



New South Wales

Legislative Council

**PARLIAMENTARY
DEBATES
(HANSARD)**

FIFTY-SIXTH PARLIAMENT
FIRST SESSION

WEDNESDAY 6 MAY 2015

Authorised by the
Parliament of New South Wales

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PARLIAMENTARY DEBATES

Corrections to Daily Proof

To ensure the early publication of the *Hansard* pamphlet, in relation to speeches made on Monday, Tuesday and Wednesday members' suggestions for corrections will be accepted only until 4 p.m. on Thursday; and suggestions for corrections to speeches delivered on Thursday and Friday will be accepted only until 12 noon on the following Monday.

Corrections may be marked on a photocopy of the daily proof page and lodged at the Office of the Editor of Debates, Level 8, Parliament House.

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Amendments cannot be accepted over the telephone.

Corrections should relate only to inaccuracies. New matter may not be introduced.

Scott Fuller
Editor of Debates

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LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Wednesday 6 May 2015

JOINT SITTING TO ELECT MEMBERS OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council Chamber at 12.51 p.m. to elect members of the Legislative Council in the place of the Hon. Steven James Robert Whan and the Hon. Penelope Gail Sharpe, resigned.

The Clerk of the Parliaments read the message from the Governor convening the joint sitting.

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The PRESIDENT: I am now prepared to receive nominations with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Steven James Robert Whan.

Mr LUKE FOLEY: I propose Nitin Daniel Mookhey as an eligible person to fill the vacant seat of the Hon. Steven James Robert Whan in the Legislative Council, for which purpose this joint sitting was convened. I propose that Nitin Daniel Mookhey be elected as a member of the Legislative Council to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Steven James Robert Whan. I indicate to the joint sitting that if Nitin Daniel Mookhey were a member of the Legislative Council, he would not be disqualified from sitting or voting as such a member, and that he is a member of the same party, the Australian Labor Party, as the Hon. Steven James Robert Whan was publicly recognised by as an endorsed candidate of that party and who publicly represented himself to be such a candidate at the time of his election at a joint sitting of the Houses of Parliament in the State of New South Wales held on 20 June 2011. I further indicate that the person being proposed would be willing to hold the vacant place, if chosen.

The Hon. ADAM SEARLE: I second the nomination.

The PRESIDENT: Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Nitin Daniel Mookhey is elected as a member of the Legislative Council to fill the seat vacated by the Hon. Steven James Robert Whan.

The PRESIDENT: I am now prepared to receive nominations with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Penelope Gail Sharpe.

Mr LUKE FOLEY: I propose Penelope Gail Sharpe as an eligible person to fill the seat vacated by her in the Legislative Council for which purpose this joint sitting was convened. I propose that Penelope Gail Sharpe be elected as a member of the Legislative Council to fill the seat previously vacated by her. I indicate to the joint sitting that if Penelope Gail Sharpe were a member of the Legislative Council, she would not be disqualified from sitting or voting as such a member, and that she is a member of the same party, the Australian Labor Party, which she was publicly recognised by as an endorsed candidate of that party and who publicly represented herself to be such a candidate at the time of her election at the tenth periodic Council election, which was held on 26 March 2011. I further indicate that the person being proposed would be willing to hold the vacant place, if chosen.

The Hon. ADAM SEARLE: I second the motion.

The PRESIDENT: Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Penelope Gail Sharpe is elected as a member of the Legislative Council to fill the seat previously vacated by her.

The joint sitting closed at 12.57 p.m.

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Wednesday 6 May 2015

JOINT SITTING TO ELECT A SENATOR

The two Houses met in the Legislative Council Chamber at 12.57 p.m. to elect a senator in the place of Senator John Philip Faulkner, resigned.

Mr MIKE BAIRD: I move:

That the Hon. Donald Thomas Harwin, President of the Legislative Council, act as President of the Joint Sitting of the two Houses of the Legislature for the election of a senator in place of Senator John Faulkner, resigned, and that in the event of his absence the Hon. Shirley Elizabeth Hancock, Speaker of the Legislative Assembly, act in that capacity.

Mr LUKE FOLEY: I second the motion.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

Mr MIKE BAIRD: I present proposed rules for the regulation of the proceedings at the joint sitting, which have been printed and circulated. I move:

That the proposed rules, as printed and circulated, be now adopted.

Mr LUKE FOLEY: I second the motion.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

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The PRESIDENT: I am now prepared to receive nominations with regard to a person to fill the vacant place in the Senate caused by the resignation of Senator the Hon. John Faulkner.

Mr LUKE FOLEY: I propose Ms Jennifer McAllister to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. John Faulkner and I announce that the candidate is willing to hold the vacant place if chosen. Senator the Hon. John Faulkner was, at the time he was chosen by the people of the State, publicly recognised to be an endorsed candidate of the Labor Party of Australia and publicly represented himself to be an endorsed candidate of that party. Ms Jennifer McAllister is a member of the same political party.

The Hon. ADAM SEARLE: I second the motion.

The PRESIDENT: Does any member desire to propose any other person to fill the vacancy? There being no other nominations, the question is: That Ms Jennifer McAllister be chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. John Faulkner.

Question resolved in the affirmative.

The PRESIDENT: I declare that Ms Jennifer McAllister has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. John Faulkner.

Mr MIKE BAIRD: I move:

That the President inform His Excellency the Governor as soon as practicable that Ms Jennifer McAllister has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Hon. John Faulkner.

The Hon. DUNCAN GAY: I second the motion.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

The PRESIDENT: I declare the joint sitting closed.

The joint sitting closed at 1.02 p.m.

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LEGISLATIVE COUNCIL

Wednesday 6 May 2015

The President (The Hon. Donald Thomas Harwin) took the chair at 11.00 a.m.

The President read the Prayers.

PRESIDENT OF THE LEGISLATIVE COUNCIL

Presentation to the Governor

The PRESIDENT: I have to report that yesterday I informed the Governor that, following a vacancy in the office of President, the Legislative Council, in the exercise of its lawful right, had proceeded to the election of its President and that the choice had fallen upon me as its independent and impartial representative. I presented myself to His Excellency as your President, and His Excellency was pleased to offer to me his congratulations.

I further report that, in the name and on behalf of the House, I laid claim to all its undoubted rights and privileges, particularly to freedom of speech in debate, to free access to His Excellency when occasion should require, and asked that the most favourable construction should, on all occasions, be put upon its language and proceedings; to all of which the Governor readily assented.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from His Excellency the Governor:

General David Hurley, AC, DSC (Ret'd)
GOVERNOR

Government House
Sydney

General David Hurley, AC, DSC (Ret'd), Governor of New South Wales, has the honour to inform the Legislative Council that he has this day reassumed the administration of the Government of the State.

Thursday, 20 November 2014

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from His Excellency Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales:

T. Bathurst
LIEUTENANT-GOVERNOR

Government House
Sydney

The Honourable Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent upon the Governor of New South Wales, His Excellency General the Honourable David Hurley, AC, DSC, (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Thursday, 2 April 2015

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from His Excellency the Governor:

General David Hurley, AC, DSC (Ret'd)
GOVERNOR

Government House
Sydney

General David Hurley, AC, DSC (Ret'd), Governor of New South Wales, has the honour to inform the Legislative Council that he has this day reassumed the administration of the Government of the State.

Friday, 3 April 2015

ASSENT TO BILLS

Assent to the following bills of the previous session was reported:

Crime Commission Legislation Amendment Bill 2014
Criminal Procedure Amendment (Domestic Violence Complainants) Bill 2014
Health Practitioner Regulation Legislation Amendment Bill 2014
Mental Health Amendment (Statutory Review) Bill 2014
Ombudsman and Public Interest Disclosures Legislation Amendment Bill 2014
Petroleum (Onshore) Amendment (NSW Gas Plan) Bill 2014
Statute Law (Miscellaneous Provisions) Bill (No 2) 2014

SENATE VACANCY

Resignation of Senator the Honourable John Philip Faulkner

The PRESIDENT: I report the receipt of the following message from His Excellency the Governor:

General David Hurley, AC, DSC (Ret'd)
GOVERNOR

Government House
Sydney

His Excellency the Governor transmits to the Legislative Council copy of a dispatch dated 9 February 2015, received from the President of the Senate, notifying that a vacancy has happened in the representation of the State of New South Wales in the Senate of the Commonwealth of Australia through the resignation of Senator the Honourable John Faulkner which occurred on 6 February 2015.

9 February 2015

Motion by the Hon. Duncan Gay agreed to:

That the message be taken into consideration on the receipt of a message from the Legislative Assembly dealing with the same subject.

The President tabled correspondence relating to the vacancy from the Hon. Stephen Parry, President of the Senate, Canberra, dated 27 March 2015.

LEGISLATIVE COUNCIL VACANCY

Resignation of the Honourable Steven James Robert Whan

The PRESIDENT: I report the receipt of the following communication from His Excellency the Governor:

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

Government House
Sydney

The Honourable Don Harwin MLC
President of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear President,

I have the honour to inform you that I have received a letter dated 5 March 2015 from the Honourable Steve Whan MLC tendering his resignation as a Member of the Legislative Council of New South Wales, effective immediately.

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

Thursday, 5 March 2015

I have acknowledged His Excellency's communication. An entry regarding the resignation of the Hon. Steven James Robert Whan from the Fifty-fifth Parliament has been made in the Register of Members of the Legislative Council.

LEGISLATIVE COUNCIL VACANCY

Resignation of the Honourable Penelope Gail Sharpe

The PRESIDENT: I report the receipt of the following communication from His Excellency the Governor:

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

Government House
Sydney

The Honourable Don Harwin MLC
President of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear President,

I have the honour to inform you that I have received a letter dated 5 March 2015 from the Honourable Penny Sharpe MLC tendering her resignation as a Member of the Legislative Council of New South Wales, effective immediately.

The Official Secretary and Chief of Staff to the Governor has acknowledged receipt of the letter from Ms Sharpe, on my behalf, and has informed her that you have been advised of her resignation.

Thursday, 5 March 2015

I have acknowledged His Excellency's communication. An entry regarding the resignation of the Hon. Penelope Gail Sharpe from the Fifty-fifth Parliament has been made in the Register of Members of the Legislative Council.

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VANUATU CYCLONE

The PRESIDENT: I inform the House that on behalf of the members of the Legislative Council I have sent a message of condolence to the Consul General of Vanuatu expressing sympathies and condolences to the relatives and friends of the people of Vanuatu who were killed, injured or displaced by Tropical Cyclone Pam.

Members and officers of the House stood in their places as a mark of respect.

DEATH OF THE HONOURABLE PAUL FRANCIS O'GRADY, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I announce the death, on 18 January 2015, of Paul Francis O'Grady, aged 54 years, a member of this House from 1988 to 1996. On behalf of the House I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

Members and officers of the House stood in their places as a mark of respect.

DEATH OF REVEREND THE HONOURABLE DR GORDON KEITH MACKENZIE MOYES, AC, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I announce the death, on 5 April 2015, of Reverend the Hon. Dr Gordon Keith Mackenzie Moyes, AC, aged 76 years, a member of this House from 2002 to 2011. On behalf of the House I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

Members and officers of the House stood in their places as a mark of respect.

MS SARA PARRIS, PARLIAMENTARY REPORTING SERVICE

The PRESIDENT: It is with great regret that I have to inform the House of the death of Ms Sara Parris, who passed away from a cancer-related illness on 18 December 2014. Sara served the Parliamentary Reporting Service, or Hansard as we know it, in the New South Wales Parliament from February 1990 until her passing. During the 24 years that Sara served the New South Wales Parliament she worked as a sessional typist, formatter and word processing operator.

Sara was a much-loved member of the Hansard team and she will be sorely missed by her colleagues. In particular, she will be missed for her happy personality and her capacity to always light up a room. Sara is survived by her husband, Tony, and her daughter, Katie. I have pleasure in welcoming Tony and Katie into my gallery today for this tribute to Sara. On behalf of the House I extend to Sara's family the deepest sympathies of the Legislative Council for their loss sustained.

Members and officers of the House stood in their places as a mark of respect.

CENTENARY OF ANZAC

The PRESIDENT: Many nations find their origins arising from periods of war and conflict, but the modern Australian nation as we know it today came into existence by consensus and choice, gradually and peacefully. Although Australian troops served in foreign wars before 1914, notably in the Sudan and South Africa, it was the conflict of 1914 to 1918 which was the first to impact upon every Australian town, community and household. The experiences of Gallipoli and the Western Front left an indelible mark in the defining of the Australian national character.

Questions of our role and responsibilities as an independent nation, not just a part of empire, how we thought society, politics and military service should be organised, and what it meant to be a "mate" all grew from this experience. The current generation of young Australians has embraced the true meaning of Anzac Day and brought about attendances at dawn services, parades and commemorations now in record numbers. It is they who make the pilgrimages to Gallipoli and who seek a deeper and better understanding of what their grandfathers' and great-grandfathers' generations thought, experienced and, above all, hoped for.

Throughout this year Madam Speaker and I will continue to commence each week's sittings with some remarks about that time a century past, especially reflecting on the connections to that time of people associated with the Parliament itself. In doing so, we will continue to pay our tribute to their sacrifice. For today, let us simply reflect on what has become of this nation since those fateful days in April 1915 and be thankful that here, in this place, free and democratic, we are the grateful inheritors and hopefully worthy descendants of those who gave so much and whose lives were altered forever. Lest we forget:

FORESTRY ACT: REVOCATION OF DEDICATION

The PRESIDENT: I report the receipt of the following message from His Excellency the Governor:

Thursday, 20 November 2014

Mr David Blunt
Clerk of the Parliaments
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt,

I acknowledge receipt of your letter dated 12 November 2014, addressed to the Official Secretary, enclosing a copy of a resolution passed by the Legislative Council that same day, concerning the revocation of the dedication of part of Bingara State Forest No 859 Extension No 2.

