed.

Motion agreed to.

Bills

**ELECTORAL FUNDING AMENDMENT (LOCAL GOVERNMENT EXPENDITURE CAPS) BILL
2019**

First Reading

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

Second Reading Speech

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (15:59:40): I move:

That this bill be now read a second time.

The Government is committed to ensuring that the electoral funding scheme in New South Wales is fair and transparent. It has made significant reforms to the State's electoral laws in recent years. New South Wales already has the toughest political donations laws in Australia. The Government now seeks to make further reforms to expenditure caps in local government elections.

Candidates in local government elections can be expected to incur expenditure to run an election campaign. The Electoral Funding Amendment (Local Government Expenditure Caps) Bill 2019 amends the Electoral Funding Act 2018 to amend the current expenditure caps for participants in local government elections. The bill implements reforms recommended by the Parliament's cross-party Joint Standing Committee on Electoral Matters from the Fifty-Sixth Parliament. In doing so, the bill will help to create a fairer system for candidates in local government elections. The introduction of caps on expenditure for local government election campaigns by the Electoral Funding Act 2018 was an important development. When it was introduced, the current scheme sought to establish an even playing field for participants in a particular local government election in a way that is relatively simple and easy to understand.

During the parliamentary debate on the Electoral Funding Bill 2018, questions were raised about whether the caps should further distinguish between local government areas and wards with different population sizes. The populations of different local government areas and wards vary significantly. The Government was receptive to these concerns and in August 2018 the Premier made a referral to the Joint Standing Committee on Electoral Matters. The committee was asked to inquire into and report on the impact of the current expenditure caps for local government areas and wards with different populations. In October 2018 the committee reported on its inquiry and made nine recommendations to substantially amend the current regime. The Government has accepted the committee's recommendations, which are implemented by the bill.

The bill before the House today benefits from the input of the NSW Electoral Commission and others who made submissions to the parliamentary committee. I also pay tribute to those members of this House and the other place, including the Hon. Peter Primrose; the member for Campbelltown, Mr Greg Warren; Mr David

Shoebridge; the member for Sydney, Mr Alex Greenwich; and the President of Local Government NSW, Councillor Linda Scott. I do not think I left anyone out—although some other people who were consulted maybe skip my mind. I thank them for their contributions, which have been crucial in the development of these reforms. In addition to written public submissions, the parliamentary committee held a public hearing as part of its inquiry. The parliamentary committee's inquiry provides a strong evidentiary basis for the reforms it recommended which are implemented in the bill.

I turn now to the key provisions of the bill, starting with the caps for candidates and groups. Currently the Electoral Funding Act 2018 provides a two-tiered system of caps for candidates and groups depending on whether there were 200,000 or fewer enrolled electors at the previous general election for the local government area or ward or more than 200,000 enrolled electors at the previous general election for the local government area or ward. The main concern raised during the parliamentary committee's inquiry was that the current scheme fails to adequately distinguish between local government areas or wards of different population sizes, and results in large differences in the amount per elector which may be spent for different areas.

The committee ultimately recommended replacing the current two-tiered regime with eight different bands to address the concerns raised. The committee recommended eight different caps ranging from \$6,000 to \$72,000 for a candidate or a group of candidates, depending on the number of enrolled electors for the local government area, if undivided, or ward concerned. The bill implements the recommendation. The changes are intended to reduce the variation in amounts a candidate is allowed to spend on a per capita basis as between local government areas of different populations. Generally, the proposed caps for candidates and groups in the bill are higher than the current caps for local government areas with higher populations.

During consultation, a stakeholder raised concerns regarding wards within a single local government area falling within different caps as they have slightly different populations. To ensure parity within a local government area, the bill provides that candidates or groups of candidates in all wards within a single local government area will have the expenditure cap that applies to candidates or groups in the ward with the highest number of enrolled electors in that local government area. That means that the caps will be the same across the whole local government area for simplicity.

I turn now to provisions regarding a party's cap. The Electoral Funding Act 2018 currently sets slightly higher caps for independent candidates and groups compared to those for endorsed candidates and groups. As recommended by the committee, the bill provides that the revised caps apply equally to candidates or groups of candidates whether they are endorsed by a party or not. The committee also recommended that when a party incurs expenditure for the purpose of an election in a particular local government area or ward, that expenditure should be apportioned to any candidates endorsed by that party in that area. The bill implements this recommendation. The bill amends the current caps for parties by providing that for a local government election, the party's cap for electoral expenditure for a candidate or group endorsed by the party in that election is the amount of the applicable cap for the candidate or group.

The bill also provides that parties' expenditure for the purpose of an election in a local government area or ward is required to be aggregated with any expenditure of any endorsed groups or candidates in that area. That means that parties are not permitted to spend additional amounts on top of the amounts able to be spent by endorsed groups or candidates of the party. Specifically, the bill provides that electoral expenditure incurred by a party for a group or a candidate that does not exceed the party's cap is to be treated as expenditure that exceeds the cap if that expenditure and the expenditure that is incurred by the candidate or group exceed the applicable cap specified for the party. Similarly, the bill provides that expenditure incurred by a candidate or a group that does not exceed their applicable cap is to be treated as expenditure that exceeds the cap if that expenditure and expenditure for the candidate or group by a party that endorsed the candidate or group exceed the applicable cap specified for the candidate or group. These reforms are fundamental to creating an even playing field for candidates regardless of whether they are independent or endorsed by a party.

I turn now to provisions regarding a cap for a directly elected mayoral candidate. Currently there are different expenditure caps for directly elected mayoral candidates depending upon whether or not they are in a group, and, if they are in a group, the group also has different caps depending on whether or not it is independent or endorsed by a party. Very complex. For a general election, the expenditure cap for a mayoral candidate is higher than other candidates. During the parliamentary committee's inquiry, some stakeholders expressed concerns that these caps may be too high and encourage candidates to run for mayor disingenuously just to access the higher caps. I have seen instances where that may be suspected to have happened, in the local government area where I used to live. As such, the committee recommended changing the caps applicable to directly elected mayoral candidates and proposed the same cap for an individual mayoral candidate and a group that contains a mayoral candidate.

To implement the committee's recommendation, the bill provides that for a local government election, the cap for a mayoral candidate or a group that includes a candidate for mayor in an undivided local government area is 125 per cent of the cap that applies to a candidate for councillor in that particular local government area. Where the local government area is divided into wards, the cap for a mayoral candidate or a group that includes a candidate for mayor is 100 per cent of the applicable cap for a candidate for councillor in a ward of the local government area plus 25 per cent of the cap that applies to a candidate for councillor in each of the other wards of the local government area. The committee's recommendation aims to allow some additional expenditure for mayoral candidates; however, not so much that it would give candidates an incentive to run for mayor disingenuously.

I turn now to the cap for third-party campaigners. "Third-party campaigners" are organisations or individuals who are not contesting an election but are financing campaigns on specific issues to influence policy and election outcomes. Currently the cap for third-party campaigners in local government elections is \$2,500 multiplied by the number of local government areas for which the third-party campaigner incurs electoral expenditure. The cap is also subject to an additional cap, within the overall cap, in relation to individual local government areas or wards of \$2,500. That is, \$2,500 per council.

In its report, the committee acknowledged some stakeholders' concerns that the current cap may not adequately allow for the type of campaigning done by third-party campaigners. It considered the cap to be unreasonably low, particularly in larger areas. As recommended by the committee, the bill replaces the current caps for third-party campaigners and provides that for a local government election, the cap for a third-party campaigner is one-third of the cap for a candidate for councillor for the local government area or ward election concerned. Generally, the proposed caps are higher than the current regime.

I turn now to provisions about informing candidates of their caps. To ensure compliance with the proposed caps, candidates need accurate information about the number of enrolled electors in their electorate to determine the expenditure cap applicable to them. As recommended by the committee, the bill provides that the Electoral Commission provide candidates with the number of enrolled electors for the relevant local government area or ward and the cap that will apply to them, and publish on its website the number of enrolled electors for the relevant local government area or ward and the applicable caps that apply to the local government area or ward.

The bill also provides that the NSW Electoral Commission is to determine the number of enrolled electors for a local government area or ward for an election for the purposes of calculating the applicable expenditure caps. The committee also recommended that for general elections the number of enrolled voters on which to calculate the caps be the number of enrolled electors in a ward or undivided local government area as at 12 months prior to the election. Currently the applicable caps are based on the number of enrolled electors at the previous general election. The committee considered the 12-month point before an election to be appropriate to allow for population changes to be taken into account, while also giving the NSW Electoral Commission adequate time to inform candidates and perform its functions.

The bill implements this recommendation as it relates to ordinary local government elections held every four years. The committee did not consider the time at which the number of enrolled electors should be calculated for by-elections. However, the NSW Electoral Commission has indicated that it would be very difficult to base calculations on population figures from 12 months prior to by-elections, as by-elections can arise at any time. Similarly, it would also be very difficult to base calculations on population figures from 12 months prior to certain general elections, which can arise at any time, such as after the council for an area has been dismissed or declared to be non-functioning. On that basis, it is proposed to continue to use population figures from the last general election for by-elections and general elections other than the ordinary election held every four years. The bill provides for this. That is, of course, based on the advice of the Electoral Commission as to what is administratively possible.

I turn now to provisions regarding non-residential voters. Non-resident owners of rateable land and occupiers and rate paying lessees are eligible to vote in local government elections. However, unlike residential voters voting is not compulsory for non-residential voters, except in the City of Sydney. Currently non-resident voters are included in the number of enrolled electors upon which the expenditure caps are calculated. During the committee's inquiry, the NSW Electoral Commission observed that other than the City of Sydney, the number of non-residential electors for the rest of the local government areas was miniscule—only 0.014 per cent of total votes at the 2017 elections. As recommended by the committee, the bill only includes non-residential voters when calculating the number of electors in a ward or local government area where voting by non-residential voters is mandatory—that is, the City of Sydney.

Finally, I turn to provisions regarding the 2020 local government elections. The Government is introducing the bill now so that the proposed changes to expenditure caps can be in place for the 2020 local government ordinary elections. The bill contains transitional provisions to deal with the determination of the

number of enrolled electors in local government areas and wards for the purpose of calculating the caps for the 2020 local government elections. In particular, the bill provides that the Electoral Commissioner is to determine the number of enrolled electors for local government areas and wards for those elections as soon as is reasonably practicable after 31 January 2020. The bill implements reforms that have been recommended by the Joint Standing Committee on Electoral Matters. The changes will further the regime's objects of fairness and transparency in local government elections. I commend the bill to the House.

Debate adjourned.

ELECTORAL FUNDING AMENDMENT (CASH DONATIONS) BILL 2019

First Reading

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

Second Reading Speech

The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (16:19:21):
I move:

That this bill be now read a second time.

The Electoral Funding Act 2018 already provides a robust regulatory framework for the making and receipt of political donations in New South Wales. This bill will further strengthen that framework in relation to political donations made or received in cash. Specifically, the bill will amend the Electoral Funding Act 2018 to make it unlawful for a person to make or accept a political donation in cash that exceeds \$100. This change will make it easier to trace and account for significant political donations, removing potential opportunities to disguise their true source.

The Independent Commission Against Corruption is currently conducting an inquiry, known as Operation Aero, into allegations concerning political donations, the New South Wales branch of the Australian Labor Party, members of Chinese Friends of Labor and others. Following the commencement of public hearings on 26 August 2019, the media has reported allegations that around \$100,000 in cash was delivered to the Australian Labor Party's headquarters in 2015 by a property developer. According to media reports, the \$100,000 amount was disclosed to the NSW Electoral Commission as separate cash donations from several different donors.

The Electoral Funding Act 2018 already establishes a rigorous framework for political donations, which includes donation caps, disclosure requirements and prohibited donor provisions. For example, the Act caps political donations to registered parties at \$6,400 per year. Political donations of \$1,000 or more are required to be reported. The Act also prohibits donations from property developers and tobacco, liquor or gambling industries. The bill strengthens that framework by ensuring that donations over \$100 are traceable and transparent.

This reform will strengthen the ability of the Electoral Commission to identify potential contraventions of the disclosure requirements, caps on donations and prohibited donor provisions under the Act. Improving the traceability and transparency of donations over \$100 will make it harder to mask the source of a significant political donation. This will promote compliance with the legislative framework for political donations while also improving the integrity of the electoral system more broadly.

The bill makes a simple change to the regulatory framework which is proportionate and measured. Subject to the existing caps on donations and prohibited donor provisions, it will still be possible to make and accept political donations which exceed \$100 using alternative payment methods. It is only cash donations, which cannot be as reliably traced or accounted for, that exceed \$100 which will be banned. The \$100 threshold has been carefully considered to strike the right balance between ensuring that political donations are traceable and avoiding an unreasonable administrative burden on parties, candidates and donors.

The \$100 limit allows for political donations to continue to be made in certain circumstances where a non-cash alternative might not be feasible, such as buying raffle tickets at a fundraising event. The prohibition will not affect the application of existing provisions in the Act, which ensure that multiple donations from the same source are to be aggregated for the purpose of the caps on donations and disclosure requirements. The current aggregation provisions will continue to apply to cash donations, subject to the existing exemption in section 57 of the Act for certain small donations of \$50 or less. A contravention of the proposed prohibition of cash donations of more than \$100 will be an offence under section 145 of the Act, which carries a maximum penalty of \$44,000 or imprisonment for two years, or both. These penalties are consistent with the maximum penalties for comparable offences with respect to prohibited donations, such as making or accepting a donation from a property developer.

The anti-avoidance provision at section 144 of the Act will also continue to apply to anyone who deliberately seeks to circumvent the caps on donations, prohibited donor provisions and disclosure requirements. The bill makes a proportionate and necessary change to the Electoral Funding Act 2018. The amendment will strengthen the legislative framework for political donations in New South Wales by making political donations more traceable and transparent. I commend the bill to the House.

Debate adjourned.

FINES AMENDMENT BILL 2019

Second Reading Speech

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:24:39): I move:

That this bill be now read a second time.

The Fines Amendment Bill 2019 is all about making it simpler and easier for the people of New South Wales to deal with their fines. Nobody likes to receive a fine, but how can we make the experience easier? The New South Wales Government is leading the way in delivering services that meet the needs of our customers. We are using common sense to design services around the customer and we are using the best in technology to do so. But the Fines Act 1996 has not quite kept up with the technology or the ways in which customers prefer to deal with their fines. There are outdated and inefficient provisions that hinder the delivery of modern, customer-centric fines systems.

I give a common example of a speeding fine caught by a camera. The registered owner is fined but the son of the registered owner was the driver—a common situation. Currently the legislation only recognises a process where to transfer the fine the owner must nominate the son as the driver. That is what we all do and have done, I am sure in the past. The legislation does not contemplate that the son may nominate himself, yet this is what commonly should happen. This is how many customers want to deal with their fines—it may be because it is more convenient or if the parent is unable to submit the nomination because of age or for some other reason. As it currently stands, the legislation does not provide for this.

Currently, Revenue NSW and the customer must wrangle their way through an administrative process in order to accept the nomination. This is slow, inefficient and simply does not make sense. The bill will fix that. That is only one example of the improvements that this bill will make to how fines are administered in New South Wales. As I said, the Government is committed to making transacting with government simpler and easier for the people of New South Wales. This bill continues to deliver on that promise of putting the customer first. I now turn to key changes under the bill.

The first is increasing electronic communications. We live in the twenty-first century and people are increasingly wanting to use digital means to transact with government. The bill responds to that expectation and is a further example of the Government's commitment to give people the tools to engage with government with ease and a minimum of fuss. The Act already allows for the electronic delivery of penalty notices and other correspondence. The bill expands that to a broader range of electronic delivery methods to keep up with how technology and customer preferences are changing. Customers have told us that receiving lengthy text messages or bulky email attachments is not ideal. Instead, customers could receive a text message, an email or an app notification that they have a penalty notice ready for viewing and payment.

That notification would contain a link or a login to their secure digital mailbox and they could then view and deal with their fine. If the notification is not received the penalty notice will be sent by other authorised means such as by post. Communicating with customers in the way they prefer makes for an efficient fines system and helps to avoid escalation of the fine to the enforcement stage. This is good for the customer. Currently, many fines are delayed in being paid or enforced because the fine is returned to Revenue NSW undelivered. Expanding the methods of electronic communication increases the chance that the customer knows about the fine and pays or otherwise deals with it in a timely fashion.

Secondly, regarding self-nomination for an operator-onus offence, I will turn back to my original example which I referred to before. Currently, self-nominations are not legally recognised. They can delay finalisation of the fine and even result in the wrong person being held responsible for the fine and demerit points attached to it. To overcome this, this bill recognises a nomination made by the driver in the same way that a nomination made by the vehicle owner is currently recognised. The self-nomination will be considered a voluntary admission of liability that the person committed the offence. A fine would then be issued to the self-nominated driver, relieving the owner of liability for the offence and fine. These amendments will not affect the primary responsibility of the owner to nominate the person in charge of the vehicle. But where the driver has self-nominated and a penalty notice has been issued to them, the owner will be notified that they are no longer liable and no longer need to nominate.

Thirdly, regarding refunds and reallocating overpayments I continue along the lifecycle of a fine to when a fine is paid. In particular, what happens when a fine is overpaid? This most commonly happens when a customer sets up a regular bank transfer to pay off a fine over time. When the fine is paid off, the customer forgets to stop the regular transfers and this results in an overpayment. The Act currently allows certain overpayments to be reallocated towards certain other unpaid fines of the customer. This counts as a payment towards that fine and can help to minimise any further interest or penalties. Customers can apply to have that overpayment refunded, even after it has been reallocated.

This bill broadens the use of reallocations to the customer's benefit. Firstly, it extends these provisions beyond enforced fines to also cover penalty notices. This means more overpayments can be put towards reducing the overall fines debt of the customer without affecting their existing right to still ask for a refund. Secondly, this bill creates a general power to refund a payment. Revenue NSW already does this where possible and this bill updates the Act to reflect this, but the bill goes further and ensures that overpayments made by low-income customers cannot be reallocated unless they request it. The New South Wales Government supports common sense, efficient management of overpayments, but we equally recognise that this is ultimately the customer's money. For those customers most likely to be in financial stress, an automatic reallocation of their overpayment may not be appropriate.

The fourth principal amendment that this bill covers is in relation to voluntary enforcement. When a person does not pay a fine despite efforts by Revenue NSW to engage with that person and resolve the fine, enforcement action may need to be taken. Additional enforcement costs may then be payable. Customers often acknowledge that they cannot pay a fine on time. Currently, for customers on a payment plan and receiving government benefits or customers on a work and development order, they can ask for their fine to be voluntarily enforced. This means that no enforcement costs are added to their fine. For anyone else that cannot pay on time, they cannot apply for a payment plan until after the fine has been enforced. By then, enforcement costs have been added to the fine.