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

OMBUDSMAN

Report

The President tabled, pursuant to the Law Enforcement (Controlled Operations) Act 1997 and the Ombudsman Act 1974, the report entitled "Law Enforcement (Controlled Operations) Act 1997 Annual Report 2013-2014", dated January 2015, and authorised to be made public.

Ordered to be printed on motion by the Hon. Duncan Gay.

INFORMATION COMMISSIONER**Report**

The President tabled, pursuant to the Government Information (Information Commissioner) Act 2009, the report entitled "Report on the operation of the Government Information (Public Access) Act 2009: 2013-2014", and authorised to be made public.

Ordered to be printed on motion by the Hon. Duncan Gay.

SMALL BUSINESS COMMISSIONER**Report**

The President tabled, pursuant to the Small Business Commissioner Act 2013, the annual report of the Small Business Commissioner for the year ended 31 December 2014 entitled "Connected", and authorised to be made public.

Ordered to be printed on motion by the Hon. Duncan Gay.

DOMESTIC VIOLENCE DEATH REVIEW TEAM**Report**

The President tabled, pursuant to the Coroner's Act 2009, the annual report of the Domestic Violence Death Review Team for the year ended 30 June 2013, and authorised to be made public.

Ordered to be printed on motion by the Hon. Duncan Gay.

INSPECTOR OF CUSTODIAL SERVICES**Report**

The President tabled, pursuant to the Inspector of Custodial Services Act 2012, the report entitled "Full House: The growth of the inmate population in NSW", dated April 2015, and authorised to be made public.

Ordered to be printed on motion by the Hon. Duncan Gay.

PRIVACY COMMISSIONER**Report**

The President tabled, pursuant to the Privacy and Personal Information Protection Act 1998, the report entitled "Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act 1998", dated February 2015, and authorised to be made public.

Ordered to be printed on motion by the Hon. Duncan Gay.

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REGISTER OF DISCLOSURES BY MEMBERS

The PRESIDENT: In accordance with the Constitution (Disclosure by Members) Regulation 1983, I table a copy of the Supplementary Ordinary Returns by Members of the Legislative Council for the period 1 July 2014 to 31 December 2014 and Discretionary Returns submitted since October 2014, furnished by the Clerk.

Ordered to be printed on motion by the Hon. Duncan Gay.

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. Niall Blair tabled, pursuant to Standing Order 59, a list of all papers tabled since 4 November 2014 and not ordered to be printed.

UNPROCLAIMED LEGISLATION

The Hon. Niall Blair tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 5 May 2015.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. Niall Blair tabled, pursuant to the Forestry Act 2012, the report of the Environment Protection Authority entitled "NSW Forest Agreements and Integrated Forestry Operations Approvals Implementation Report 2012-2013: Upper North East, Lower North East, Eden, Southern, Riverina Red Gum, South Western Cypress, and Brigalow-Nandewar regions".

Ordered to be printed on motion by the Hon. Niall Blair.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the following reports:

- (1) Financial Audit, Volume Nine 2014, focusing on Family and Community Services, dated November 2014, received out of session and authorised to be printed on 26 November 2014.
- (2) Financial Audit, Volume Ten 2014, focusing on Treasury and Finance (including Superannuation and Insurance), dated November 2014, received out of session and authorised to be printed on 28 November 2014.
- (3) Financial Audit, Volume Eleven 2014, focusing on Planning and Environment, dated December 2014, received out of session and authorised to be printed on 4 December 2014.
- (4) Financial Audit, Volume Twelve 2014, focusing on Health, dated December 2014, received out of session and authorised to be printed on 9 December 2014.
- (5) Financial Audit, Volume Thirteen 2014, focusing on Education and Communities, dated December 2014, received out of session and authorised to be printed on 12 December 2014.
- (6) Performance Audit entitled "The Learning Management and Business Reform Program: Department of Education and Communities", dated December 2014, received out of session and authorised to be printed on 16 December 2014.
- (7) Financial Audit, Volume Fourteen 2014, focusing on Trade and Investment, dated December 2014, received out of session and authorised to be printed on 17 December 2014.
- (8) Performance Audit entitled "WestConnex: Assurance to the Government: Roads and Maritime Services, WestConnex Delivery Authority, Infrastructure NSW, Transport for NSW, NSW Treasury, Department of Premier and Cabinet", dated December 2014, received out of session and authorised to be printed on 18 December 2014.
- (9) Performance Audit entitled "Security of Critical IT Infrastructure: Transport for NSW, Roads and Maritime Services, Sydney Water Corporation", dated January 2015, received out of session and authorised to be printed on 21 January 2015.
- (10) Performance Audit entitled "Vocational Education and Training Reform: Department of Education and Communities", dated January 2015, received out of session and authorised to be printed on 29 January 2015.
- (11) Financial Audit, Volume One 2015, Areas of focus from 2014, dated February 2015, received out of session and authorised to be printed on 20 February 2015.
- (12) Report entitled "Fraud Control Improvement Kit: Managing your fraud control obligations", dated February 2015, received out of session and authorised to be printed on 20 February 2015.
- (13) Performance Audit entitled "Managing length of stay and unplanned readmissions in NSW public hospitals: NSW Health", dated April 2015, received out of session and authorised to be printed on 23 April 2015.
- (14) Performance Audit report entitled "Country Towns Water Supply and Sewerage Program: Department of Trade and Investment, Regional Infrastructure and Services—NSW Office of Water", dated May 2015, received out of session and authorised to be printed on 4 May 2015.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report: Volunteering and Unpaid Work Placements among Children and Young People in NSW

The Clerk announced the receipt of report No. 4/55 entitled "Volunteering and Unpaid Work Placements among Children and Young People in NSW", dated November 2014, received out of session and authorised to be printed.

Ms JAN BARHAM [11.25 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by Ms Jan Barham and set down as an order of the day for a future day.

SELECT COMMITTEE ON HOME SCHOOLING**Report: Home Schooling in New South Wales**

The Clerk announced the receipt of the report entitled "Home Schooling in New South Wales", dated December 2014, together with transcripts of evidence, submissions, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

The Hon. PAUL GREEN [11.26 a.m.]: I move:

That the House take note of the report.

This was a very important inquiry. I thank all participants. This report opened the eyes and ears of many of the committee members about the important role that home schooling plays in the Education portfolio. I acknowledge the great sacrifices made by many across the State who choose to educate their children through home education. I hope this report will be received by a caring Minister for Education to close existing gaps and resolve anomalies relating to restriction of choice for children who are home educated. I thank the members for assisting with the inquiry. This is a very important report and there will be more to say about this issue.

Debate adjourned on motion by the Hon. Paul Green and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 1**Report**

The Clerk announced the receipt of report No. 41 entitled "Review of the inquiry into allegations of bullying in WorkCover NSW", dated December 2014, together with transcripts of evidence, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

Reverend the Hon. FRED NILE [11.28 a.m.]: I move:

That the House take note of the report.

This was a most difficult inquiry into allegations of bullying in WorkCover NSW. It appeared that a culture of bullying had developed in WorkCover. I believe the Committee's inquiry and recommendations will resolve the issue and WorkCover NSW will be a happy workplace in the future.

Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.

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GENERAL PURPOSE STANDING COMMITTEE NO. 1**Report: Budget Estimates 2014—2015**

The Clerk announced the receipt, pursuant to standing order, of report No. 42, entitled "Budget Estimates 2014-2015", dated December 2014, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

JOINT SELECT COMMITTEE ON LOOSE-FILL ASBESTOS INSULATION

Report

The Clerk announced the receipt, pursuant to Standing Order of report of the Joint Select Committee on Loose-fill Asbestos Insulation dated December 2014, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

Reverend the Hon. FRED NILE [11.30 a.m.]: I move:

That the House take note of the report.

This report contains alarming information some of which we already knew. These matters occurred in the Australian Capital Territory, which was the trigger for the inquiry into what was happening in New South Wales in regard to the installation of loose-fill asbestos insulation in the homes of many citizens—probably over 1,000 homes. The committee made some strong recommendations, which will have an impact on the Government's budget. I urge the Government to implement those recommendations and encourage all members of the House to study this important report.

Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.

SELECT COMMITTEE ON THE PLANNING PROCESS IN NEWCASTLE AND THE BROADER HUNTER REGION

Report

The Clerk announced the receipt, pursuant to standing order, of the interim report of the Select Committee on the Planning Process in Newcastle and the Broader Hunter Region dated December 2014, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

Reverend the Hon. FRED NILE [11.31 a.m.]: I move:

That the House take note of the report.

This report into the planning process in Newcastle and the broader Hunter region brought forth a number of alarming details which are outlined in the report. Those details relate to opposition to some of the Government's plans for Newcastle—particularly in truncating the Newcastle heavy rail, which was strongly opposed by many witnesses at the inquiry.

There was also some controversy over the discovery of an alleged Cabinet document in the member's office in Newcastle, which was never satisfactorily resolved but which did show that within the Government itself—assuming the document is genuine—there was some division amongst Cabinet members on what should be done with the planning process in Newcastle. I hope the Government will take time to reconsider whether some of the decisions it has made in this matter should be reviewed in the future.

Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Report: Budget Estimates 2014—2015

The Clerk announced the receipt, pursuant to standing order, of report No. 31 of the General Purpose Standing Committee No. 3 entitled "Budget Estimates 2014—2015", dated December 2014, together with

transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report: Performance of the New South Wales Environment Protection Authority

The Clerk announced the receipt, pursuant to standing order, of report No. 40 of the General Purpose Standing Committee No. 5 entitled "Performance of the New South Wales Environment Protection Authority", dated February 2015, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

The Hon. Robert BROWN [11.34 a.m.]: I move:

That the House take note of this report.

This report showed a high level of cooperation amongst witnesses who put themselves out in order to give evidence in a number of locations around the State. I also acknowledge the cooperation of the Environment Protection Authority.

Debate adjourned on motion by the Hon. Robert Brown and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Fair Trading Amendment (Ticket Reselling) Bill 2014

The Clerk announced the receipt, pursuant to standing order, of report No. 30 of General Purpose Standing Committee No. 4 entitled "Fair Trading Amendment (Ticket Reselling) Bill 2014", dated February 2015, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

The Hon. SARAH MITCHELL [11.35 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Sarah Mitchell and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report: Wambelong Fire

The Clerk announced the receipt, pursuant to Standing Order of report No. 41 of the General Purpose Standing Committee No. 5 entitled "Wambelong Fire", dated February 2015, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

The Hon. Robert BROWN [11.36 a.m.]: I move:

That the House take note of the report.

I point out that the date of the tabling, February 2015, was 25 months after this horrible event occurred in 2013. Given that, when the committee travelled to the area to take witness statements there was still a lot of raw emotion in the community and a great deal of damage had been done to that community.

I acknowledge the cooperation and assistance of the Deputy Chair on that inquiry, Mr Scot MacDonald. We did have cause to pause the inquiry at the request of the coroner and I think that caused a few problems with some of the witnesses wanting to get their stories out. I look forward to seeing the coroner's report.

Debate adjourned on motion by the Hon. Robert Brown and set down as an order of the day for a future day.

SELECT COMMITTEE ON MINISTERIAL PROPRIETY IN NEW SOUTH WALES

Report

The Clerk announced the receipt, pursuant to standing order, of the report of the Select Committee on Ministerial Propriety in New South Wales, dated February 2015, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

The Hon. ROBERT BORSAK [11.37 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Robert Borsak and set down as an order of the day for a future day.

SELECT COMMITTEE ON THE CONDUCT AND PROGRESS OF THE OMBUDSMAN'S INQUIRY INTO OPERATION PROSPECT

Report

The Clerk announced the receipt, pursuant to standing order of report of the Select Committee on the Conduct and Progress of the Ombudsman's Inquiry into Operation Prospect, dated February 2015, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

The Hon. ROBERT BORSAK [11.38 a.m.]: I move:

That the House take note of the report.

This was a necessary and difficult inquiry that shed light into some dark areas and activities of the past, especially between police and certain enforcement and oversight bodies. I look forward to the Ombudsman's report when it finally comes out and the Government's subsequent reply and actions.

Debate adjourned on motion by the Hon. Robert Borsak and set down as an order of the day for a future day.

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SELECT COMMITTEE ON THE SUPPLY AND COST OF GAS AND LIQUID FUELS IN NEW SOUTH WALES

Report

The Clerk announced the receipt, pursuant to standing orders, of the report of the Select Committee on the Supply and Cost of Gas and Liquid Fuels in New South Wales, dated February 2015, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed.

The Hon. ROBERT BORSAK [11.40 a.m.]: I move:

That the House take note of the report.

This inquiry lifted the lid on the long-term supply issues for gas and liquid fuel in New South Wales. I look forward to the Government's resolving to sort out the potential problem for gas supply and its long-term pricing in New South Wales. It will be an interesting exercise when looking to where the gas will come from, what the ultimate price will be and the number one issue of whether the Government intends New South Wales to be exposed to international pricing.

Debate adjourned on motion by Mr Robert Borsak and set down as an order of the day for a future day.

PRIVILEGES COMMITTEE

Report: Citizens Right of Reply (Dr Andrew McIntosh)

The Clerk announced the receipt of report No. 74 entitled "Citizens Right of Reply (Dr Andrew McIntosh)", dated 27 February 2015, received out of session and authorised to be printed.

SELECT COMMITTEE ON THE PLANNING PROCESS IN NEWCASTLE AND THE BROADER HUNTER REGION

Report

The Clerk announced the receipt, pursuant to standing orders, of the final report of the Select Committee on the Planning Process in Newcastle and the Broader Hunter Region, dated March 2015, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and ordered to be printed.

Reverend the Hon. FRED NILE [11.42 a.m.]: I move:

That the House take note of the report.

The report concluded our inquiry into the planning of the Newcastle and Hunter. I urge the House to give serious consideration to that report.

Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.