As I have said, this bill is about changing the fines system to better support our customers, the people of New South Wales. This means helping them to more easily deal with and pay off their fines and, in this case, avoid enforcement costs. Importantly, this bill will allow Revenue NSW to enter into a payment plan with any customer at any time after a fine is issued. This will be considered voluntary enforcement, saving the customer enforcement costs. These amendments mean more fines paid off and at less cost to the customer. This bill will also make related amendments to remove the requirement to serve an enforcement order when a fine is being voluntarily enforced and to allow minor errors in an enforcement order to be fixed.

Fifthly, in relation to disputing a penalty notice after enforcement, I turn to the final change to be effected by this bill. The Act contains a number of options for a customer to dispute a penalty notice. These options become limited once a penalty notice is enforced. This is because there are time limits for raising a dispute. These are necessary to prevent undue delays and avoidance of paying of a fine. However, the reality is that greater flexibility is needed. Although a dispute may be raised out of time they can contain genuine grounds for disputing a customer's liability. Once an enforcement order is made, a customer can raise a dispute by seeking to have the order annulled. However, the grounds for annulment are very narrow, with 34 per cent of annulment applications refused.

Where granted, many matters must still be referred to the Local Court even though enforcement has stopped. If annulment is refused and the person wishes to contest the matter, the Local Court must step in. The court has allowed a significant proportion of appeals. These are often fines issued for operator-onus offences where the operator has failed to nominate a driver within the specified time frame, such as in the example I provided earlier of the son driving the parent's car.

When I was in practice, often a big contributor to this issue was car dealers who had sold cars to people who had never bothered to register the transfer. They would park illegally and then, all of a sudden, the car dealer in whose name the car was registered would find that they have a whole bundle of fines, unbeknownst to them. Often they had got into an enforcement period. They would have to go to a court to get the fines waived in circumstances where they could readily demonstrate that they had sold and transferred the car and the new owner of the car had not registered the transfer. Such matters could equally have been resolved through an administrative process in Revenue NSW. This bill will vastly improve this process which has proved cumbersome and expensive for all parties concerned.

This bill provides a simpler and more flexible process for customers to dispute a penalty notice after an enforcement order has been made. Effectively, a customer will be able to dispute a penalty notice at any stage of the penalty notice and fine enforcement lifecycle with the enforcement order able to be withdrawn in some situations. The power of Revenue NSW to withdraw an enforcement order will be broadened to enable more matters to be settled administratively. The annulment provisions, which are complex and difficult to understand,

will be simplified and limited to the purpose for which they were originally intended—that is, where the customer appeals to the Local Court against the commissioner's decision not to withdraw an enforcement order and the Local Court decides to annul the enforcement order.

It is expected that this streamlined process will remove more than 1,000 matters from the Local Court each year and will provide a faster and more just resolution of thousands of other disputed penalty notices. The simplified process will also allow the available options to be more easily understood by customers. I am sure that members will agree that this bill makes important improvements to many customer touchpoints along the lifecycle of a fine, from how it is issued to the customer, to payment, to disputing it.

The five key changes I have outlined exemplify the commitment of this Government—that is, to deliver easy and simple services that treat the customer fairly and work with and around the customer. This bill contains the necessary amendments to ensure that our legislation supports the delivery of this commitment. I am aware that there are various amendments that will be moved in relation to this bill. I understand that they will be submitted with complete good faith. However, the nature of the amendments that are proposed require serious consultation in relation to the potential impact of those amendments.

They are such that, in my respectful submission to those moving them, they could not be subject to proper analysis during the course of this debate. At the conclusion of the second reading debate, I will be seeking to adjourn the Committee stage so that those moving the amendments and ourselves can enter into negotiation and consultation. It must be remembered that Revenue NSW is the collection agency for debts. Often those debts belong to other agencies. They may collect on behalf of a local government. A proposal to reduce a fine by 50 per cent—

The Hon. Daniel Mookhey: I will have to take a point of order if you continue with having the debate.

The Hon. DAMIEN TUDEHOPE: I will not have the debate. I am indicating the rationale behind the consultation. They are the sorts of concerns we have in respect of some of the amendments being sought and they would be subject to further negotiations. The Minister in the other place, and to the extent that it involves me, will come to those negotiations in good faith while bearing in mind that they are complex and have an impact on the revenue of the State—and there are issues relating to that. They require consideration so I will seek to adjourn the Committee stage following the second reading debate. I commend the bill to the House.

Second Reading Debate

The Hon. DANIEL MOOKHEY (16:42:09): I lead for the Opposition in debate on the Fines Amendment Bill 2019. I state at the outset that Labor will not be opposing the bill. We understand it makes some effort to modernise and simplify how penalty notices are dealt with in New South Wales. Labor strongly supports making it easier for people to deal with penalty notices. Penalty notices are an important part of the legal system in New South Wales. In New South Wales offences are dealt with through penalty notices and in theory they provide a simple way to deal with offences. The NSW Law Reform Commission explained in its report on penalty notices published in February 2012:

A penalty notice gives the recipient a choice between paying a fine for an alleged infringement of the law, or going to court.

The Law Reform Commission report explains the evolution of penalty notices in New South Wales. The report states:

... the first penalty notice provisions related to parking offences and were introduced to address the difficulties encountered by the courts in dealing with a large number of such offences. In 1961, the penalty notice scheme was extended to some offences under the *Motor Traffic Act 1909 (NSW)* such as driving in excess of certain speed limits and driving without a licence. This was done at a time when the road toll in NSW had dramatically increased and the government decided that the time of traffic police could be better spent patrolling rather than preparing breach reports and attending court. It was noted that a penalty notice system would save the time spent by motorists in attending court, reduce the costs of issuing and serving summons, and help relieve court congestion.

The report continues:

The offences for which penalty notices may be issued gradually grew beyond parking and driving offences so that by 1983, there were ten statutory provisions authorising the use of penalty notices to deal with offences relating to traffic, maritime services, forestry, and fisheries.

In 1996, Parliament adopted the *Fines Act*. At its inception, the Act contained 43 statutory provisions authorising the use of penalty notices. Since then, the list has grown to 110 statutory provisions, creating more than 7,000 offences that may be enforced by way of penalty notice.

The penalty notice data set published by Revenue NSW this year shows that, over the past five years, approximately 19 million penalty notices were issued in New South Wales. Combined, these penalty notices were worth \$4.6 billion. In total, over the past five years penalty notices were issued in relation to 237 pieces of legislation. The majority of penalty notices—roughly 16 million—were for traffic and driving offences. However,

it is important to be mindful of the broad range of circumstances that can lead to a penalty notice being issued. Penalty notices can be issued in a wide range of circumstances—from carrying on an unregistered beekeeping business in contravention of the Apiaries Act of 1985 to workers not wearing personal protective equipment as required by the Work Health and Safety Regulation of 2017.

Penalty notices have become the primary method used to enforce the law in New South Wales. As the Law Reform Commission 2012 report noted, in the 2009-10 financial year 2.8 million penalty notices were issued in New South Wales. In contrast, in 2009 courts only imposed 117,000 penalties, of which around 54,000 were fines, and only 1 per cent of people issued a penalty notice elect to go to court. These statistics show that rather than courts deciding if a person has committed an offence and imposing a penalty, the penalty notice system has become the way the vast majority of offences are dealt with in New South Wales. To a large extent, this is sensible. Going to court can be a daunting and expensive experience. Moreover, the nature of modern technology and driving offences such as speeding mean there would often be no real legal or factual issues for a court to determine.

However, while it is appropriate for many offences to be dealt with through the penalty notice system, it is important that we be mindful of the impact this system can have on vulnerable people. Many people are able to deal with penalty notices promptly. They are able either to pay the penalty notice on time, or to navigate the various avenues to have a penalty notice set aside. Unfortunately, many vulnerable people face difficulties dealing with penalty notices.

For people on low and fixed incomes, even a relatively small fine can have a significant impact on their financial circumstances. Moreover, many vulnerable people experience difficulty understanding their rights in relation to fines, including how they can contest a fine if they do not believe they should have received it. These problems can affect many vulnerable people in our society, including people from culturally and linguistically diverse backgrounds, people with disability, people with mental health conditions and people experiencing homelessness. The Australian Law Reform Commission [ALRC] December 2017 report titled *Pathways to Justice* notes the adverse impact fines can have on Aboriginal people, particularly those in rural and regional areas. The ALRC report states at paragraph 12.23:

Aboriginal and Torres Strait Islander people are over-represented as fine recipients and are less likely than non-Indigenous people to pay a fine at the time of issue of the initial notice (attributed to financial capacity, itinerancy and literacy levels). Aboriginal and Torres Strait Islander people are consequently susceptible to escalating fine debt and fine enforcement measures.

While the ALRC report notes New South Wales has not imprisoned anyone specifically for failing to pay a fine since 1998—unlike Western Australia, which still continues the practice—the failure to pay a fine can result in a person having their driver licence suspended or cancelled. As the report notes at paragraph 12.133:

Aboriginal and Torres Strait Islander people who live in regional and remote areas are likely to experience "transport disadvantage", that is, to live remotely without access to public transport.

The report continues at paragraph 12.136:

Driving unlicensed can have dire consequences. The NSW Council of Social Service observed:

The consequences of driving without a licence can be serious and significant for Aboriginal people and the communities in which they live. Not being able to drive can mean not being able to access vital services, such as receiving medical treatment. Being caught driving without a licence can exacerbate financial hardship and result in loss of employment and potential imprisonment.

It is acknowledged there is a correlation between the penalty infringement system and mass incarceration of First Nation people. The ALRC report also refers to data from 2016 provided by the NSW Bureau of Crime Statistics and Research. That data showed Aboriginal people made up 31 per cent of all people imprisoned for driving while their licence was suspended. So even though this bill will have a broad application across a wide range of circumstances, it is important to be mindful of how fines can disproportionately affect different people in our society, including Indigenous people, people from rural and regional communities and other people who experience disadvantage in our society.