COMMITTEE ON LAW AND JUSTICE

Government Responses to Reports

The Clerk announced the receipt, pursuant to standing orders, of the Government responses to the following reports:

1. Report No. 51 entitled "Twelfth review of the exercise of the functions of the Motor Accidents Authority", tabled on 3 July 2014, received out of session and authorised to be printed.
2. Report No. 52 entitled "Fifth review of the exercise of the functions of the Lifetime Care and Support Authority", tabled on 3 July 2014, received out of session and authorised to be printed.
3. Report No. 53 entitled "Review of the exercise of the functions of the Workers' Compensation (Dust Diseases) Board, tabled on 3 September 2014, received out of session and authorised to be printed.

STANDING COMMITTEE ON STATE DEVELOPMENT

Government Response to Report

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 38 entitled "Regional Aviation Services", tabled on 23 October 2014 and authorised to be printed.

SELECT COMMITTEE ON THE IMPACT OF GAMBLING

Government Response to Report

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to the report of the Select Committee on the Impact of Gambling, tabled on 14 August 2014, together with correspondence from the Hon. Troy Grant, MP, as Deputy Premier, dated 19 February 2015 with a statement of reasons for lateness, received out of session and authorised to be printed.

JOINT STANDING COMMITTEE ON ROAD SAFETY (STAYSAFE)**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 4/55 entitled "Speed zoning and its impact on the demerit points scheme", tabled on 4 November, received out of session and authorised to be printed.

SELECT COMMITTEE ON SOCIAL, PUBLIC AND AFFORDABLE HOUSING**Government Response to Report: Correspondence**

The Clerk tabled correspondence from the Hon. Gabrielle Upton, MP, as Minister for Family and Community Services, dated 9 March 2015, advising that the Government's response to the report of the Select Committee on Social, Public and Affordable Housing, tabled 8 September 2014, which was due on 9 March 2015, will be deferred for consideration by the incoming Government.

JOINT SELECT COMMITTEE ON SENTENCING OF CHILD SEXUAL ASSAULT OFFENDERS**Government Response to Report: Correspondence**

The Clerk tabled correspondence from the Hon. Troy Grant, MP, as Deputy Premier, dated 10 April 2015, advising that the Government's response to the report of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders, tabled 14 October, 2014, which was due on 14 April 2015, will be provided in May 2015 at the earliest.

SELECT COMMITTEE ON GREYHOUND RACING IN NEW SOUTH WALES**Government Response to Report: Correspondence**

The Clerk tabled correspondence from the Hon. Troy Grant, MP, as Deputy Premier, dated 16 April, advising that the Government's response to the second report of the Select Committee on Greyhound Racing in New South Wales, tabled 16 October 2014, which was due on 16 April 2015, will be provided after the finalisation of the Special Commission of Inquiry relating to the greyhound industry.

STANDING COMMITTEE ON LAW AND JUSTICE**Government Response to Report: Correspondence**

The Clerk tabled correspondence from the Hon. Gabrielle Upton, Attorney General, dated 1 May 2015, advising that the Government's response to report No. 55 entitled "The family response to the murders in Bowraville", tabled 6 November, which was due on 6 May 2015, will be provided shortly after that date.

STANDING COMMITTEE ON LAW AND JUSTICE**Government Response to Report: Correspondence**

The Clerk tabled correspondence from the Hon. Dominic Perrottet, MP, Minister for Finance, Services and Property, dated 4 May 2015, advising that the Government's response to report No. 54 entitled "Review of the exercise of the functions of the WorkCover Authority", tabled on 17 September 2014, which was due on 17 March 2015, is ongoing.

GOING HOME, STAYING HOME REFORMS**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 23 October 2014, documents relating to orders for papers received from the general counsel of the Department of Premier and Cabinet on 20 November 2014.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

ABORIGINAL LAND CLAIMS**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 5 November 2014, documents relating to beaches and coastal lands, additional documents, received on 24 November 2014.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

NORTHERN BEACHES HEALTH SERVICE REDEVELOPMENT**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 5 November 2014, documents relating to the Northern Beaches Health Service Redevelopment, received on 26 November 2014.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

CROWN LANDS ACT**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 6 November 2014, documents relating to Crown Lands Act white paper consultations and Crown lands review, received on 27 November 2014.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

DEPARTMENT OF PREMIER AND CABINET**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 19 November 2014, correspondence from the general counsel of the Department of Premier and Cabinet, relating to the CBD and South East Light Rail project, received on 4 December 2014, stating that the relevant departments hold no further documents covered by the terms of the resolution and were not previously provided.

GOING HOME, STAYING HOME REFORMS**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 23 October 2014, emails, received on 4 December 2014, provided in electronic form on USB flash drives, together with indexes, including a flash drive consisting of privileged documents.

OPERATION PROSPECT

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 20 November 2014, papers relating to the administration of justice, including a message from the Governor, received on 4 December 2014.

POLICE STRIKE FORCE EMBLEMS

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 20 November 2014, the report of Police Strike Force Emblems, received on 4 December 2014, consisting of advice provided by the Crown solicitor.

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DRAYTON SOUTH COAL PROJECT

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 18 November 2014, documents relating to the Drayton South Coal Project, received on 9 December 2014, including a return identifying privileged documents.

PARRAMATTA ROAD URBAN RENEWAL PROJECT

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 18 November 2014, documents relating to the Parramatta Road Urban Renewal Project, received on 9 December 2014, including a return identifying privileged documents, additional documents received on 11 December 2014, including audiovisual material on USB flash drives and documents received on 5 February 2015 which were not included in those documents provided with the return to order on 11 December 2014.

NURSE-TO-PATIENT RATIO

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 20 November 2014, documents relating to nurse-to-patient ratios, received on 11 December 2014, including a return identifying privileged documents.

NSW HEALTH INFRASTRUCTURE

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 20 November 2014, documents relating to NSW Health infrastructure and private-public partnerships, received on 11 December 2014, including a return identifying privileged documents.

BYRON CENTRAL HOSPITAL AND MAITLAND HOSPITAL

Production of Documents: Dispute of Claim of Privilege and Report of Independent Legal Arbitrator

The Clerk announced the receipt, pursuant to standing orders, of the report of the independent legal arbiter the Hon. Keith Mason, AC, QC, dated 5 December 2014, on the disputed claim of privilege on papers relating to the Byron Central Hospital and Maitland Hospital.

The Clerk further announced, pursuant to the resolution of the House of 20 November 2014, which instructed the Privileges Committee while the House was not sitting to undertake the role usually performed by the House in dealing with reports of the Independent Legal Arbitrator on disputed claims of privilege, that on

5 December 2014 the report and a request by Mr Secord for the release of documents where privilege was not upheld were referred to that committee.

The Clerk further announced that on 16 December 2014 the Privileges Committee resolved that the report and the documents considered by the Independent Legal Arbiter not be privileged were authorised to be made public that day. The Clerk tabled correspondence from the clerk of the committee dated 1 May 2015 in relation to this matter.

MINISTERS' RESPONSES TO PETITIONS

The Clerk announced, pursuant to sessional order, receipt of the following responses to petitions signed by 500 or more persons:

1. The Hon. Anthony Roberts, MP, Minister for Resources and Energy, relating to transforming electricity generation in New South Wales to 100 per cent renewables, presented on 12 November 2014.
2. The Hon. Jillian Skinner, MP, Minister for Health, and Minister for Medical Research, relating to the Forensic Analytical Science Service Food Testing Laboratory, presented on 18 November 2014.
3. The Hon. Jillian Skinner, MP, Minister for Health, and Minister for Medical Research, relating to cuts to health services and the Medicare co-payment, presented on 20 November 2014.

The Clerk announced, pursuant to sessional orders, that the responses had been authorised to be printed.

PRIVILEGES COMMITTEE

Membership

The PRESIDENT: I inform the House that during the previous Parliament, on 5 December 2014, the Clerk received advice from the Leader of the Opposition nominating the Hon. Adam Searle as a member of the Privileges Committee in place of the Hon. Amanda Fazio. I further inform the House that, according to the resolution of the House of 10 May 2011, on 8 December 2014 the Leader of the Opposition nominated the Hon. Peter Primrose as Deputy Chair of the Privileges Committee.

NOTICES OF MOTIONS

The PRESIDENT: According to resolution of the House of Tuesday 5 May 2015, members may give notices of motions by delivering a signed copy to the Clerks at the table. Such notices will be entered by the Clerk on the notice paper in random order.

TEMPORARY CHAIRS OF COMMITTEES

The PRESIDENT: According to standing order, I nominate the following members to act as Temporary Chairs of Committees during the present session of Parliament: Ms Jan Barham, the Hon. Paul Green and the Hon. Natasha Maclaren-Jones.

BUSINESS OF THE HOUSE

Order of Business

The PRESIDENT: With the indulgence of honourable members, I will comment briefly on some matters that it was hoped would occur before now, but we are waiting on certain papers relating to the joint sittings. I trust that members will give leave, when the papers arrive, to immediately interrupt business to enable the joint sittings to go ahead as planned at 12.45 p.m. There seems to be delay in the dispatch of the papers.

BUSINESS OF THE HOUSE

Sessional Orders

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [11.56 p.m.], by leave: I move:

Business of the House Notices of Motions Nos 1 to 23 in globo.

In moving the adoption of these sessional orders it is appropriate that I provide some brief commentary for the information of members and for future reference by those who study the development of parliamentary procedures. The Business of the House notices of motions for the adoption of sessional orders are in two groups. The first set of sessional orders is basically an update of the existing sessional orders that were in place at the end of the previous Parliament. These include orders that need to be adopted as soon as possible after the commencement of each session of Parliament, dealing with such things as the times of meeting of the House, the time for Question Time and for the interruption of proceedings for the adjournment motion to be moved if desired.

There are a number of sessional orders that have routinely been remade for a number of years now, to clarify certain of the "new" standing orders introduced in 2004. There are also a number of sessional orders introduced in the previous Parliament, such as the variations to private members' business, time limits on debate on government bills, and the requirement for responses to petitions with more than 500 signatures. Each of those sessional orders is being remade, with some very minor drafting enhancements recommended by the Clerks. I note that this set of sessional orders includes a cut-off date for the introduction of government bills, which for this sitting period will be Thursday 4 June. Whilst the establishment of a cut-off date has tended to be initiated by the Opposition, it is now clear that this measure has become a standard feature of Legislative Council practice, as well as being useful in assisting with the scheduling of legislation within government. This sessional order was the subject of detailed review by the Procedure Committee in the previous Parliament.

The second set of sessional orders consists of five new sessional orders that will remove the need for the giving of the majority of the nine contingent notices of motions given by members in recent years. By way of background, I remind members that contingent notices indicate that, contingent on a particular event occurring, the subsequent motion will be moved, thereby obviating the need for specific notice to be given of the subsequent motion. For some years now it has been common practice for members to give a range of contingent notices at the beginning of each session as a device to overcome the requirement for notice to be given of motions for the suspension of standing orders for various purposes.

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Non-government members have tended to give nine separate contingent notices and Government members have tended to give six of them. It would be fair to say that the giving of those contingent notices and their use is sometimes a little confusing.

In order to add clarity to the procedures of the House, five new sessional orders are being introduced to remove the need for the giving or moving of seven contingent notices of motion—two of the new sessional orders encompass more than one previous contingent notice. I emphasise to honourable members that the procedures contained in these new sessional orders have been a part of the practices of this House for some 15 years now and that the sessional orders have been carefully drafted to preserve all of the rights that members have enjoyed when they have given the contingent notices of motion.

The three new sessional orders likely to be used most commonly will be those for the suspension of standing orders to enable the consideration of a particular item of business, the passage of a bill through all stages and for an introduction to the Committee of the Whole. I am assured that members will find the logs prepared for those sorts of motions clearer and more straightforward. I emphasise, however, that while each of the new sessional orders facilitates the process for a motion to be able to be moved for the suspension of standing orders for each of these purposes, the suspension of standing orders in each case will continue to require a decision of the House, agreed to by a majority of members present.

Two of the notices of motion will need to continue to be given in that form by any member wishing to do so. They are the contingent notices which address the circumstances that would arise in the event an order for papers was not complied with. That would, of course, be unprecedented in this House since the Egan cases in the late 1990s. However, it is accepted that these two contingent notices continue to be an appropriate safeguard of the rights of the House in the unlikely event that was to ever occur. Finally, in relation to both sets of sessional orders, it may be that the growth in the number and range of sessional orders is a sign that it might be timely to again review the standing orders of the Legislative Council, perhaps before the end of this Parliament. I commend the motions to the House.

The Hon. SHAOQUETT MOSELMANE [12.02 p.m.]: The Opposition does not oppose the changes to the sessional orders. I thank the Procedure Committee for its recommendations.

Question—That the motions be agreed to—put and resolved in the affirmative.

Motions agreed to.

STANDING COMMITTEES

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [12.03 p.m.]: I seek leave to amend Government Business Notice of Motion No. 1 by omitting paragraph 16 (b).

Leave granted.

Accordingly, I move:

That notwithstanding anything to the contrary contained in the standing orders:

Appointment

- (1) Three standing committees are appointed as follows:
 - (a) Law and Justice Committee;
 - (b) Social Issues Committee; and
 - (c) State Development Committee.

Law and Justice Committee

- (2) The committee may inquire into and report on:
 - (a) legal and constitutional issues in New South Wales, including law reform, parliamentary matters, criminal law, administrative law and the justice system; and
 - (b) matters concerned with industrial relations and fair trading.
- (3) The committee is the designated committee for the purposes of section 11 of the Safety, Return to Work and Support Board Act 2012, to supervise the functions exercised by the Lifetime Care and Support Authority, Motor Accidents Authority, WorkCover Authority and Workers' Compensation (Dust Diseases) Board.
- (4) The committee is to:
 - (a) monitor and review the exercise of the functions of the authorities and of any advisory committees established under section 10 of the Safety, Return to Work and Support Board Act 2012;
 - (b) examine each annual or other report of the authorities;
 - (c) examine trends and changes in compensation governed by the authorities; and
 - (d) recommend any changes to the functions and procedures of the authorities or advisory committees.
- (5) In exercising the supervisory function outlined in paragraph 3, the committee:
 - (a) does not have authority to investigate a particular compensation claim; and
 - (b) must report to the House in relation to the exercise of the functions of each authority at least once every two years.