Labor understands that the overall intent of this bill is to simplify the Fines Act in order to make it easier for people to deal with fines. In his second reading speech in the Legislative Assembly the Minister for Customer Service spoke about how the bill will allow more matters to be dealt with administratively by Revenue NSW, which the Minister hopes will reduce the need for people to contest penalty notices in court. The Minister for Customer Service told the Legislative Assembly on 31 July 2019:

It is expected that this streamlined process will remove more than 1,000 matters from the Local Court each year and will provide a faster and more just resolution of thousands of other disputed penalty notices.

I note the Minister for Finance and Small Business repeated the same claim in this Chamber. The Minister did not refer to any reports which support his claim regarding this aspect of the bill. Labor would like the Minister for

Finance and Small Business, having just repeated that claim, to substantiate the source of the data and the basis upon which he obtained it.

On 1 August 2019, Labor met with the Minister for Customer Service and various ministerial staff. We are grateful for the opportunity to have that dialogue. At that meeting, we requested any economic modelling held by the Government regarding the reforms contained in this bill. We are yet to receive that information, or any other information which the Minister undertook to provide to us at that meeting. We would seek an update from the Minister and, of course, the Minister for Finance and Small Business, representing him in this place.

Labor contacted several stakeholders in the community services and legal sectors about the bill. Every stakeholder we contacted told us they first became aware of the bill when Labor contacted them. One of the stakeholders Labor contacted was Community Legal Centres NSW, which represents almost 40 community legal centres across New South Wales. It is the peak body for non-government organisations that provide free legal assistance to some of the most vulnerable people in our community. Labor's contact with Community Legal Centres NSW prompted it to write to the Minister for Customer Service on 7 August 2019, a copy of which was provided to the Opposition. Community Legal Centres NSW has given permission for Labor to quote from it. The letter states:

We are concerned that the bill is being rushed through Parliament without adequate scrutiny and urge the Government to allow enough time for the community to analyse it fully and provide detailed feedback.

The sentiment expressed by Community Legal Centres has been echoed by other stakeholders Labor has spoken with about the bill. It is clearly problematic if legislation with potentially wideranging effects is introduced without adequate consultation with relevant stakeholders. I ask the Minister to please provide us with an update as to any further consultations that the Government has engaged in with stakeholders, including Community Legal Centres NSW since it flagged its concern on 7 August 2019.

I turn now to the key provisions of the bill, which makes amendments to the Fines Act 1996, the Fines Regulation 2015, the Road Transport Act 2013 and the Road Transport (General) Regulation 2013. In essence, the bill makes six key changes to those Acts and Regulations. First, the bill makes provision to expand the use of electronic means to serve penalty notices and other documents. The Fines Act already allows penalty notices, reminder notices and enforcement orders to be served electronically. The bill facilitates the expansion of electronic service by allowing penalty notices and other documents to be served through an online notification system. The online notification system will be a website or other electronic means approved by the Commissioner of Fines Administration.

While the Government has not provided any specific details regarding this online notification system, we assume these amendments will allow penalty notices and other documents to be served through the Service NSW website and app. We would like the Minister to confirm that that it is the intention of the Government. This would be a logical reform given that people can already deal with penalty notices through the Service NSW website. Importantly, the bill provides that a person must consent to receive penalty notices and other documents electronically.

Also, consistent with existing legislation, electronic means cannot be used to serve a document on a person under 16 years of age. Labor feels very strongly that the use of electronic means to serve documents should always be on an opt-in basis. Many people have difficulty using the internet. This can include older people and people experiencing homelessness. Internet communication can pose a particular problem for women escaping domestic violence. Some women share email accounts with their partners and some women have their phones paid for or otherwise controlled by abusive partners. This can mean that, in order to escape domestic violence, some women are forced to restart their digital life and abandon email accounts and other contact details they previously relied on.

In those circumstances, it is important to have a paper back-up method of communication. Those concerns were expressed by Community Legal Centres NSW in its letter to the Minister for Customer Service dated 7 August 2019. In that letter, Community Legal Centres Executive Director Tim Leach stated the bill will:

... amend the Fines Act 1996 to enable service of a penalty notice or penalty reminder notice, in an "approved electronic manner", including via SMS or email. This will likely benefit people who regularly use a single email or mobile number.

However, it may negatively impact people experiencing economic hardship or discrimination, including older people, people who are homeless, victims of domestic and family violence and people with mental illness, who may not regularly access or check their electronic notifications, or who may have difficulty accessing or understanding them. In addition, people in these circumstances regularly change mobile phone numbers or email addresses due to their circumstances.

The letter from Community Legal Centres NSW further states:

We have particular concerns about the use of SMS to serve penalty notices and penalty reminder notices. The wording of the amendment ... suggests that the sending of the SMS would amount to service of the notice, with no requirement that the person view the actual notification on the online system.

Some people do not receive or are unable to read their SMS messages straight away, which could impact on their ability to review and appeal the fines they have been issued.

The letter continues to describe the concerns of Community Legal Centres regarding the use of SMS to serve notices:

People experiencing economic hardship and homelessness will be particularly disadvantaged by reliance on SMS. They are often unable to charge their phones, to afford regular credit, or to access free Wi-Fi. While they may receive messages, they may not be able to follow the web link provided to view the actual notice. Further, free Wi-Fi is generally not secure, especially if a person is going to be accessing a sensitive system containing lots of personal information.

Labor shares the concerns expressed by Community Legal Centres NSW regarding those aspects of the bill. We ask the Minister to provide clarification on these issues in his reply. In particular, we are concerned about the implications of electronic service in relation to fraud and cybercrime. This is a problem which the Australian Taxation Office deals with when communicating with taxpayers by email and SMS. On 4 April this year Assistant Commissioner of the Australian Taxation Office, Gavin Siebert, issued a statement which stated:

The ATO has received 40,225 reports of impersonation scams so far in 2019 with just over \$1 million in losses. The technique of displaying misleading phone numbers is known as "spoofing" and is commonly used by scammers in an attempt to make their interactions with taxpayers appear legitimate.

I got one of those calls about two weeks ago, which was annoying and quite obviously a fraud. I was fortunate enough to pick up on that but many others would not, which is why it is appropriate that we at least hear from the Government as to what strategies it is planning to deploy to ensure that such schemes do not take place in relation to the New South Wales penalty system. While we do not oppose the expansion of electronic means to serve penalty notice and other documents, we are concerned about the opportunities this could provide cybercriminals to defraud the people of New South Wales. Again, I ask the Minister to outline in his reply what steps the Government is taking to protect people from these scams.

The second main change in the bill relates to the withdrawal and annulment of penalty notice enforcement orders. A penalty notice enforcement order is an order made if a penalty notice is not paid or otherwise dealt with. The consequences of an enforcement order can be severe. Those consequences can include the suspension of a person's driver licence, an order to seize and sell personal property, an order to garnish wages and issuing a Community Service Order.

The bill replaces the existing provisions of the Fines Act which deal with the withdrawal and annulment of penalty notice enforcement orders. The new provisions contained in the bill will allow a person to apply to the commissioner for a penalty notice enforcement order to be withdrawn, allow the commissioner to withdraw a penalty notice enforcement order on the commissioner's own initiative, provide a list of grounds for the commissioner to withdraw a penalty notice enforcement order, and provide that if a person is dissatisfied with the commissioner's decision not to withdraw an order they can apply to the Local Court for the order to be annulled.

With respect to some of the considerations and discussions that we are likely to have with the Government about some forthcoming amendments—without wanting to stray into the Committee stage of this debate—I put on notice that we will be seeking clarity from the Government given the circumstances it has just raised. The bill already allows the commissioner broad discretion of his own volition without necessarily requiring the consent of other agencies in other respects. We would like to know why, therefore, that is not appropriate with respect to the amendments that we may be pursuing in the Committee stage of this debate. Basically, if the commissioner has discretion in those respects, without necessarily requiring the consent of the agencies for whom he or she is collecting, then we are looking for an explanation as to why there should be a carve out with respect to our amendments. But that is for the Committee stage.

In essence, the bill establishes a clear distinction between the withdrawal of a penalty notice enforcement order by the commissioner and the annulment of a penalty notice enforcement order by the Local Court. As I noted previously, in the Legislative Assembly the Minister for Customer Service has stated the Government believes this will facilitate more disputes being resolved by the commissioner, thereby avoiding the need for around 1,000 matters to be heard in the Local Court. Labor supports making it easier for people to deal with fines. It is obviously preferable that people be able to avoid going to the Local Court. That is why there is a role for the commissioner to have some discretion in this respect. Going to court can be an intimidating and confronting experience. However, Labor hopes the Government will provide ongoing reporting on the impact of this initiative.

Ongoing reporting will be important to understand whether these reforms achieve their stated goal of reducing the workload of the Local Court. Ongoing reporting will also be important to understand how this change affects vulnerable people, because it is important they maintain their right to take matters to court. Finally, ongoing

reporting will be important to understand whether the list of grounds provided in the bill for the withdrawal or annulment of a penalty notice enforcement order are adequate to deal with situations where people face financial hardship or other forms of disadvantage. In its letter to the Minister for Customer Service, dated 7 August 2019, Community Legal Centres NSW stated:

The proposed changes limit the court's capacity to annul a penalty notice enforcement order to the grounds on which the Commissioner may withdraw a penalty notice enforcement order under section 47.

Although we can see how this will streamline matters, we are always apprehensive of limiting annulment applications by the Local Court. The Local Court is able to consider matters more fully than NSW Revenue or State Debt Recovery and is often more lenient.