Social Issues Committee

- (6) The committee may inquire into and report on:
 - (a) issues concerned with the social development and wellbeing of the people of New South Wales, including health, education, housing, ageing, disability, children's services and community services; and
 - (b) matters concerned with citizenship, sport and recreation and gaming and racing.

State Development Committee

- (7) The committee may inquire into and report on:
- (a) issues concerned with state, local and regional development in New South Wales; and
 - (b) matters concerned with planning, infrastructure, finance, industry, the environment, primary industry, natural resources, science, local Government, emergency services and public administration.

Referral of inquiries

- (8) (1) A committee:
- (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House;
 - (b) may inquire into and report on any matter relevant to the functions of the committee which is referred by a Minister of the Crown; and
 - (c) may inquire into and report on any annual report or petition relevant to the functions of the committee which has been laid upon the Table of the Legislative Council.
- (2) Whenever a committee resolves to inquire into a matter, under paragraph 8 (b) or 8 (c), the terms of reference or the resolution is to be reported to the House on the next sitting day.

Powers

- (9) A committee has power to make visits of inspection within New South Wales and, with the approval of the President, elsewhere in Australia and outside Australia.

Membership

- (10) Each committee is to consist of six members, comprising:
- (a) three Government members;
 - (b) two opposition members; and
 - (c) one crossbench member.

Chair and Deputy Chair

- (11) (1) The Leader of the Government is to nominate in writing to the Clerk of the House the Chair of each committee.
- (2) The Leader of the Opposition is to nominate in writing to the Clerk of the House the Deputy Chair of each committee.

Quorum

- (12) The quorum of a committee is three members, of whom two must be Government members and one a non-Government member.

Sub-committees

- (13) A committee has the power to appoint sub-committees.

Substitute members

- (14) (1) Members may be appointed to a committee as substitute members for any matter before the committee, by notice in writing to the Committee Clerk.
- (2) Nominations for substitute Government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable.
- (3) Nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.

Electronic participation in deliberative meetings

- (15) (1) A committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
- (a) the Chair is present in the meeting room; and

- (b) all members are able to speak to and hear each other at all times.
- (2) Notwithstanding paragraph 15 (1), a member may not participate by electronic communication in a meeting to consider a draft report.

Conduct of committee proceedings

- (16) Unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
 - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
 - (c) transcripts of evidence taken at public hearings are to be published;
 - (d) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
 - (e) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

I shall draw to the attention of honourable members and place on the record the reasons for some minor procedural changes in the proposed resolution. These changes arise from a review of the committee resolutions by the Committee Office within the Department of the Legislative Council during the recent election period. The procedural changes are focused on consistency in committee practice and transparency of the rules for committee operations—for example, the ability for a committee member to substitute for another member of the Government, Opposition or crossbench as appropriate has been available only to members of the general purpose standing committees. The proposed new resolutions extend this provision to the standing committees. I note that they are also reflected in the notices of motions concerning select committees that appear on the *Notice Paper* today to make the process of changing membership of all committees less cumbersome.

The other changes are designed to consolidate the rules for committee operations as far as possible. Previously those rules have been found in a variety of sources, including the resolutions appointing a committee, decisions made at the initial meeting of a committee and the standing orders. A number of rules always agreed to by committees at their first meeting are therefore being incorporated into the resolutions appointing the committees, improving both the accessibility and transparency of the rules guiding committee practice. The way these rules are framed provides that a committee may resolve otherwise where necessary; however, the starting point is a consistent set of rules of procedure across all Legislative Council committees. I understand the Opposition had a concern about one of the proposed provisions in those rules. Given the circumstances in which these procedural changes have come forward, as outlined above, in view of the concerns raised—which frankly the Government shares—I have amended the motion by leave to omit that particular provision.

The Hon. ADAM SEARLE (Leader of the Opposition) [12.07 p.m.]: The Opposition supports the changes outlined by the Leader of the Government and thanks the Government for its constructive approach in engaging with the Opposition around the terms, including the change to which the Leader of the Government referred to. In our view that was likely to cause a practical difficulty, as it did in relation to the Operation Prospect inquiry where it created needless cumbersome procedures and difficulties for committee members. The Opposition welcomes the proposed changes.

Dr JOHN KAYE [12.07 p.m.]: I place on the record The Greens support for this change to substitution of members on standing committees rather than just general purpose standing committees. This anomaly has made it quite difficult for parties such as ours, where all members hold portfolios, to operate.

The Hon. Duncan Gay: That is not your biggest problem.

Dr JOHN KAYE: No, you are. This change to sessional orders will make it much easier for us to allocate resources and for the Parliament to operate more efficiently. The Greens support the changes.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

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GENERAL PURPOSE STANDING COMMITTEES

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [12.09 p.m.]: I seek leave to amend Government Business Notice of Motion No. 2 by omitting paragraph 6 (b)

Leave granted.

Motion by the Hon. Duncan Gay agreed to:

That notwithstanding anything contained in the standing orders:

- (1) Six General Purpose Standing Committees, reflecting Government Ministers' portfolio responsibilities, be appointed as follows:
 - (a) **General Purpose Standing Committee No. 1**
Premier
Western Sydney
Treasury
Industrial Relations
Finance, Services and Property
The Legislature
 - (b) **General Purpose Standing Committee No. 2**
Roads, Maritime and Freight
Transport and Infrastructure
Family and Community Services
Social Housing
Ageing
Disability Services
Multiculturalism
 - (c) **General Purpose Standing Committee No. 3**
Education
Health
Early Childhood Education
Aboriginal Affairs
Mental Health
Medical Research
Women
Prevention of Domestic Violence and Sexual Assault
 - (d) **General Purpose Standing Committee No. 4**
Justice and Police
Arts
Racing
Planning
Attorney General
Trade, Tourism and Major Events
Sport
 - (e) **General Purpose Standing Committee No. 5**
Industry, Resources and Energy
Primary Industries
Lands and Water
Environment
Heritage
 - (f) **General Purpose Standing Committee No. 6**
Local Government
Regional Development
Skills
Small Business
Innovation and Better Regulation
Corrections
Emergency Services

Veterans Affairs

Referral of inquiries

- (2) (1) A committee is to inquire into and report on any matter referred to the committee by resolution of the House.
- (2) A committee may inquire into and report on the expenditure, performance or effectiveness of any Government department, statutory body or corporation, relevant to the portfolios allocated to the committee.
- (3) A committee meeting to consider a self-reference may be convened at the request of any three committee members in writing to the Committee Clerk.
- (4) The Committee Clerk must convene a meeting within seven days of the receipt of the request, providing that members are given at least 24 hours' notice.
- (5) A majority of committee members is required to adopt the self-reference.
- (6) The terms of reference are to be reported to the House on the next sitting day.

Membership

- (3) Each committee is to consist of seven members, comprising:
 - (a) three Government members;
 - (b) two opposition members; and
 - (c) two crossbench members.

Substitute members

- (4) (1) Members may be appointed to a committee as substitute members for any matter before the committee, by notice in writing to the Committee Clerk.
- (2) Nominations for substitute Government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable.
- (3) Nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.

Electronic participation in deliberative meetings

- (5) (1) A committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
 - (a) the Chair is present in the meeting room; and
 - (b) all members are able to speak to and hear each other at all times.
- (2) Notwithstanding paragraph 5(1), a member may not participate by electronic communication in a meeting to consider a draft report.

Conduct of committee proceedings

- (6) Unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
 - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
 - (d) the sequence of questions to be asked at hearings alternate between opposition, crossbench and Government members, in that order, with equal time allocated to each;
 - (e) transcripts of evidence taken at public hearings are to be published;
 - (f) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and

- (g) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Reverend the Hon. Fred Nile agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 32 outside the Order of Precedence, relating to a select committee on the proposed leasing of electricity transmission and distribution businesses, be called on forthwith.

Order of Business

Motion by Reverend the Hon. Fred Nile agreed to:

That Private Members' Business item No. 32 outside the Order of Precedence be called on forthwith.

SELECT COMMITTEE ON THE LEASING OF ELECTRICITY INFRASTRUCTURE

Establishment and Membership

Reverend the Hon. FRED NILE [12.10 p.m.]: I seek leave to amend Private Members' Business item No. 32 outside the Order of Precedence for today of which I have given notice by omitting paragraph 7 (b). It has been pointed out to me by the Leader of the Opposition and others that this particular reference to attachments to submissions remaining confidential could be a hindrance to the committee. I am pleased to seek leave to amend my motion by removing paragraph 7 (b).

Leave granted.

Accordingly, I move:

- (1) That a select committee be established to inquire into and report on the proposed leasing of electricity transmission and distribution businesses and associated infrastructure investment, and in particular:
 - (a) the likely implications of the transactions on electricity network pricing, given experience in other States;
 - (b) the likely impact of the transactions on customers, including on access to and exit from the network;
 - (c) the responsibilities of any lessee(s) to maintain, improve and replace infrastructure and the ownership of infrastructure that has been upgraded or replaced;
 - (d) the regulatory framework for electricity distribution and transmission networks and the proposed Electricity Price Commissioner;
 - (e) likely proceeds of the transactions, including additional Commonwealth incentives and interest revenue;
 - (f) expert reports into the transactions, including reports such as those by UBS, Deloitte and Ernst & Young; and
 - (g) and any other relevant matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consists of nine members, as follows:
 - (a) four Government members, being Mr Clarke, Ms Cusack, Mr Khan and Dr Phelps;
 - (b) two opposition members, being Mr Primrose and Mr Searle; and
 - (c) three crossbench members, being Mr Borsak, Dr Kaye and Revd Mr Nile.
- (3) That the Chair of the committee be the Revd Mr Nile and that the Deputy Chair be Mr Clarke.
- (4) That, notwithstanding anything to the contrary in the standing orders, the quorum of the committee is four members of whom two must be Government members and two must be non-Government members.
- (5) That members may be appointed to the committee as substitute members for any matter before the committee by providing notice in writing to the Committee Clerk, with nominations made as follows:

- (a) nominations for substitute Government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable; and
 - (b) nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.
- (6) That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
- (a) the Chair is present in the meeting room;
 - (b) all members are able to speak and hear each other at all times; and
 - (c) members may not participate by electronic communication in a meeting to consider a draft report.
- (7) That, unless the committee decides otherwise:
- (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
 - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
 - (c) the sequence of questions to be asked at hearings alternate between opposition, crossbench and Government members, in that order, with equal time allocated to each;
 - (d) transcripts of evidence taken at public hearings are to be published;
 - (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
 - (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.
- (8) That the committee report by 2 June 2015.

I am sure all members were very conscious during the election campaign that there was a lot of debate about and controversy surrounding the Government's plan to lease electricity transmission and distribution businesses and associated infrastructure investment. It became a major issue during the election. What disturbed me was that a great deal of the information used during the election campaign by both sides of the debate seemed to contain only rhetoric and slogans.

I believe that the public have the right to know the facts and to be given the details in a calm and orderly way. The best way for that to be done is for this House to have a select committee established to inquire into these matters and to bring a report to the House. I genuinely believe this will be of assistance to the Government as it seeks to proceed in this direction. What this select committee will recommend of course is up to the select committee. But I believe that it is valuable that all these matters, as outlined in the terms of reference, will be investigated. This includes the likely implications of the transactions for electricity network pricing, given the experience in other States.

There has been concern about whether it would lead to an increase in domestic electricity charges, and that is a major concern for the people of this State, particularly those on low incomes. Hopefully the inquiry will be able to establish what the possible outcomes are of this leasing proposal. The terms of reference talk about the likely impact of the transactions on customers, including on access to and exit from the network. I thank the Leader of the Opposition, the Hon. Adam Searle, for his suggestions. He sent me some suggestions of what could be added to the terms of reference.

Dr John Kaye: So did I.

Reverend the Hon. Fred Nile: And so did Dr John Kaye. I did select some suggestions from the Opposition's list that I thought were relevant and should be included in the terms of reference. I felt that other matters could be dealt with during the inquiry when we have a great opportunity to ask questions, which can

cover other matters, rather than having a huge terms of reference for the committee. We need to try to keep the terms of reference to a workable number.

So those are the matters that will be covered by the inquiry. I know that there has been some controversy about the UBS report, and I included that report in the terms of reference at paragraph 1 (f) where it says the committee will "investigate expert reports into the transactions, including reports such as those by UBS, Deloitte and Ernst and Young". It will also investigate "any other relevant matter". I have no intention of concealing information in this inquiry but rather seek to bring all the facts and information to light for the public. This select committee will have nine members: four Government members, two Opposition members and three crossbench members. Their names are included in the motion.

I know that there has been some concern about the proposed committee reporting date of 2 June 2015. I have endeavoured with advance publicity, subject to the will of this House and whether it wishes to have this inquiry or not, to alert as many people as possible to the proposed inquiry. Hopefully we will have a rapid response from the community and organisations submitting submissions to the committee. The committee will move rapidly, and will commence its hearings on 11 May. Its planned reporting date is 2 June. I am pleased to bring this motion to the House and hope the members of this House will support it.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [12.16 p.m.]: The Government supports this motion.

Dr John Kaye: What a surprise!

The Hon. DUNCAN GAY: The Greens, once again, want a cover up. Of course the Government supports this motion. It is a proper motion to establish a committee to examine something that was put to the people and to make sure that, as it goes ahead, it is done properly. It is in the interest of a government to find out any proper concerns.

The PRESIDENT: Order! There is too much noise in the Chamber. Members will come to order.