Labor shares the concerns expressed by Community Legal Centres NSW and hopes the Government will commit to ongoing reporting so the impact of these reforms can be understood. The third major change made by the bill relates to the reallocation of overpayments towards other amounts a person may owe. Currently, section 122C of the Fines Act allows the commissioner to reallocate any overpayment made by a person toward other amounts the person might owe. The bill proposes to replace the existing section 122C with a new section. Under the new section 122C, the commissioner would not be able make a reallocation if the person who made an overpayment is in receipt of a government benefit unless the person requested the reallocation.

The new section 122C would also require the commissioner to revoke a reallocation if a person requested them to do so. This appears to be a positive reform that will mean many people on low or fixed incomes will be able to choose to have any overpayment they made refunded to them. However, Labor is concerned the change proposed by the bill does not go far enough. The bill adopts the criterion of a person receiving a government benefit to define people on low and fixed incomes. However, Labor is concerned that the definition will exclude many vulnerable people who should be covered by the provision. In its letter to the Minister for Customer Service, dated 7 August 2019, Community Legal Centres NSW stated:

We are concerned that this proposal will be highly detrimental to people experiencing financial hardship who are not eligible for or do not receive a Centrelink payment such as refugees, people on bridging visas and people who are homeless or affected by domestic violence and financial abuse.

Due to difficulties for Revenue NSW to reliably identify all people receiving a Centrelink payment and the detrimental impact on the people mentioned above, the reallocation of overpayments towards other fines should never be permitted without first obtaining the person's consent.

Labor shares the concerns expressed by Community Legal Centres NSW. I foreshadow that Labor will move an amendment to address that issue. The fourth change made by the bill extends the time a person has to apply for an internal review of the decision to issue a penalty notice. The bill also makes other minor changes to clarify aspects of the Fines Act in relation to internal reviews. The fifth change made by the bill removes the requirement that a person be in receipt of a government benefit in order to be given additional time to pay. The bill also allows the commissioner to make a fine enforcement order at any time in order to make either a work and development order or a time to pay order. Community Legal Centres NSW has expressed some concern about this proposal. In its letter to the Minister for Customer Service, dated 7 August 2019, it stated:

This proposal provides greater options for people about how to address a fine they have been issued. However, there is a risk that people experiencing economic hardship or discrimination may feel pressured in the first instance to deal with their fine through a [Work and Development Order] or time to pay order ... before having the opportunity to obtain legal advice on their options, including exercising their right to request a review or challenge a fine.

Labor shares the concerns expressed by Community Legal Centres NSW. We ask the Minister to confirm that a person who agrees to a work and development order being made after a penalty notice will still be able to obtain an internal review or contest the matter in court if they receive legal advice that the penalty notice should not have been issued.

The sixth change made by the bill will allow people to nominate themselves as the correct person who should receive a penalty notice. That situation often arises in relation to driving offences. Currently, a person may receive a penalty notice if a camera captures the vehicle they own speeding or driving through a red light. The penalty notice will be sent to the owner of the vehicle; however, the offence may have been committed by someone else who was driving the vehicle at the time. Currently, the owner must nominate the driver of the vehicle in order for the penalty notice to be issued to the person who actually committed the offence. That is usually done by completing a statutory declaration or a prescribed form.

The bill makes provision to allow the person who committed the offence to nominate themselves as the person who should receive the penalty notice. In effect, that means that if a person knows they have committed an offence, they will be able to take responsibility for their action directly, rather than having to wait for the owner of the vehicle to nominate them first. In conclusion, the reforms made by the bill are welcome to the extent they make it easier to deal with fines. Labor has ongoing concerns about the impact of penalty notices on vulnerable people in our community. Labor will return to that issue for the life of this Parliament. While penalty notices are

an essential part of our legal system, it is important that we understand that penalty notices may have different impacts on people, depending on their circumstances.

Labor also has concerns about the implications of the bill for cybersecurity and personal privacy. The bill encourages more people to deal with penalty notices electronically and to deal with penalty notices through Revenue NSW and internal review mechanisms. However, the bill is being introduced by the same Minister whose office was subjected to an investigation relating to the unlawful release of hundreds of citizens' private data during the last election. It is concerning that the Government is asking the people of New South Wales to place their trust in both Revenue NSW and the Minister when we are yet to hear a full explanation, let alone any element of accountability, as to how that data breach took place and what is being done to rectify it and to ensure that it does not occur again. I foreshadow that Labor will move amendments to help the people of New South Wales protect themselves in the event of any future violations of their privacy by Revenue NSW or the Government or any Minister or executive in the Government.

Reverend the Hon. FRED NILE (17:05:18): I support the Fines Amendment Bill 2019. The bill will improve the customer experience for people dealing with Revenue NSW by amending the Fines Act 1996 to better utilise digital technologies and provide streamlined processes to help people deal with their fines. Supporting amendments will also be made to road transport legislation. The Government conducted a review of various aspects of the fines system. A number of opportunities for improvement were identified through that process, including reductions in parking fines which have already been implemented and legislative reforms to improve the customer experience of fines.

The legislative changes are the subject of the bill and directly support the Government's priority to make government work better for the people of New South Wales by putting the customer at the centre. With the establishment of Revenue NSW in regional shopping centres, the people of New South Wales can deal directly with Revenue NSW on these issues in a simple way. The legislative changes will make the whole system more customer friendly.

The bill will amend the Fines Act 1996 to allow overpaid fine amounts to be refunded or reallocated towards a customer's other unpaid penalty notices or enforced fines unless the customer is a low-income earner; allow persons to nominate themselves as the driver responsible for an offence rather than just requiring the registered vehicle owner to nominate the driver; expand options for penalty notices to be disputed and withdrawn after enforcement has commenced; expand electronic service of penalty notices and associated documents to include sending an electronic message to a person, advising how such notices or documents may be accessed; expand customer access to voluntary enforcement of fines, without incurring additional enforcement costs so as to enter into a payment plan or a work and development order; and, finally, remove the requirement on Revenue NSW to issue a fine enforcement order where the fine is being voluntarily enforced.

The bill will also make amendments to the Road Transport Act 2013 to support the changes that will allow persons to nominate themselves as the driver responsible for an offence. There has been a great deal of consultation with all respective areas of government and community organisations. For that reason, the House should support the bill.

Mr DAVID SHOEBRIDGE (17:08:27): I speak in debate on the Fines Amendment Bill 2019 on behalf of The Greens. The Greens do not oppose the bill but do have a number of genuine concerns about it, some of which will be addressed in amendments moved by The Greens and some of which will be addressed in amendments moved by the Labor Opposition and, I hope, in amendments moved by the Government. The bill amends the now 20-odd-year-old Fines Act 1996 to make a series of changes. Some of the key changes deal with the provision for the electronic service of penalty notices and penalty notice enforcement orders.

They make provision to allow the Commissioner of Fines Administration to withdraw penalty notice orders on the commissioner's own initiative or on application by somebody who is the subject of a fine who believes the enforcement order should be withdrawn. They enable a person who is the subject of a penalty notice to apply for a review of the decision even after the enforcement order has been made. There are rational reasons for that because it is often only at that point that someone recognises the seriousness of the original offence. It extends the circumstances in which a person with an outstanding fine may seek additional time to pay.

It makes further provision for the commissioner to use an amount that is repayable to a person to pay some other amount owed by that person instead of refunding the full amount. There are concerns with that and I will address them in the second reading contribution. They enable a person to nominate themselves as the driver responsible for an offence for which a penalty notice has been issued rather than requiring the owner of the vehicle to nominate that person—the surrender provision. The bill also makes a number of consequential and minor changes to regulations under the Road Transport Act and the Road Transport Regulations.

The Greens have real concerns about the expansion of the use of fines in our justice system, which are set fees or set impositions. A \$330 fine may hardly register to a person if they are wealthy—if they have the income of a parliamentarian or a senior lawyer. While nobody likes paying \$330 fines, it is hardly a catastrophic event for those people. But if somebody on Centrelink is having to pay a \$330 fine, it may mean they and their kids do not eat properly for a month, they cannot pay their power bill, or their car is repossessed. The idea that we continue to expand fines as the primary measure for punishing people for infringements in this State is offensive to The Greens and deeply inequitable.

I wish to put on record the way other jurisdictions consider this. The jurisdiction which should be most closely considered is Finland. In 2002 then director of the Finnish telecommunications giant Nokia Anssi Vanjoki was on a fair salary. That year his remuneration was about €14 million. He was caught breaking the speed limit on his Harley-Davidson driving out of Helsinki. He received a fine equivalent to \$190,240 in Australia. From what I understand, he changed his behaviour. He also sought to appeal the fine but was unsuccessful. The fine was based on what he earned in 14 days. That was effective.

In 2015, Finnish businessman Reima Kuisla broke the speed limit—I cannot tell members if this was inside or outside of Helsinki—by 22 kilometres per hour. He was identified by a diligent Finnish traffic officer and was hit with a fine equivalent to \$88,500 in Australia. From what I understand, he changed his behaviour. He recognised that speeding was a problem. If Anssi Vanjoki had been fined €330 he would have laughed. If Finnish businessman Reima Kuisla had been hit with the equivalent of 15 penalty units under the Australian law, he would have joked about it. It would not have had an impact. We should have an effective justice system, but we should have an equitable one which imposes a penalty that not only provides a genuine deterrent that has an impact on a person's offending behaviour but also does not cripple a person with little or no income. Even a very modest fine can be economically crippling to somebody barely getting by on a Centrelink pension.

These are not just concerns The Greens have had. I note that the Community Legal Centres NSW raised concerns about the inequitable nature in which fines operate in New South Wales. I would love to have provided a series of amendments with graduated fines based upon income so that if a member of Parliament is caught breaking the speed limit by 22 kilometres per hour, they would pay the kind of fine that would have a measurable impact upon them financially. If a billionaire was breaking the speed limit, they would pay a fine that has a measurable impact on them financially. If someone on Centrelink was breaking the speed limit, they too would pay a fine that has a measurable, but not catastrophic, impact on them financially.

It would be nice to see our penalty units graduated on the basis of our last declared taxable income. That would be one way forward. That would create significant bureaucratic difficulty. It would require the State Government and the fines administration to spend more time assessing fines and a person's capacity to pay than they would in recovering the fines. But at some point we should get to a regime where there is data sharing between the Commonwealth tax office and—

[A Government member interjected.]

Subject to privacy controls. The Minister is right to raise that. Between the Australian Taxation Office and the fines commissioner in New South Wales. We should graduate fines based on a person's capacity to pay, which not only has a deterrent effect but also is a more equitable outcome. We were not in a position to craft those amendments and create a parallel regime. I am sorry we will not be having that debate in the Committee stage. We have crafted an amendment that provides for a person in receipt of a government benefit as defined in the Fines Act, but we have added that a government benefit includes the holder of a healthcare card, an ex-carer allowance, a child healthcare card, a Commonwealth Seniors Health Card, the Disability Support Pension, Newstart, ABSTUDY, or a widow allowance. So any person who is in receipt of one of those benefits would receive a 50 per cent discount on their fine. If a person is surviving on ABSTUDY, even paying 50 per cent of a fine would be economically catastrophic in some circumstances. It would obviously be a meaningful fine that would have a deterrent effect, but it would not be as economically crippling as the current system.

The same would apply for somebody on Newstart. We know that surviving on \$40 a day is next to impossible. We find the thought that they would pay the same fine as a billionaire for the same offence deeply inequitable. We will move that amendment. We acknowledge that it does not cover the full array of equity issues that we would like to see. It does not provide that the billionaire pays a meaningful fine with a deterrent effect. However, we believe it is a significant improvement in terms of equity outcomes for fines. The Greens believe it should be considered and supported by a majority of members in this Chamber.

I raise a couple of other issues about the bill. One issue is the use of electronic means to serve penalty notices and reminders. We can all see the efficiency gains in this provision. Having penalty notices served by SMS or emails would probably work well for the majority of members in this Chamber, although if it goes into that waterfall of emails we all receive we would hope to pick it up. But we can see how there are efficiency gains

in that rather than in a letter in the mail. The Community Legal Centres NSW's correspondence of 16 September 2019 to the Minister, which was shared with other members, states:

While some people will no doubt benefit from the added option, in our experience fines disproportionately impact people experiencing economic hardship and complex disadvantage and these are the very people likely to benefit least.

Community Legal Centres NSW points out that people on a low income often have difficulty in accessing their email and maintaining a contract with a mobile phone provider. Those people will have the greatest difficulty. Community Legal Centres NSW suggests a variety of remedies, which I hope we consider in Committee. Community Legal Centres also raises its ongoing concerns that the proposed changes to the time to pay and payment by instalment orders will mean that those who are already experiencing disadvantage will have additional pressure from dealing with their fines through those mechanisms and that the changes will prevent people from seeking legal advice about their options, including their right to review or challenge a fine. Community Legal Centres NSW recommends:

The proposed amendments make clear that a person does not lose their rights to challenge a fine for a reasonable period of time after they have applied for a work and development order or time to pay/payment by instalments order.

Those concerns are valid and real. Community Legal Centres NSW also has concerns regarding amendments that broaden the commissioner's discretionary powers in annulment applications. Its correspondence states that the broadened powers "do so by converting the circumstances in which the Commissioner must annul an enforcement order into discretionary considerations (the new s47 (d)-(g) and amendment to note in s126A)." Community Legal Centres NSW notes that there is some difficulty in translating those materials. Those concerns are real and I would like the Minister in his reply to address those concerns about the change from mandatory to discretionary powers for the commissioner to annul those orders. The Community Legal Centres NSW correspondence further states:

Some of the proposed changes to the penalty and enforcement notice review process may limit people's access to the Local Court. For example, under the changes it appears that people whose section 24 penalty notice review applications are unsuccessful will be required to challenge an enforcement order under section 46 (if the reminder penalty notice due date is passed), before they can apply for an annulment in the Local Court. This may add an extra step and an additional cost to the process if people are charged a fee to challenge enforcement orders with Revenue NSW.

It adds that "it appears the Commissioner's ability to help people experiencing financial hardship under sections 46—47 will be limited to withdrawal of an enforcement notice", as opposed to the broader set of powers that existed before. I would appreciate it if the Minister in his reply would address those concerns. In general, Community Legal Centres has valid concerns that the changes limit the circumstances in which courts can review and overturn penalty notices and enforcement notices. The last matter of concern that I address is the automatic reallocation of overpayments. I note that one of the purposes of the bill is to make further provision to allow the commissioner to use an amount that is repayable to a person to pay another amount owed by the person to the commissioner instead of refunding the amount. If a person faces two penalty notices or two fines and overpays one fine, the commissioner can automatically apply the overpayment to address the other fine without requiring the consent of the person who made the overpayment. I will read onto the record the Community Legal Centres NSW's very valid concerns. It states:

Community Legal Centres NSW remains highly concerned about amendments that will allow the Commissioner to reallocate refundable overpayments on a specific debt to any outstanding penalty notices a person has received and not just to enforced notices. We understand that this will not apply to people who receive Centrelink payments. However, for the reasons outlined in our previous letter and in the meeting, we strongly believe that this change will negatively impact people experiencing disadvantage and discrimination who do not or cannot receive Centrelink payments.

Therefore it recommends that the legislation be amended to make clear that the reallocation of overpayments towards other fines should never be permitted without first obtaining a person's consent. That seems like a reasonable provision to include in the bill. There are complex reasons for people suffering severe poverty and hardship but not receiving Centrelink payments. They may well have valid reasons to not have a fine enforced at that moment and to defer the payment of a fine. But the commissioner automatically reallocating an overpayment to an unpaid fine, even when enforcement proceedings have not been commenced for that fine, can result in people in stressed financial circumstances being tipped over financially. Again I would appreciate the Minister, in his speech in reply, addressing the concerns of Community Legal Centres NSW.

I have not addressed every element in the bill. There are a number of elements in the bill that provide additional discretions that are of benefit to people who have received fines. Undoubtedly a series of measures in the bill are positive. However, the bill also contains a series of concerning measures. There is also the overriding issue about equity. The Greens will support the bill at the second reading stage but will move amendments in the Committee stage, and one of those relates to privacy. I think members know the fairly notorious circumstances within which this has arisen but for the record The Greens have a view that there should be a mandatory notification of breaches of privacy. That should be the starting point.

Once we have the starting point of mandatory notification of breaches of somebody's privacy there may be circumstances where, with the advice and consultation of the Privacy Commissioner, there is not a compulsory notification in every situation. There may well be circumstances where seeking the advice of the Privacy Commissioner may be entirely appropriate and would therefore not require a notification. But the default position should be mandatory notification. There have been discussions across the Parliament, including between my office and the Government, about provisions in the bill that protect privacy and also deal with the complex public policy issues relating to privacy breaches and notification. With that I conclude my contribution.

[Business interrupted.]

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I recognise that tonight in the President's gallery we have the presence of Penny George-Farlow and Christian and Colette Farlow, guests of the Hon. Scott Farlow. I inform the House that today is a special day—it is Christian Farlow's sixth birthday. On behalf of the Legislative Council, I wish you a happy birthday, Christian.

Bills

FINES AMENDMENT BILL 2019

Second Reading Debate

[Business resumed.]

The Hon. SCOTT FARLOW (17:27:52): I brought my family here for my finest speech on the Fines Amendment Bill 2019, an area about which I have a deep passion. As part of my role as the Parliamentary Secretary to the Treasurer I handle a range of correspondence on the issue of fines. I have come across some of these issues in correspondence from members and constituents across New South Wales. Some members may be surprised by the fact that some people accidentally overpay their fines but it does happen. For example, a customer sets up a regular bank transfer to pay off their \$300 fine in \$20 instalments. After the fine is fully paid off the customer forgets to stop their regular transfers and Revenue NSW continues to receive payments. In most cases, Revenue NSW can refund the overpaid money to the customer but sometimes it cannot do so because of the way in which the payment was made or set up. At the same time Revenue NSW knows that the customer has another unpaid fine. At any given time Revenue NSW has around 3,000 fine overpayments where the amount could be paid to another fine.

Currently, the Fines Act 1996 allows Revenue NSW to reallocate an overpaid amount on an enforced fine to another enforced fine of the same customer. This helps to stop any additional penalties and interest applying to that overdue fine. Revenue NSW does not need the customer's consent but must notify the customer of that reallocation. The customer can then ask Revenue NSW to refund the overpaid amount. The bill will expand the above provisions to permit more overpayments to be reallocated. Any overpayment of a fine, whether enforced or not, will be able to be reallocated to any other unpaid fine of the customer, whether that fine is enforced or not. This will enable more of those 3,000 overpayments to be reallocated to help reduce a customer's overall fine debt.

I am sure members would agree this is a commonsense amendment. I stress that important safeguards have been put in place as part of the bill. They include a customer's right to be notified of the reallocation and request that the amount be refunded instead remains. A customer's right to dispute a fine will remain even if it is fully paid off by a reallocation and the time limits for exercising those dispute rights will start from the date of reallocation. The bill also addresses a gap in the current legislation relating to refunding of overpayments. Currently the Act is silent on this. The bill will introduce a general provision enabling Revenue NSW to refund fine overpayments.