The Hon. DUNCAN GAY: It is a proper terms of reference to examine this matter in detail. Good governments are not afraid of this sort of examination. It is quite proper. We are putting forward something that is appropriate for this State. We put it out there with transparency before the people during the election and now there is this extra rigor that will come from this committee inquiry. We totally support the committee and its terms of reference. We understand that this is the proper way to do it. We do not support amendments, which some may try to move on a party political basis, to try to hold this matter up. We think the appropriate terms of reference are in the motion and we congratulate the honourable member on moving this motion. The government indicates its support for this motion.

[*Business interrupted.*]

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

The PRESIDENT: I report the receipt of the following message from His Excellency the Governor:

Office of the Governor
Sydney, 6 May 2015

The Honourable the
President of the
Legislative Council

I, General the Honourable David Hurley, AC, DSC, (Ret'd), in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of persons to fill the seats in the Legislative Council vacated by Ms Penny Sharpe and Mr Steve Whan, and I do hereby announce and declare that such Members shall assemble for such purpose on Wednesday the sixth day of May 2015 at 12.45 p.m. in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the Speaker of the Legislative Assembly.

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SENATE VACANCY**Joint Sitting**

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

The Legislative Assembly, having resolved to meet with the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable John Faulkner, requests the Legislative Council to fix a time and place for the joint sitting.

Shelley Hancock
SPEAKER

Motion by the Hon. Duncan Gay agreed to:

That this House agrees to meet the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of the Honourable John Faulkner, in the Legislative Council Chamber, this day immediately following the Joint Sitting to fill two casual vacancies in the Legislative Council.

Message forwarded to the Legislative Assembly advising it of the resolution.**SELECT COMMITTEE ON THE LEASING OF ELECTRICITY INFRASTRUCTURE****Establishment and Membership**

[*Business resumed.*]

The Hon. ADAM SEARLE (Leader of the Opposition) [12.23 p.m.]: I seek leave to amend the motion by omitting all words after "that" and inserting words in the same terms as Private Members' Business item No. 30 outside the Order of Precedence standing in my name on the *Business Paper* today.

Leave granted.

Accordingly, I move the following amendment:

- (1) That a select committee be established to inquire into and report on the proposed leasing of electricity transmission and distribution businesses and the associated infrastructure investment, and in particular:
 - (a) the terms and the likely effects of the legislation to facilitate the transactions;
 - (b) the likely effects of the proposed structure of the transactions, including:
 - (i) how the percentages of the businesses to be leased were determined and on what Basis;
 - (ii) the particulars of the constitution(s) of any proposed holding entity(s) to take on the businesses and assets of Transgrid, Ausgrid, and Endeavour Energy, and the content of any associated shareholder agreements to facilitate the operation(s) of those entities;
 - (iii) the exposure of any proposed entity/entities to Commonwealth taxation;
 - (c) the likely implications of the transactions on electricity network pricing, given experience in other States;
 - (d) the regulatory framework for electricity distribution and transmission networks and the proposed Electricity Price Commissioner;
 - (e) the likely impact of the transactions on customers, including on access to and exit from the network;
 - (f) the responsibilities of any non-government operators of any of the businesses to maintain, improve and replace infrastructure and the ownership of infrastructure that has been upgraded or replaced;
 - (g) the process of returning to state control and operation the electricity transmission and distribution businesses and the associated infrastructure at the end of the lease(s);

- (h) likely proceeds of the transactions, including additional Commonwealth incentives and interest revenue;
 - (i) the likely impact of the transactions on the State Budget and on the capacity of the State to deliver services, including the loss of dividends, tax-equivalent payments and TCorp guarantee payments;
 - (j) expert reports into the transactions, including reports such as those by UBS, Deloittes and Ernst and Young;
 - (k) the reasons for the changes made to the UBS report, who sought the changes, and why UBS made the changes to its report;
 - (l) the likely impact of the transactions on employment in the electricity transmission and distribution businesses, particularly in rural and regional New South Wales; and
 - (m) any other matter related to these terms of reference.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of eight members comprising:
- (a) three government members;
 - (b) two opposition members, being Mr Primrose and Mr Searle; and
 - (c) three crossbench members, being Mr Borsak, Dr Kaye and Reverend Mr Nile.
- (3) That the Chair of the committee be Reverend Mr Nile and that the Deputy Chair be Mr Borsak.
- (4) That, notwithstanding anything contained in the standing orders, the quorum of the committee is four members, of whom two must be government members and two must be non-government members.
- (5) That members may be appointed to the committee as substitute members for any matter before the committee by providing notice in writing to the Committee Clerk, with nominations made as follows:
- (a) nominations for substitute government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable; and
 - (b) nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.
- (6) That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
- (a) the Chair is present in the meeting room;
 - (b) all members are able to speak and hear each other at all times; and
 - (c) members may not participate by electronic communication in a meeting to consider a draft report.
- (7) That, unless the committee decides otherwise:
- (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
 - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
 - (c) the sequence of questions to be asked at hearings alternate between opposition, crossbench and government members, in that order, with equal time allocated to each;
 - (d) transcripts of evidence taken at public hearings are to be published;
 - (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
 - (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.
- (8) That the committee report by 30 June 2015.

I thank members for their indulgence in this regard and foreshadow that should the amendment not succeed the Opposition will nevertheless support the motion of Reverend the Hon. Fred Nile. Our amendments are not on a

narrow or partisan basis; they are designed to fulfil the aspiration of Reverend the Hon. Fred Nile, who stated that he was motivated by the need to get the facts in a calm and orderly way for the information of members and the wider community. The Leader of the Government also exhorted the need for transparency in this matter. It was a central issue during the recent State election campaign. The Minister has welcomed the additional rigor that this committee will bring to the controversial proposal to privatise the New South Wales electricity distribution and transmission network; however, in our view the proposed committee does not meet those aspirations because it fails to focus on a number of significant issues.

I acknowledge that the mover of the motion has taken on board two of the suggestions the Opposition made. While that is certainly a move in the right direction it does not, in our view, get us there. As I indicated, electricity network privatisation was front and centre of the recent election campaign. However, because of the lack of detail the Government gave at that time the debate was not properly informed. While the question of whether as a matter of practicality or philosophy government should own a monopoly economic asset of this magnitude is extremely important, another crucial issue is whether the proposed transaction makes financial and economic sense for the State as the current owner and operator of the network. Many of the Government's claims that it can recycle old assets into new infrastructure do not add up in a number of important respects. There is the vexed issue of whether this is a lease or a sale. In our view, a 99-year lease is a sale. It is certainly treated that way by Commonwealth Treasury. The similar common-sense proposition is that neither my children nor likely my grandchildren will ever see the end of this lease.

The next issue is the alleged 49 per cent sale or lease of the network. Although it is said to be leasing only a minority share, the details we have demonstrate with abundant clarity that in fact the Government will be handing over the control and operation of the sector to private interests. That is because we know it is proposed that transmission company Transgrid, which services the whole of the State, will be 100 per cent leased. That will affect every residential and business customer in this State. It is not 49 per cent but 100 per cent of the transmission system. The two distributors, Ausgrid and Endeavour, will have more than 50 per cent of the control of their current operations passed to the non-government or private sector. Those three companies will be absolutely controlled by the non-government sector, and that is not a 49 per cent or minority share. Clearly that matter was not adequately focused upon during the campaign.

Obviously, there is an issue about the money, the dividends, the tax equivalent payments and the Treasury Corporation guarantee payments that State-owned corporations currently pay to the State government, which uses that money to provide proper services. Those services will be lost should this sale proceed. I will specifically focus on a number of issues but we maintain, as we did during the campaign, that this is not a good value for money proposition for the people of New South Wales. We wish to inquire through the processes of a committee as to the underlying motivation for this short changing of the public interest. Supporters of the Government's plan claim that it will improve the productive capacity of the New South Wales economy. However, even they acknowledge—at least privately—that any benefits will be over long term; they cannot be readily or properly quantified and they certainly will not go back to the State Government as revenue.

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At the same time the State Government is being expected to finance the transaction. The Opposition thinks that from whichever angle the proposal is viewed, the State of New South Wales—and, therefore, the New South Wales community—will lose money on this transaction.

Why then is the Government pursuing it? The Opposition believes that the answer is ideology. The Government simply does not believe that the State should own those profitable businesses and wants to be able to disable the State from being able to finance itself properly to act as an agent of social improvement. The Opposition thinks that ultimately what is at stake not only is who owns the assets and operates the businesses but whether we as a community want government to improve lives by providing vital services.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [12.30 p.m.]: In view of the holding of joint sittings at 12.45 p.m. today in this Chamber to fill the vacancies in the Legislative Council caused by the resignations of the Hon. Steven James Robert Whan and the Hon. Penelope Gail Sharpe and to fill the vacancy in the representation of the State in the Senate caused by the resignation of the Hon. John Philip Faulkner, I suggest that you do now leave the chair until after the joint sittings.

The PRESIDENT: I shall now leave the chair. The House will resume at the conclusion of the joint sittings following the ringing of the bells.

Pursuant to resolution business interrupted and set down as an order of the day for a later hour.

[*The President left the chair at 12.30 p.m. The House resumed at 2.30 p.m.*]

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LEGISLATIVE COUNCIL VACANCIES

The PRESIDENT: I report that at a joint sitting of the two Houses held this day, Mr Nitin Daniel Mookhey was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Steven James Robert Whan, and Ms Penelope Gail Sharpe was elected to fill the vacancy in the Legislative Council caused by her resignation. I table the minutes of the proceedings of the joint sitting.

Ordered to be printed on motion by the Hon. Duncan Gay.

SENATE VACANCY

The PRESIDENT: I report that at a joint sitting of the two Houses held this day to choose a person to hold a place in the Senate of the Commonwealth of Australia, rendered vacant by the resignation of Senator the Hon. John Faulkner, Ms Jennifer McAllister was chosen to hold that place. I table the minutes of proceedings of the joint sitting.

Ordered to be printed on motion by the Hon. Duncan Gay.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (VALIDATION) BILL 2015

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

Motion by the Hon. Duncan Gay agreed to:

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

Second reading set down as an order of the day for a later hour.

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.

QUESTIONS WITHOUT NOTICE

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. ADAM SEARLE: My question is directed to the Minister for Ageing, Minister for Disability Services and Minister for Multiculturalism. With the implementation of the National Disability Insurance Scheme [NDIS] involving the widespread devolution of services to the non-government sector, what steps has he taken to ensure community safety when providing services to forensic patients with complex needs?

The Hon. JOHN AJAKA: I assure the Hon. Adam Searle that all necessary safeguards are being implemented in relation to all aspects of the National Disability Insurance Scheme [NDIS]. The trial in the Hunter has been the most successful trial in all the States. In fact, the trial has been so successful that other States are looking at what we are undertaking.

The Hon. Duncan Gay: Point of order: I am having trouble hearing the Minister's answer because of the noise from the Deputy Leader of the Opposition.

The PRESIDENT: Order! I thank the Minister for his point of order. During this Parliament I will not put up with the level of gamesmanship that took place in the last Parliament. Members from the Government,

the Opposition and the crossbench must understand that if that behaviour is repeated in this House they will be dealt with harshly. The Minister has the call.

The Hon. JOHN AJAKA: The abuse and exploitation of people with disability is unacceptable. The Commonwealth, States and Territories have agreed to develop a nationally consistent approach to quality assurance and safeguards for the National Disability Insurance Scheme. The Commonwealth Government previously released a discussion paper on a quality and safeguards framework for the NDIS. Consultation on the framework concluded on 30 April 2015. The outcomes of the consultation will be used to inform the Disability Reform Council's decision about quality and safeguarding in the NDIS.

This Government supports the Senate inquiry into the abuse of people with disability in institutional and residential settings. The inquiry comes at an important time in the development of the NDIS. The findings of the inquiry will assist in the design of a national quality framework for NDIS that can safeguard people with disability from violence, abuse and neglect in institutional settings. They will also allow the Commonwealth, States and Territories to reflect on their role and approaches to preventing violence and abuse against people with disability.

The Hon. Adam Searle: Point of order: The question was about community safety in connection with providing services to forensic patients. The Minister is addressing abuse of people with disabilities and not the subject matter.

The PRESIDENT: Order! I apologise to the Leader of the Opposition. I was conversing with another member so I could not hear the line of argument that the Minister was employing. I remind the Minister that it is necessary to be relevant in the answers that he gives.

The Hon. JOHN AJAKA: I acknowledge the great work undertaken by all staff from the Government—Ageing, Disability and Home Care officers—and the non-government sector. It is always this Government's priority that people with disability do not suffer abuse and that appropriate safeguards are implemented. At the same time, this Government will ensure that the safeguards also exist for those employed in the sector.

STATE ELECTION

The Hon. RICK COLLESS: My question is addressed to the Leader of the Government, and Minister for Maritime, Roads and Freight. Will the Minister update the House on the results of the New South Wales election?

The Hon. DUNCAN GAY: I thank the member for that fortuitous question. I had to wait for an eminent Parliamentary Secretary to ask the question. The March election delivered a tremendous result for the people of New South Wales. It allows this Government to continue its fierce determination to rebuild this great State. This Government's Rebuilding NSW plan will expand on already historic levels of funding and construction of critical State infrastructure.

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We have been given the trust and mandate to deliver this plan. Our economy has gone from a basket case to being the strongest in the country. It will continue to grow powerfully with the help of major infrastructure projects such as the North West Rail Link, WestConnex, NorthConnex, the second Sydney Harbour rail crossing, Bridges for the Bush, Fixing Country Roads—no more Country Labor in this place now—and the continued fast tracking of huge upgrades to the Pacific, Princes, Great Western, Newell, Mitchell, Silver City and Cobb highways.

I am immensely proud to be returned as the Leader of the Government in this place, with my friend and loyal deputy John Ajaka. I welcome the new Opposition leadership; eminent men of some distinction—

The Hon. Walt Secord: Hansard will fix it.