Lastly, I am pleased to say that the bill will introduce an important safeguard for customers who are most likely to be in financial stress. It will provide that an overpayment cannot be reallocated where the customer is in receipt of certain government benefits or is in a class of persons prescribed by regulation. This is consistent with how other provisions of the Act currently identify customers in financial hardship. By introducing that safeguard, we ensure that such customers are not inadvertently adversely impacted by the reallocation process. We understand that for those customers any extra money may be critical to helping them meet their financial obligations. However, if the customer still wants their overpayment to be reallocated they can ask for that to happen.

These changes strike the right balance. They will improve the current administration of fine overpayments while safeguarding customers who are most likely to be in financial hardship and in need of a

refund of their overpayment. I am pleased to support the bill and I see it as a key improvement to our fines system. I congratulate both the Minister for Customer Service, the Hon. Victor Dominello, and the Minister for Finance and Small Business, the Hon. Damien Tudehope, for bringing the bill before the House.

The Hon. JOHN GRAHAM (17:32:06): I will add a couple of comments, unless I am provoked into further thoughts on the bill. Firstly, I recognise that these are worthwhile endeavours. Modernising the way in which government deals with citizens in the payment, fine and service delivery areas is a constant challenge in government here and around the world and I appreciate and welcome the focus on it. This is a legislative tip of that spear and is a worthwhile endeavour. Secondly, as my colleague the Hon. Daniel Mookhey has indicated, we should recognise that these measures are not only good for the citizen but also good for the State in that there may be more revenue that comes into the State. That is a good thing for both. However, we want to know what the Government's expectations are about increased revenue as a result of this legislation, particularly in relation to the voluntary payment plans.

In discussions with the Opposition, the Minister agreed to provide that data. We had some good discussions with the Minister ahead of the bill being introduced. To my knowledge that information has not been provided and it should be. I accept the principle that this is good for the citizen, good for the State and good for all of us but the Government should be up-front about whether there is a revenue bonus to the State and how much that is. Knowing how much that number might be is fundamental to our real judgement about the worth of this bill. The Government should be up-front about it; it should not be something to hide. The Minister was open to that approach when we talked to him and that amount should be on the public record.

Thirdly, as the shadow roads Minister, I raise the issue of the impact of fines and the cycle that people can get into of not being able to afford to pay fines and losing their licence and sometimes, particularly in regional New South Wales, needing to drive and continuing to drive. It is a cycle that some people get into and is a real issue in New South Wales. We know it impacts more in the bush, we know it impacts more on people who can least afford it and we know it impacts most on Indigenous Australians in some of our towns in New South Wales. A 2008 survey of 300 Aboriginal citizens in New South Wales found that half had had their licence suspended and 59 per cent of that was for unpaid fines. This impacts in a range of ways across our community, which is all the more reason to have a strong focus on this set of issues. I place my concern about that issue on the record.

We have to remember as we deal with these issues that they do not impact equally on all New South Wales citizens. It is better to make the procedure more convenient for everyone but for some people, no matter how convenient it is, this has real life impacts when they open up the mail and get a fine or message from the government that they know they cannot pay and they know will have other implications. I place that on the record. I commend the bill to the House and I commend the much more comprehensive comments that my colleague the Hon. Daniel Mookhey made in representing the Opposition's position.

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. SARAH MITCHELL: I move:

That this House do now adjourn.

RIVERINA BUSINESS INFRASTRUCTURE

The Hon. WES FANG (17:37:00): Last year manufacturing in regional New South Wales contributed a huge \$6.4 billion to the local economy and it currently employs around 89,600 people. The Riverina in particular is a hub for design and development, innovative research and product customisation and international investors and businesses are starting to take notice. Last week I was pleased to join Deputy Premier John Barilaro and an international delegation of 15 consular and trade officials from 14 countries to visit businesses and investment opportunities in the Riverina and Murray. This is incredibly exciting for our region. In the past, trade missions have yielded 11 investment leads with a potential value of around \$300 million, creating 400 jobs for people in regional New South Wales.

The primary focus of the delegation was investigating Wagga Wagga's advanced manufacturing sector, with delegates engaged in briefings at Enirgi recycling, Flipscreen and Southern Oil with my good friend Tim Rose. These local businesses are at the forefront of manufacturing technology in Australia but they need investment in local infrastructure in order to stay ahead of the pack. We need to continually make Wagga Wagga even more attractive to local and international investors in order to grow the economy and create more jobs. That is why during the Deputy Premier's visit the Government announced the biggest funding commitment from the Growing Local Economies fund so far: \$29.18 million to build vital infrastructure that will support Wagga

Wagga's Special Activation Precinct and the Riverina Intermodal Freight & Logistics Hub. This means we can start work on world-class enabling infrastructure that will provide certainty and security for new and existing businesses in Wagga Wagga.

This investment will build heavy vehicle road links, water, gas and data connections. It is exactly what the Growing Local Economies fund is designed to deliver—infrastructure that helps businesses and industry operate more efficiently and effectively, thereby generating jobs and encouraging local, national and international investment opportunities to our regions. We have heard in the past from businesses in the Bomen Special Activation Precinct that their current service is not reliable enough to use digital-based technologies to run their businesses, access information or trade. The improved internet connections as a result of this funding will revolutionise existing businesses like Proway, Southern Oil, Teys and Great Southern Electrical, helping them to find opportunities to cut costs, boost revenue and bring on more staff. The Wagga Wagga Special Activation Precinct will become one of the largest industrial precincts on the inland rail route from Brisbane to Melbourne. It will provide infrastructure, offer fast-tracked planning with less red tape, financial incentives to help workers relocate and a business concierge service for support.

Benefits like this and multimillion-dollar infrastructure commitments mean that businesses will have the confidence to invest here and to expand, set up or create more jobs and there will be more opportunities for the local and regional community. This funding is about providing access to everyday essentials a business needs to thrive and making Wagga Wagga even more attractive to local and international businesses. In further good news for Wagga Wagga, the first link in the new cycling network was opened, with the Deputy Premier joining Mayor Greg Conkey and me to put the course through its paces and to work off the community barbeque lunch.

The newly unveiled Levee Link, from the Wiradjuri Bridge to Wagga Beach, is the first section of the commuter cycle network to be completed as part of Wagga Wagga City Council's Active Travel Plan. The New South Wales Government's funding contribution of \$11.3 million for the project is a fantastic way to get everyone more active and improve our health and wellbeing. In addition to the 45 kilometres of cycleways which will link residential parts of Wagga Wagga with the CBD and the university, the project will also provide end-of-ride facilities, including bicycle parking and amenities, at two CBD locations. With nearly 15 per cent of regional New South Wales residents riding a bicycle at least once a week and 37.8 per cent at least once a year, this new cycleway will be a great attraction for both adults and children. Judging by how many residents turned out during the Deputy Premier's visit, I can safely say it will be a popular choice during future school holidays.

OUR COMMUNITY PANTRY

The Hon. TARA MORIARTY (17:39:32): Last weekend I visited Bargo, where I had the opportunity to meet a fantastic and courageous woman by the name of Paula Zrilic. Paula runs Our Community Pantry in Bargo, which helps people in need right across Wollondilly and the Southern Highlands put food on the table. Our Community Pantry is a food rescue project that diverts edible food, household items, fresh fruit and vegetables, milk, meat and bakery items that would otherwise be wasted and destined for landfill and makes them available and affordable for its members. Its mission is that no Australian child will suffer the physical and emotional scars stemming from witnessing their parents struggle to put food on the table.

Paula found herself in the situation of fleeing domestic violence whilst having two young girls to support. Despite having a job, she found it near impossible to save money for a bond while barely managing to put food on the table and provide for her girls as she tried to rebuild her life. Reaching out to government services proved difficult because earning a basic income meant missing out on her short-term need for particular services. Seeing a gap in the system, Paula—together with members of her local community—began Our Community Pantry by making basic food staples available to four categories of people for a just a couple of dollars. Those groups include unemployed people in crisis, working families struggling to cope with the cost of living, pensioners struggling to make their payments last until their next pension payment and those who want to give back to the community by purchasing meals and passing them on to those who are struggling.

The work that this organisation does in the community is invaluable. It means that struggling local families can get basic fresh food items and pantry staples to feed their family and not have to make the decision to go hungry so that they can afford to put petrol in the car or to pay an unexpected bill or school expense. It is a service that has enabled a number of local women to get support when fleeing family violence, like Paula did. I applaud the work Paula and the team does at Our Community Pantry and I recognise the sacrifices made to allow this organisation to become the success that it is. It is so wonderful in times of crisis, where families everywhere are struggling, to see the community come together to support one another and to lend a helping hand.

In Wollondilly 16.2 per cent of households have a weekly income of less than \$650 and 9.3 per cent of households have mortgage repayments that are greater or equal to 30 per cent of their household income. That is in comparison to 7.4 per cent across New South Wales. More and more working families in Wollondilly and right

across New South Wales are struggling to cope with the cost of living. The demand for the services of Our Community Pantry is so high that it is now also operating in Goulburn. With the cost of living increasing and wages and welfare stagnating, more and more people are reaching out as they are barely able to make ends meet.

I note that this week is Anti-Poverty Week across Australia. One in eight people in New South Wales, including one in six children, live in poverty every day. We have some real systemic issues across our community and our economy of real structural unfairness which make it harder for people to get ahead or, worse, to get out of dire circumstances. We need to work towards the eradication of poverty across our State and we also need to ensure that people who find themselves in financial difficulty through an accident of fate, a relationship breakdown, an unexpected job loss or any unforeseen circumstance are provided with real support so that they do not fall through cracks that are very difficult to get out of. In the meantime, I commend organisations such as Our Community Pantry. The work that they do means the world to those who are struggling.

TRACEY SPICER AND #METOO MOVEMENT

The Hon. MARK LATHAM (17:45:23): One of the good things about our representative role in this place is to be invited to worthwhile community events. Last month I noted with interest in my email inbox that I had been invited to the 2019 City of Sydney Peace Prize Lecture and Award Ceremony and the Sydney Peace Prize Gala Dinner. Immediately I thought it must be something to do with a distinguished New South Welshperson who has brought peace to North Korea or the Middle East or Africa or even Brexit or who in our local communities has helped with things like the drought, to stabilise and assist in troubled parts of New South Wales, given that economic distress. One can imagine my surprise to find out that Tracey Spicer is the recipient of the City of Sydney Peace Prize. I was stunned by that because I do not see how a publicly funded organisation—it receives funds from the City of Sydney and Sydney university—would make such a farce of itself by giving the prize to someone who, compared to all the other worthy people in Sydney and around the State, had not achieved anything.

The newspaper headlines tell the story. Two years ago a headline in *The Daily Telegraph* states, "Tracey Spicer vows to out 40 sleazebags in media industry". No such thing happened. Then a headline on the Nine.com.au website states, "Tracey Spicer is bringing sexual predators to justice". She is apparently going to drop "the mother of all bombs" to deal with misogyny, sexism and criminal sexual behaviour in Australian media workplaces. Even *The Australian* newspaper in its Media section in November 2017 had the headline, "Sexual misconduct file imminent", but it never appeared. How do you win a peace prize for something that never happened, for what really was fake news and propaganda?

Then Tracey Spicer herself writes in *The Sydney Morning Herald* in November 2017, "More than 500 women have named 65 men in an investigation into sexual harassment and indecent assault". This vast number of men, these sexual fiends and predators, have never been named in the media. In fact, the one matter where she seemed to have an impact, from her point of view, was assisting in the allegations against the well-known Australian actor John Jarratt, having promised that prosecutions would be brought about. The matter was thrown out of court in very brisk time by a female-majority jury. I think John Jarratt has summed up the real impact of Tracey Spicer in this debate and his words are worth quoting. After he was cleared in the court case, having been accused of rape—an historic matter from more than 40 years ago—*The Sydney Morning Herald* noted:

Since August 2017, he says, he has had just one day of paid work. The case cost him hundreds of thousands of dollars in lost earnings, and much more in grief.

To quote John Jarratt directly:

The #MeToo movement is very important—

a magnanimous statement—

but it's being destroyed by the false accusers. They are causing havoc for the movement. Indeed, he is saying they are being counterproductive. So how can Tracey Spicer be the recipient of a peace prize when John Jarratt, in the worst of circumstances for him, his family and his reputation, is pointing out that her activities in spreading this fake news have been counterproductive? I have a very serious concern about her activities in general because it has been reported to me that she has approached media outlets saying that if she had a paid consultancy to deal with gender matters in the workplace, that workplace would be immune from the naming and the shaming that she was presenting. In other words, she is a shakedown merchant. It goes beyond being counterproductive. It goes from it being a good little earner on the side to actively abusing the #metoo movement. These matters are important.

John Jarratt is right in saying that effectively everyone in the workplace should act with respect and decency towards each other and that anyone engaged in sexual harassment or assault should be brought to justice with the full force of the law. These campaigns can be significant but they must be based on fact. People cannot run around saying there are 40 sexual fiends in the media and then never produce any evidence. That has tarnished the reputation of every person in those workplaces who, in the majority of instances, would be doing the right thing. The men I speak of say that the workplace there, as it has around the country, has improved dramatically in these standards compared to our fathers, grandfathers and great-grandfathers in the distant past. #metoo needs to be

based on fact. The Sydney Peace Foundation has brought embarrassment upon itself—indeed, humiliation—to so belittle its prize to give it to Tracey Spicer, who has been so counterproductive in this area. I ask it to reconsider. I certainly will not be attending the award ceremony.

TRIBUTE TO THE HON. NIALL BLAIR

The Hon. TREVOR KHAN (17:50:29): I wish to speak only briefly. I note that a sad event occurred at 11.30 this morning when the Hon. Niall Blair attended upon the Governor to hand in his resignation. Niall is and was a good and honourable man who served this Parliament well in the time he was here. It perhaps reflects the nature of politics nowadays that a man of his quality, his intelligence and his civility left us far too early. We are the lesser because of the pressures that Parliament placed upon him, which caused him to rethink the priorities of his life. I fully understand that we live in times where transparency is so essential. Expectations are placed upon people and their availability that are far greater than at any previous time. No longer do we see people come into this Parliament and spend 20 or more years. Perhaps in a way that is good, unless we lose people before they have been able to make as big a contribution as they are capable of. We should all reflect upon whether things have gone too far. I certainly do not have the answers but it is regrettable for me personally.

I will end by making an observation of the capacity of Niall Blair to work across the Chamber and with people who had very strongly held views, as was demonstrated in the debate on abortion law reform. He was never part of the group that I was part of in respect to developing the bill. Indeed, notwithstanding the wide variety of discussions over pizzas and pinot noir we would have at Fiveways in Paddington—which he referred to in his valedictory speech—it was never a matter of passion for him. When the debate came to this House, his capacity to deal with others made him an essential element in the passage of the bill. He was able to always be the peacemaker in our negotiations. He was the rational head who was able to chart a path that gave people a dignified way out or a dignified way forward. That is a rarity in public life—in fact, it is a rarity in life—yet he possessed it in spades. I know he was proud of that end. He expected that his end in politics would be to quietly slide out the back door. His involvement in that debate was another demonstration that his valuable contribution was there until the end. I will miss him. I will miss him deeply.

CLIMATE CHANGE

The Hon. ROSE JACKSON (17:54:39): Our planet is already too hot. Current built-in temperature and sea level rises will significantly disrupt the way we presently live. This is not an issue we can dissociate from our lives right now. It is not coming, it is not impending—it is here. I am not going to provide an extended list of horrifying evidence points—the monthly, quarterly, yearly temperature records broken again; the sea level rises; the sea ice coverage retreat; the animal extinctions; the deaths from heat waves and from floods—they just wash over us now. We are numb to them. We are desensitised. We know what they mean and yet we still seem paralysed.

Besides the state of the debate in this Parliament is not whether climate change is real; almost everyone accepts the settled science of our changing climate. We accept the science because we see it in our communities right now. Cases in point: The dreadful, disastrous drought that is crippling New South Wales. In our State, 40 towns have less than six months before they literally run out of water. Why is this happening? Why is it not raining? This is not normal climate variation. These are not standard weather patterns. The length and severity of our disastrous drought is a direct consequence of our changing climate. Twenty years ago we were told the millennium drought was a once-in-a-generation occurrence, and less than a quarter of a generation later we are here again.

The next case in point is that we are now experiencing devastating and deadly bushfires in October. We have always had dry and hot summers, but this used to be a summer problem—a December, January, February problem. We are now experiencing these catastrophic natural disasters in October and in September—almost half the year on bushfire alert. In my entire life I have experienced one month of below-average temperatures and it was February 1985—the last month of below-average temperatures. That was the month after I was born, in January 1985. The state of the debate in New South Wales is what we do about all this evidence. We are a long way from a bipartisan approach to the necessary action. This really saddens me because if there is one issue that should unite our parliaments, our communities and our nations, it is the urgent fight for our own survival as a species. The facts are that our climate is in crisis and New South Wales should declare a climate emergency.

The declaration of a climate emergency is a declaration of intent. It is not just words. It is the intention of our Government to take the issue of climate change as seriously as the challenge it poses to our way of life. The determination to take the action we need requires a recognition of the magnitude of the crisis we face. I refuse to be intimidated in the face of this threat. I insist on recognising the incredible potential to reshape our economy and society in a way that is better than it was before. In our current economic and environmental framework plenty of people are being left behind. It is not working. People are anxious, threatened and uncertain, particularly in regional communities.

The environmental science is settled and so are the economics. Inaction on climate change is costing us money. Taking action for a greener future would have a major potential to attract investment to this State, build new industries and generate hundreds of thousands of new jobs. It is exciting to think about this potential and what it could mean for the future of the State, but we are only going to be in a position to make this game-changing and positive transformation if we respond to the climate emergency with urgent society-wide mobilisation. The declaration of a climate emergency is not a radical act, although radical action is not unwarranted in response to the threat of total climate breakdown. Some 60 per cent of Australians agree that this country is facing a climate emergency. This figure is remarkable considering the popular media and political consensus that action on climate change is a vote loser, as though somehow whether a commitment to preserving our planet for humanity can and should be reduced to some electoral calculation.

But even on that reasonably soulless measure of something this significant, it is remarkable how many Australians continue to prioritise this issue despite the consistent messages from State and Federal governments that it is not a priority for them. It is particularly remarkable in New South Wales, where the lack of leadership from the Government on this issue is shocking and flagrant. The 2019 budget contained no mention of climate change—not one, nothing, zilch. New South Wales has no emissions reduction target. We have no renewable energy target. We have no climate change legislation. We have no leadership on climate change from this Parliament. The leadership is coming from outside, from our communities, from the corporate world, from the streets and from our children. They recognise New South Wales is in a climate emergency; it is time for those of us inside this building to recognise it too.

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

Motion agreed to.

The House adjourned at 18:00 until Thursday 17 October 2019 at 10:00.