The Hon. DUNCAN GAY: I am sure they will do their best. I welcome also the new members to this Chamber. It is so nice to see some fresh faces in this the oldest legislative Chamber in the nation, which was first formed in 1856. Mr President, I also congratulate you on your continuing presidency of this grand old

House. Your patience and wise counsel—suck, suck!—is appreciated by all. We need to remember that when one is standing in front of the teacher one has to suck up as much as possible.

New Coalition members in the Fifty-sixth Parliament of New South Wales include Ben Franklin, Bronnie Taylor, Lou Amato, Shayne Mallard and Scott Farlow. In particular, I congratulate Niall Blair on his new role as Minister for Primary Industries, and Minister for Lands and Water. A mention should also go to Rick Colless, who has been appointed Parliamentary Secretary for Natural Resources and Regional Planning; Sarah Mitchell, who has been appointed Parliamentary Secretary for Regional and Rural Health and Western New South Wales; David Clarke, who has been appointed Parliamentary Secretary for Justice; Scot MacDonald, who has been appointed Parliamentary Secretary for the Hunter and Central Coast; and Catherine Cusack, who has been appointed Parliamentary Secretary to the Premier. [*Time expired.*]

The Hon. RICK COLLESS: I ask a supplementary question. Could the Minister expand further on the results of the 2015 State Election?

The Hon. Greg Donnelly: Point of order: That was not a supplementary question. There was no reference to elucidation of the original question. It is out of order.

The PRESIDENT: Order! The standing orders require the elucidation of an aspect of an answer. In the last two Parliaments there has been a practice of allowing what is sometimes nicknamed the general elucidation question. I will reserve my decision on whether the general elucidation question will remain in order as a result of the President's ruling until a subsequent occasion. The Minister may answer the question.

The Hon. DUNCAN GAY: I also welcome the two new Labor members to this House: Courtney Houssos and Daniel Mookhey. We look forward to keeping you on the Opposition benches for many years to come. Welcome back to The Greens, the Christian Democratic Party and the Shooters and Fishers Party. Reverend the Hon. Fred Nile, the grandfather of the House, was first elected to the Legislative Council in 1981. He may be the grandfather but I am the father of the House. I was elected in 1988 and I have a longer continuous term than him, but in deference to the Reverend the Hon. Fred Nile he has a longer term in years. Last, but not least, I suspect we are going to have some interesting times with the member for the Animal Justice Party, Mark Pearson. It is nice to have you here—I think. Welcome to the Chamber. Finally, we thank the people of this State for the faith they have once again placed in us to govern and our colleagues in the Opposition. I wish all well for this term of Parliament.

AUTISM SERVICES

The Hon. WALT SECORD: My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Given early intervention is the best response to autism, why are New South Wales families of young children with autism who require speech therapy waiting more than two years on the Ageing, Disability and Home Care waiting list within the Department of Family and Community Services for help? What steps has the Minister taken to fix this?

The Hon. JOHN AJAKA: I thank the member for his question. Interestingly, one of the commitments made by Coalition members in the lead-up to the last election was that if re-elected the Baird Government would bring forward the National Disability Insurance Scheme [NDIS] to Western Sydney by 12 months. Rather than 2,000 children having to wait for individualised funding we, in conjunction with the Federal Government, committed to commencing the NDIS on 1 July 2015 in Western Sydney. What did those opposite do? They criticised the move. They did not want early intervention for 2,000 children in Western Sydney to be brought forward by 12 months. The shadow Minister for Ageing and Disability Services, the Hon. Linda Burney, is on record as having criticised that commitment.

The Hon. Walt Secord: Point of order: My point of order is relevance. The question was about autism and speech therapy. The Minister has been talking about the NDIS.

The PRESIDENT: Order! I will give the Minister the benefit of the doubt. However, I remind him that his answer should be relevant to the question asked.

The Hon. JOHN AJAKA: Let me be very relevant. Early intervention for children suffering from autism is exactly what the NDIS is about. A trial site in Western Sydney is to be commenced so that young

children who require early intervention will be able to access those services through the NDIS funding packages 12 months early. What did those opposite do? They opposed it.

The Hon. Sophie Cotsis: No, we did not.

The Hon. JOHN AJAKA: It is on record that those opposite criticised us for saying we were going to do that.

The Hon. Sophie Cotsis: We wanted details. You just announced it.

The Hon. JOHN AJAKA: I note the interjection of the Hon. Sophie Cotsis. Perhaps those opposite should go back and read what the Hon. Linda Burney said in her press release after I had made that announcement with the Premier. The New South Wales Government recognises that early intervention—

The PRESIDENT: Order! The comments made by the Hon. Sophie Cotsis were exactly the sorts of comments I referred to earlier in a ruling. I remind all members that that sort of statement is contrary to the standing orders.

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The Hon. JOHN AJAKA: The New South Wales Government recognises that early intervention for children with disability and their families is essential at key life stages to enhance their capacity, resilience and wellbeing. That is why we are committed to implementing the National Disability Insurance Scheme a year ahead of schedule, commencing in the Nepean Blue Mountains area from 1 July 2015. This early rollout across the Nepean Blue Mountains has an early intervention focus, and will allow the delivery of much-needed early intervention services for up to 2,000 children and young people aged 0 to 17 years by 30 June 2016.

This early rollout complements the ongoing work we are undertaking for children with disability. As part of Ready Together, the Strengthening Supports for Children and Families 0 to 8 years strategy was developed to enhance prevention and early intervention services. It increases opportunities for children with disability, aged between 0 and 8 years, and their families to participate and be included in their communities. [*Time expired.*]

DISABILITY AND HOUSING

Ms JAN BARHAM: My question is directed to the Minister for Disability Services. In light of the National Disability Insurance Agency [NDIA] scrapping its housing options paper, and noting that the Council of Australian Governments [COAG] disability reform council communique from its meeting on 24 April indicates that National Disability Insurance Scheme [NDIS] funds will be directed only to specialist housing where an integrated housing and support model is required, and that mainstream housing is to be delivered by the States and Territories, what is the Government doing to address the desperate shortage of accessible, appropriate and affordable housing for people with disability?

The Hon. JOHN AJAKA: I thank the honourable member for her question. Like everyone else across the nation who is working to make the National Disability Insurance Scheme [NDIS] a reality, I am concerned about providing appropriate accommodation for people with disability who enter the scheme. I am also on record as being the first State Minister to agree to meet with the national campaign Every Australian Counts to hear about housing challenges experienced by its supporters.

I am on the record as having raised this issue with my counterparts and the Federal Minister, Senator Mitch Fifield, at the last meeting of the disability reform council in Melbourne. The role of housing in the NDIS is a critical policy issue for the ongoing design of the scheme. States, Territories and the Commonwealth have agreed to a work plan for resolving outstanding national policy issues, including the role of specialist accommodation support in collaboration with the National Disability Insurance Agency [NDIA]. This work will include developing and testing innovative accommodation pilots in trial sites to help expand the supply of appropriate and sustainable integrated housing and support models for people with disability.

These pilots will provide us with evidence about how different models contribute to outcomes for NDIS participants. I look forward to reporting back to the House outcomes from my meeting with a delegation from Every Australian Counts. I would like to reassure the sector that New South Wales will be working with the NDIA to pilot new models in the Hunter trial and will also continue to participate in the detailed work

needed to identify and price asset related cost for participants in the scheme. The NDIS efforts in relation to specialist disability housing will be in addition to the ongoing mainstream housing efforts of States and Territories. New South Wales is working closely with the Commonwealth and other jurisdictions to ensure that this element of the NDIS is finalised as soon as possible.

DISABILITY SUPPORT SERVICES

The Hon. CATHERINE CUSACK: My question is addressed to the Minister for Disability Services. Will the Minister outline how the Government supports people with disability in New South Wales?

The Hon. JOHN AJAKA: I thank the honourable member for her question. This Government is about delivery. Be it WestConnex, NorthConnex or the billions of dollars that the Hon. Jillian Skinner is investing in new hospitals across this State, this Government is transforming New South Wales. As the Premier has stated, a key objective of this Government has been our commitment to protect and support the vulnerable members of our society. And we are delivering on this commitment for people with disability.

In December 2012, at an historic event here in Parliament House, this Government signed up to a once-in-a-generation social reform: the National Disability Insurance Scheme [NDIS]. Since that day, we have been focused on getting New South Wales ready for the NDIS. We launched the Hunter trial site in July 2013. We are preparing the sector and people with disability, their families and carers. To date, more than 5,200 people have made requests to join NDIS and more than 3,500 people have joined in the Hunter areas of Newcastle and Lake Macquarie so far. The trial will expand into Maitland from July 2015.

As members should be aware, during the election campaign this Government scored another win for people with disability. I was joined by the Premier, local members of Parliament and the Hon. John Della Bosca to announce that if we were re-elected—

The Hon. Greg Donnelly: Who?

The Hon. JOHN AJAKA: The Hon. John Della Bosca. I would think those opposite would know who he is! If those opposite honestly do not know who he is they should be ashamed of themselves.

The PRESIDENT: Order! The Minister will ignore interjections.

The Hon. JOHN AJAKA: We announced that if the Liberal-Nationals Government was re-elected it would roll out the NDIS for 2,000 children and young people in the Nepean Blue Mountains district a year earlier than anticipated. This commitment will see the Baird Government working with the Commonwealth Government to set up a National Disability Insurance Agency [NDIA] presence in the Penrith area and links to supports from 1 July 2015. It is anticipated that, from September, children and their families in Penrith and the Blue Mountains will begin receiving their NDIS packages.

Unfortunately, those opposite, despite claiming to care for people with disability, could not bring themselves to welcome this announcement with open arms. Instead, the then shadow Minister, Linda Burney, issued an extraordinary attack on this announcement which will fundamentally change the lives of 2,000 children and young people in the Nepean Blue Mountains region. I suggest that, going forward, those opposite support this once-in-a-generation reform. I was proud on that day to be joined by a former member of this House, the Hon. John Della Bosca. He said:

The NSW Government has championed disability reform. They were the first state to sign up to the NDIS, the only state to seriously invest in funding service providers to prepare for the NDIS and now are the first state to start the NDIS rollout beyond the trial sites.

The Liberal-Nationals Government is working hard to ensure New South Wales is ready for the NDIS, and that as transition happens—for clients, staff and services—it will be well planned and seamless. I look forward to continuing to update the House on the early rollout of the NDIS and other election commitments in due course.

DARLING RIVER SYSTEM

Mr JEREMY BUCKINGHAM: My question is directed to the Minister for Lands and Water. How much of the rainfall in the central and southern Queensland over the past three to four months has flowed through to the Darling River system? Has irrigation storage in Queensland, in particular at Cubbie Station, had a

negative impact on the flow of water into New South Wales? And what does this mean for those living in the Darling River system?

The Hon. NIALL BLAIR: I thank the honourable member for his question. If he has specific questions about Queensland, I encourage him to direct them to Queensland Ministers, just as I have done recently. I have just come back from a trip to Broken Hill and the Menindee Lakes to have a look at the water situation out there. There are critical water supply issues out in Broken Hill. There was some significant rainfall, particularly over the Easter period, in northern New South Wales and Queensland. That resulted in flows that we determined may make their way to Menindee Lakes. As the Minister for Lands and Water, I had to make the decision to put the embargo back on the northern rivers to allow some of those flows to make it to western New South Wales.

My counterpart in Queensland did not make similar efforts to try to get some of that water to the Menindee Lakes to address the critical human water supply issues in Broken Hill. I have written to my Queensland counterpart to express the view that, although it is a balancing act trying to use water for agricultural production and to generate economic returns, for some of the communities suffering from drought we must look at critical human consumption needs—right across the basin and across State borders. That is why we had to put the embargo back in New South Wales. I have written to my Queensland counterpart to ask whether he would consider, in future rainfall events, doing the same. He has allowed the irrigators to take some water for irrigation purposes. I hope he will look favourably upon my request in the future.

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MULTICULTURALISM

The Hon. SOPHIE COTSIS: My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is the Government's response to community concern that multiculturalism and the diverse multicultural communities of New South Wales were not mentioned yesterday as part of the Government's agenda?

The Hon. JOHN AJAKA: You would honestly hope that the shadow Minister for Multiculturalism would accept that people from multicultural backgrounds are part and parcel of the citizenship of New South Wales. She seems to have an attitude that they are not New South Wales citizens. The Governor's Speech—what an incredible speech—clearly demonstrated the great work of this Government on all aspects in its first term, but members opposite could not accept that. We could hear them groaning as they were reminded over and over again about the great work of this Government in its first four years. I am proud to serve as the Minister for Multiculturalism. I am happy to admit that I always hoped I would be able to serve in this portfolio one day. My dream of being a member of this Chamber is further fulfilled by my being the Minister for Multiculturalism.

The Hon. Adam Searle: Point of order: I have two points of order. The Minister is debating the question and he is not answering it or being generally relevant.

The PRESIDENT: Order! The Minister is being generally relevant. While it did not seem to me as though he was debating the question, I remind the Minister that he should not debate the question in any answer that he gives.

The Hon. JOHN AJAKA: As Minister for Ageing and Minister for Disability Services I am continually reminded of our culturally and linguistically diverse [CALD] communities and that 50 per cent of people in our State were either born overseas or have a parent who was born overseas. I am always mindful that young children and other people with disabilities from culturally and linguistically diverse communities require extra assistance. I am thrilled to be not only the Minister for Ageing and Minister for Disability Services but also Minister for Multiculturalism because we can continue to work together in all areas and create the needed synergies.

Members opposite clearly do not care about multiculturalism in New South Wales and we saw during the election campaign that they do not care about people with disabilities. That was clear from day one. This Government does care. The Governor made clear what great work our Government undertook in its first four years and he outlined the work that we will continue to undertake. The Premier has made it clear that we will continue to look after our most vulnerable in the portfolio areas of Ageing and Disability Services. As Minister for Multiculturalism, I will continue to support and enhance the great work of the former Minister for Multiculturalism, the Hon. Victor Dominello.

DROUGHT

The Hon. SARAH MITCHELL: My question is directed to the Minister for Primary Industries, and Minister for Lands and Water. Will the Minister update the House on the impact of the drought on western and north-west New South Wales?

The Hon. NIALL BLAIR: I congratulate the Hon. Sarah Mitchell on her appointment as Parliamentary Secretary for Western NSW and Parliamentary Secretary for Regional and Rural Health. One of my first trips after being appointed to the Primary Industries, Lands and Water portfolios was a visit to north-west and western New South Wales. As Minister for Water, my number one priority is to find solutions to the emergency water supply issue in Broken Hill.

The Hon. Sarah Mitchell and I visited Broken Hill and Menindee last month where we met with community members and inspected the bore drilling program on the bed of the Menindee Lakes. Severe drought conditions in Queensland and northern New South Wales over the past three years have dramatically reduced the water flowing into the Murray-Darling River system in northern New South Wales. This has greatly reduced inflows into the Darling River system, which feeds into Menindee Lakes. The towns of Broken Hill and Menindee rely on the Menindee Lakes system for drinking water supply.

Last September the forecast water supply for Broken Hill fell below the critical 18-month target. If conditions remain dry, water from Menindee Lakes is expected to become too salty to use for potable water supply by November this year. Unfortunately, the situation at the Menindee Lakes has meant that an embargo had to be put in place following two significant flows in January and at Easter, which restricted irrigators in north-west New South Wales from taking water. The second of these temporary restrictions was again placed on access to high flows in northern river valleys on 6 April.

This is a balancing act. The decision was not taken lightly, but we have to prioritise water for important irrigation versus water for the 20,000 people of Broken Hill. That is why the New South Wales Liberal-Nationals Government is investing nearly half a billion dollars to determine the best short- and long-term solutions for Broken Hill's water security. It should not matter whether you live in Broken Hill or in Baulkham Hills, you should have access to drinking water.

We are undertaking a groundwater drilling investigation to find water to secure the emergency town water supply for Broken Hill. In the longer-term, we are progressing investigations for a pipeline from the Murray River to Broken Hill. The New South Wales Government is also paying for water cartage for those people who are not connected to the town water supply at Menindee. I also visited Brewarrina and Walgett to meet with NSW Farmers President Fiona Simson, local landholders, mayors and councils, and, importantly, to inspect drought affected properties firsthand.

The Hon. Duncan Gay: Did you see Billy Murray?

The Hon. NIALL BLAIR: I did see Billy Murray in Walgett. We all know that in good times the north-west of the State is one of the most productive agricultural regions in New South Wales, but for the past few years this area has been impacted by severe drought. I went to Nigel and Rae Cochrane's property near Walgett and sat around the kitchen table with a group of farmers to hear firsthand what they are going through.

The troughs and pipes we inspected were installed using the New South Wales Government Farm Innovation Fund, which provides low interest, long-term loans to landholders anywhere in the State to install or upgrade on-farm infrastructure that will help the property better manage risk such as drought. This is part of the Liberal-Nationals Government's five-year \$300 million-plus drought strategy. I pay tribute to the former Minister for Primary Industries, Katrina Hodgkinson, for securing the funding for this package.

The Hon. Mick Veitch: You stumbled.

The Hon. NIALL BLAIR: It was a lot longer than you will ever get in that role, mate. I can tell you that. Under this scheme we have a range of measures that are designed to help our farming sector and rural and regional communities become more resilient and better prepared for future droughts. My job is to now work closely with NSW Farmers, the farming sector, councils, regional communities and the Commonwealth Government to ensure that these measures are implemented effectively.

GUN ACCESS

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Roads, representing the Deputy Premier and Minister for Justice and Police. The Minister is aware of the report by the New South Wales Privacy Commissioner that was tabled in Parliament today raising privacy issues concerning the Firearms Amendment (Ammunition Control) Act 2012. Is it not true that the Firearms Amendment (Ammunition Control) Act 2012 has failed to stem the access by criminals and terrorists to ammunition to commit drive-by shootings and atrocities? Will the Minister immediately introduce legislation to revoke the Act?

The Hon. DUNCAN GAY: That is an important question. The issues that the member raises about people who frankly should not have access to ammunition having access to ammunition are of real concern. I respect the job that the Deputy Premier has done and will do in his new role as Minister for Justice and Police because of his background and the strength and common sense he brings to the role. I will take the question on notice and pass it on to my colleague for a detailed answer.

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SYDNEY HARBOUR BRIDGE AND EASTERN DISTRIBUTOR TOLLS

The Hon. GREG DONNELLY: My question without notice is directed to the Minister for Roads, Maritime and Freight. What is the Government's response to community concerns about his Government's plans to install a northbound toll on the Sydney Harbour Bridge and a southbound toll on the Eastern Distributor?

The Hon. DUNCAN GAY: I thank the Hon. Greg Donnelly for his question. For the record, he has had five months, 15 days and 11 hours to prepare a question, and that is what it is. There is not much of a question—not much at all. Currently motorists pay the two-way toll when they travel one way. If they go only one way, they pay for two ways. With a degree of fairness and sensibleness, the Government will change that but first of all will talk to the people about it.

The Hon. GREG DONNELLY: When?

The Hon. DUNCAN GAY: That is something the Hon. Greg Donnelly would not be accustomed to or understand. He would not understand the concept of talking to the people. After we talk to the people and if the people believe it is a good idea, we will do it. That is when we are going to do it—after we talk to the people. If modern tolling systems had been available when the toll was introduced, it would have been a two-way toll in the first place. Not to put too fine a point on it, all the honest people seated in the public gallery pay their tolls because they travel both ways, but there is a small group who do not pay tolls. They cross the bridge only northbound and return a different way and they are bludging on the rest of us.

The Hon. GREG DONNELLY: How many?

The Hon. DUNCAN GAY: Because the new Deputy Opposition Whip is such a sensible citizen and is such a keen, earnest and decent citizen, we want to make sure he funds only what he should.

The Hon. GREG DONNELLY: Ernest is here. There is Ernest.

The Hon. DUNCAN GAY: Name him!

The Hon. GREG DONNELLY: He pays it.

The Hon. DUNCAN GAY: It just makes sense that if e-tolling had been available when the tolling system was introduced, the degree of fairness to which I have referred would have been part of the tolling system. But, being the good government that we are, we will talk to the people first before we do anything.

The Hon. GREG DONNELLY: I ask a supplementary question. Will the Minister elucidate his answer by making specific comment on a southbound toll on the Eastern Distributor?

The Hon. DUNCAN GAY: I thank the Hon. Greg Donnelly for his supplementary question. It was quite remiss of me not to answer that part of his question. The answer is yes, the Government will be

considering harbour crossings in each direction. The key factor is that no-one will pay any more than the current cost. The proposal is simply a halving of the current toll.

HUNTER VALLEY AND NORTH COAST FLOODS

The Hon. TREVOR KHAN: My question is addressed to the Minister for Roads, Maritime and Freight. Will he update the House on how the New South Wales Government is working with local councils in flood-affected areas after the recent storms in northern areas of the State?

The Hon. DUNCAN GAY: I thank the Hon. Trevor Khan for his question. I know his connection with the Cessnock area and the Upper Hunter.

The Hon. Walt Secord: He drives through it.

The Hon. DUNCAN GAY: I love the Hon. Walt Secord saying, "He drives through it." What part of regional New South Wales would he know aside from holiday destinations? He goes around all the pie shops along the entire length of the coast, and nowhere else.

The PRESIDENT: Order! I counsel the Minister, as I did many times during the previous Parliament, not to respond to interjections.

The Hon. DUNCAN GAY: I apologise. The Hon. Walt Secord led me on. I should not be led on because this is a question of great importance. As recently as last week I travelled up to the Hunter with Peter Duncan, the chief executive officer of Roads and Maritime Services [RMS], and Anna Zycki, the regional director, to see the damage left by recent storms, which is impacting upon thousands of people across the Hunter Valley and North Coast. I am sure all members of this House join me in offering our support and sympathy to all the people and communities affected. I offer my condolences to the friends and families of those who tragically lost their lives in Maitland or Dungog. I first met with the staff of RMS near Heatherbrae; to say they looked tired would be an understatement. They had been working around the clock, as had the police, the State Emergency Service personnel, our fireies, council workers, and people from Transport working on rail. The work that they and volunteers have done is simply exceptional. I am aware an announcement has been made in relation to tickets for the State of Origin. Volunteers will be catered to first but others will be included, as they deserve to be.

It is time for people to come together to help to rebuild townships and support those who have suffered through recent exceptionally heavy rainfall. The Government has declared natural disaster assistance for 12 key regional areas. One only has to see, as I did, the bridges and culverts that have been washed away in areas such as Dungog to understand the heartache and devastation that now exists in towns in the Hunter and on the North Coast. The Torryburn bridge near Gresford is one such example. The whole structure was swept away by floodwaters. I have seen that the local community already has put in place a flying fox, which is exceptional. The Government is working very quickly to put in place a pedestrian crossing and an alternative route into that community. The Torryburn bridge is just one example. Currently we also have our engineers working with the council to assess the damage and develop new engineering designs for a replacement. As I mentioned, in the interim we are ensuring that pedestrian access is available for Torryburn residents. The council also will be constructing an access track for vehicles that need to travel to and from Torryburn. It will be a huge job, as members can imagine.

Damage of that magnitude cannot be fixed overnight, but the Government is committed to replacing the bridge and to ensuring we rebuild townships, roads and bridges affected by flood events. We are lucky enough in this great State and country to have a well-established process in place for providing natural disaster funding. The process has been in place for decades and it works.

The Hon. TREVOR KHAN: I ask a supplementary question. Could the Minister elucidate his answer on support being given by the Government to councils in flood-affected areas?

The Hon. DUNCAN GAY: I thank the Chamber for its indulgence. As I said, the process has been in place for decades and it works because we have a great team within government departments that support councils to ensure they receive the best possible assistance. Within three months of the event councils are required to submit preliminary estimates of damage, after which assessments are carried out to inform the proposed work. Disaster funding is allocated in accordance with State and Federal guidelines and requires

damage to be rectified within 12 months, except if the project is complex, or there is prolonged wet weather, or other natural disasters occur, in which case the date can be extended. As I indicated earlier, I am sure I speak for most members of the House when I acknowledge that the community effort and emergency response to the storm was exemplary. The Government will continue to support councils. The Government already has assigned personnel to work with councils to ensure that the natural disaster funding can be accessed as soon as possible.

The Government will continue to visit and access flood-affected areas to obtain better information as water levels recede. Even though my visit was later in the past week, the water levels were still quite high in many places. We have not had a chance to really access flood-affected areas. However, on behalf of most members of the House, I have to say that the flood-affected communities were just fantastic.

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The amount of water that fell caused exceptional floodwaters. Water was running the wrong way up river systems. Where the Williams system flows, the water level was so high after the downpours that, initially, water was flowing against the run of the stream. That is exceptional—it goes beyond the one-in-100-year flood. We can plan for a one-in-ten-years or one-in-50 years flood but we cannot plan for something like that. We must ensure that we look after those flood-affected people.

NATIVE VEGETATION LEGISLATION

The Hon. ROBERT BROWN: My rewritten question is directed to the Hon. John Ajaka representing the Hon. Mark Speakman, Minister for the Environment. Will the Minister advise the House of the absolute timeline for the repeal of the Native Vegetation Legislation Act 2003, given that a statement was made by the Deputy Premier and Leader of the National Party, the Hon. Troy Grant, prior to the election at Orange, New South Wales, that a repeal of that Act was "imminent".

The Hon. JOHN AJAKA: I thank the honourable member for his question. I will refer the question to the Hon. Mark Speakman for an answer and I will report back to the House. I take this opportunity to congratulate the Hon. Mark Speakman on his appointment as a Minister. What an exceptional Minister for the Environment he will be.

DROUGHT

The Hon. MICK VEITCH: My question without notice is directed to the Minister for Primary Industries and Minister for Lands and Water. In light of the continuing drought conditions in parts of north-west New South Wales and in light of his earlier answer to this Chamber, what is the Government response to concerns about administrative burdens deterring farmers from accessing the Government's drought package?

The Hon. NIALL BLAIR: I thank the honourable member for his question and congratulate him on being the shadow Minister for Primary Industries, Lands and Water.

The Hon. Duncan Gay: And the last Country Labor member in the House.

The Hon. NIALL BLAIR: Some say the Steven Bradbury of the New South Wales Parliament because all the other Country Labor members have fallen over and Mick is skating around in his lycra, coming towards the end. I understand that, as the final Country Labor member of the House and the only member on the Opposition benches who lives outside the metropolitan area and is from a regional community, he has a genuine concern in this matter and it is something that we are taking seriously.

As I said in one of my earlier answers, I did travel to Brewarrina and Walgett recently and met with not only New South Wales farmers but affected farmers in the area. I am aware of some of the issues in relation to some of the benchmarks that have been set for assistance funding, both at a State and Commonwealth level. The Government is working with New South Wales farmers to review some of the criteria that probably will not be affecting the New South Wales funding assistance but does affect some of the Federal funding assistance. I also met with my Federal counterparts—Barnaby Joyce and Bob Baldwin. Bob Baldwin has carriage of water as the environment parliamentary secretary in the Federal Parliament and is also responsible for the Bureau of Meteorology. I know that some of the benchmarks have been set using the one-in-50-year rainfall deficiency measurements and we are aware that there are some farmers who are outside some of those measuring areas. That is one of the administrative issues that the Government is dealing with.

There is \$2.5 million on the table as part of our drought assistance package to address the issue of weather and rainfall monitoring stations. We have just received the first quote from the bureau to see how far that money will go. We are working with our Federal counterparts to try to address some of those administrative burdens.

TIBBY COTTER BRIDGE

Dr MEHREEN FARUQI: My question without notice is directed to the Minister for Roads, Maritime and Freight.

The Hon. Trevor Khan: Be nice.

Dr MEHREEN FARUQI: I am always nice. Given that reports have emerged that both pedestrians and cyclists are unhappy with the \$38 million Tibby Cotter Bridge and that patronage is low, will you advise the House on how many pedestrians and cyclists are actually using the bridge and when you will release patronage figures?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight and Vice President of the Executive Council): I thank the member for her question. She is correct: she is always nice in this House. But she is not often right; she is mostly wrong. I am disappointed that someone as nice as the honourable member has taken a set against Tibby Cotter Bridge. It is a beautiful bridge. A great apparition there, between Allianz Stadium and the Sydney Cricket Ground, perfectly located to allow the people of Sydney to walk and cycle to those major events. I am disappointed that the member opposite would try to sledge such an important, beautiful addition to our city. I do not have the numbers that she has asked for but, because she has asked, I will endeavour to get them for the member as soon as I possibly can.

CARAVAN REGISTRATION CHARGES

The Hon. LYNDA VOLTZ: My question without notice is directed to the Minister for Roads, Maritime and Freight. Given that it is now over a year since the Minister promised to reduce caravan registration charges, will he inform the House when the caravan owners of New South Wales can expect reductions to occur?

The Hon. DUNCAN GAY: The honourable member is right: I agree that it seems to be taking an inordinate amount of time. I cannot tell the member exactly, but as far as I am concerned it is going to be damn soon.

AGEING

Mr SCOT MacDONALD: My question is addressed to the Minister for Ageing, Minister for Disability Services and Minister for Multiculturalism. Will the Minister please update the House about the Government's achievements in helping people to age well?

The Hon. JOHN AJAKA: I thank the honourable member for his question. The Baird Government acknowledges that population ageing is creating social and economic opportunities and challenges. We recognise the need to respond to these issues and have a vision for a healthy, vibrant and active ageing population. Since 2011 this Government has delivered on its agenda to help all seniors live active, healthy and socially connected lives.

At the centre of this agenda is the NSW Ageing Strategy which was delivered by this Government in 2012 and is a whole-of-government approach to planning and service delivery that is helping us to build age-friendly communities, assist people of all ages to plan for their futures and ensure we harness the benefits of an ageing population. Prior to the election the Government committed to introducing a comprehensive package focused on delivering the services that seniors want and need. This package includes \$343 million to reinstate vital seniors concessions; \$2 million to turbocharge the Tech Savvy Seniors program; \$2 million to provide more Seniors Card benefits; and \$4 million in grants for local community projects.

The Hon. Duncan Gay: Where's my seniors card?

The Hon. JOHN AJAKA: I understand that the Leader of the Government has become of an age where he believes he should have a Seniors Card but he works more than 20 hours a week and he is not eligible.

The Government is strongly committed to delivering concessions to pensioners and seniors. After the Commonwealth withdrew concessions in the 2014-15 Federal Budget, this Government stepped in and covered the shortfall for seniors for 12 months to June 2015. This support will be extended by a further three years—a \$343 million commitment to our seniors. The Tech Savvy Seniors program, delivered in partnership with Telstra, is a successful initiative that provides free or low-cost training to help seniors learn to use computers, tablets and smartphones for the first time. Training has already been provided in 34 community colleges and 39 libraries across New South Wales, many of which are in rural and remote areas. The program has seen over 17,000 training places filled by seniors. This year Tech Savvy Seniors is offering training in select libraries in six languages other than English. Training is also being delivered in Auslan, thanks to a partnership with the Deaf Society of New South Wales. An independent evaluation found that for every dollar invested in Tech Savvy Seniors more than \$10 has been returned in social value. This means more than \$17 million in social value will be created by Tech Savvy Seniors in New South Wales.

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Under the New South Wales Liberals and Nationals \$2 million plan, the hugely successful Tech Savvy Seniors program will be expanded by: 3,500 more places per year, across 30 regional and metropolitan community colleges and libraries; the addition of a Tech Savvy Seniors regional road show, which will reach 40 regional locations; and the introduction of online banking courses for seniors. The New South Wales Seniors Card is another immensely popular program amongst our seniors. There are about 1.3 million people with a New South Wales Seniors Card and the New South Wales Government has harnessed the popularity of this program to secure group discounts and ensure cheaper bills for seniors. We will expand the number of businesses providing discounts, and are confident that we can triple the number of business outlets who participate. Our first targets for expansion will be a major energy retailer, a telecommunications company and a supermarket chain. Under the Ageing Strategy, the New South Wales Government is committed to creating age-friendly and liveable communities that break down barriers faced by senior members of our community to increase their social participation. The Age-Friendly Communities Local Government Grant Scheme has provided grant funding to Councils to provide accessibility. [*Time expired.*]

HOME EDUCATED STUDENT TAFE ENROLMENTS

The Hon. PAUL GREEN: My question without notice is to the Minister for Primary Industries, representing the Minister for Education. When home-educated students sought to enrol in TAFE this year many were told that they did not qualify for a funded place at TAFE because they were technically "still at school" and Smart and Skilled funding is only available to individuals who are no longer in school. Given that the majority of home educators see this lack of access to subsidised funding as a form of discrimination, will the Minister correct this anomaly and allow access to funded places at TAFE for home-schooling students who wish to pursue further education at their local TAFE facility?

The Hon. NIALL BLAIR: I thank the honourable member for his question. As it contained much detail, and as I know the member has a very particular interest in this area, I will take the question on notice and seek a detailed answer for him.

The Hon. DUNCAN GAY: If members have any further questions, I suggest they place them on notice.

Questions without notice concluded.

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

First Day's Debate

The PRESIDENT: I report the receipt of a copy of the Speech made yesterday by His Excellency the Governor and recorded in the Minutes of Proceedings.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [3.33 p.m.]: I move:

That the following Address be adopted and presented by the Whole House to the Governor, in reply to the Speech which His Excellency had been pleased to make to both Houses of Parliament:

To His Excellency General The Honourable David John Hurley, Companion of the Order of Australia, Distinguished Service Cross, (Retired), Governor of the State of New South Wales in the Commonwealth of Australia.

May it Please Your Excellency—

We, the Members of the Legislative Council of New South Wales, in Parliament assembled, desire to express our thanks for Your Excellency's Speech, and to express our loyalty to Australia and to the people of New South Wales.

We assure Your Excellency that our earnest consideration will be given to the measures to be submitted to us, and that we will faithfully carry out the important duties entrusted to us by the people of New South Wales.

We join Your Excellency in the hope that our labours may be so directed as to advance the best interests of all sections of the community.

The PRESIDENT: I remind honourable members that this is the honourable member's inaugural speech, and I would ask them to extend to him all of the courtesies that are usually afforded on such an occasion.

The Hon. SCOTT FARLOW [3.35 p.m.]: I second the motion for the adoption of the Address-in-Reply to the Governor's Opening Speech. I commend the Governor on his Speech to Parliament and reflect on his sobering reminder that we, the men and women gathered in these Chambers, have the authority and opportunity to implement lasting and meaningful change. On these words, I commend the Governor on his address to Parliament and reflect on his sobering reminder that:

We, the men and women gathered in these Chambers ... have the authority and opportunity to implement lasting and meaningful change.

On these words as the Governor sat ensconced in the vice-regal chair, I cast my mind back to the first time I sat in this Chamber. That occasion was Australia Day, sometime in the 1990s, when my parents brought me to this Parliament, past the classic cars that lined Macquarie Street. On sitting in the Chamber that Australia Day, hearing the story of this Council, the first and oldest legislative body in our nation, I never imagined that I would enter this place as a member and rise in this Chamber and have that distinct opportunity that His Excellency outlined yesterday.

From the transportation of William Bellamy to the colony of New South Wales in 1781, members of my family have made a life for themselves in this State. I am humbled and privileged to be afforded the honour to represent the people of New South Wales and the Liberal Party. I take my oath of allegiance to Her Majesty and her successors seriously and seek to represent the people of this State in this House with dignity, honour and determination as this place's 868th member. I will not squander that opportunity. While I never imagined that I would sit in this Chamber, I have had a deep and abiding political interest from a very young age. As an only child who from a young age needed to converse with adults, I developed a working knowledge of two things—sport and politics. This formative study led me to two distinct and abiding passions in my life: the Balmain, now Wests, Tigers and the Liberal Party of Australia.

The Hon. Rick Colless: Up the Tigers!

The Hon. SCOTT FARLOW: I am glad we can agree on something. Whether it was running my own mock polling booth at home in the 1988 State election at the age of 5, or arguing with teachers over the importance of a broad-based tax system in both 1993 and 1998, I have been fighting for Liberal ideals and policy my whole life, and intend to do so in this place. In this, the Liberal Party's 70th year, I am humbled to be entering Parliament as its representative and servant. The Liberal Party and Australia owe a great debt of gratitude to Sir Robert Menzies in having the foresight to create a non-Labor party which would stand the test of time. In 1962 Sir Robert Menzies outlined to the New South Wales Young Liberal Movement that the party was formed and succeeded because, "We had something to believe in, not just something to oppose." He went on to conclude that:

I don't believe that governments provide enterprise ... if you want enterprise, if you want vision, you have to go to the individual human being ... to compare the mechanism of government, as if it were some sentient creature with the genius of the human being is absurd.

It was fitting that Menzies made these remarks to the NSW Young Liberal Movement, a body of which I was the longest-serving President and am proud to be a life member, because they still encapsulate my views today. I stand in this place as a liberal, in the classical sense of the word. I believe, as John Stuart Mill laid out in his seminal essay, *On Liberty*, that:

The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.

Put simply, I believe the role of government should be a limited one—not to be there to administer the lives of its citizens, but to protect them from the imposition of their rights by others. As Milton Friedman put it:

Government should be there to act as a referee, not a player.

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There exists today an unfortunate notion that if there is a problem that is a problem for government to fix. It is not necessarily that these things should not be fixed, but it is often the case that when we fix things we create more problems. It is like the introduction of the cane toad to control the cane beetle. We all know how that worked out.

While I am an advocate of limited government, I support the role that government plays in supporting those who cannot support themselves. We in this place have an obligation to act as a voice for the voiceless. I believe in a functioning safety net, but I will always fight for a hand up, not a handout. As Margaret Thatcher wrote in the 1979 Conservative Party Manifesto:

We want to work with the grain of human nature, helping people to help themselves—and others.

The best form of welfare is a job. The best housing policy is the one that allows individuals and families to provide for their own accommodation, and the best form of insurance is the family unit and its broader network. These are social constructs that have been formed from time immemorial. They developed not out of some bizarre edict but by reason and nature.

I am a conservative in so much as I am a realist. Conservatism deals with the world as it is, not the world under some abstract theory. As a conservative, I do not say no to change, but I do not endorse change for the sake of change; this is why I have always stood and supported our current constitutional arrangements and still see no need to adopt a republic. But for those things where the case for change is clear, we as conservatives must move forward and reform because there is an actual need. As the great conservative thinker Edmund Burke outlined:

A state without the means of some change is without the means of its conservation.

The State of New South Wales has proven and will continue to prove that it is capable of change and that it is capable of more than mere conservation. It is capable of greatness. To this end of making New South Wales great, I believe that we need to rectify the Federation, because our State can only be great if our nation is great.

Firstly, let me lay out that I am a State's righter, a supporter of our federalist system and the vision of our forefathers in drafting our Constitution. I am a supporter because I believe our States, in particular, this one, can be an engine room for policy development and I believe that competition between our States drives better outcomes for our nation.

The problem is that Canberra is too big. There exists a vertical fiscal imbalance where the States are left carrying the can. The duplication of functions between the Federal and State government, which leads to added expenses and regulations for individuals and businesses, needs to be eliminated.

To this end, we may need to cede certain things to the Federal government, but the Commonwealth also needs to exit the field in areas that are the privy of the States. This is but one part of the story when the States face an annual revenue shortfall of around \$96 billion per annum. Treasurer Hockey said recently:

The states need to accept responsibility for the things they run. If we do that and if we're all accountable for the things we are actually responsible for, we'll have a more efficient system.

I agree wholeheartedly with the Treasurer, but we can only be accountable if we have the means to fund our responsibilities. At present the States are treated like teenagers with a part-time job, having their allowance doled out by their Federal parents. Forty-three per cent of our total revenue is provided by the Federal government and that is simply unsustainable. It must be remembered we are a Federation of States. The States came first and the States should have the means by which to fund their own areas of responsibility.

This is why I was so heartened to hear the calls of Premier Baird—and I acknowledge his presence in the gallery—for the States to have the ability to levy a component of income tax. I am thankful for the support it received from the member for Eden-Monaro, Dr Peter Hendy. It is a move that I have supported for a long time and one that has the potential to give the States an ability to fund their own areas of responsibility.

Most importantly, funding should be set by each State and the States should rise and fall on their own policy settings and not head back to Canberra, cap in hand, asking it to fix their mess. By these means, we can encourage competitive federalism to thrive and lower taxes to prevail. Business can move and people can move. Only through competition can we make this State great.

On this point, I also address payroll tax. The Federal Government's tax discussion paper foreshadows making greater use of payroll taxes. For the life of me I have never been able to understand why government believes it is a good idea to tax job creation. Unfortunately, we find ourselves in a position, as a State government, where we are wedded to this tax, which accounts for 30 per cent of our State's tax revenue.

It is agreed widely that employees end up paying payroll tax through lower wages and consumers pay through higher costs. I am concerned most by those who are kept out of the labour force because of this tax on jobs. It is for these reasons that any attempts to weight our tax system towards increased payroll taxes needs to be resisted and New South Wales must ensure we have the lowest possible payroll tax rate.

The Coalition Government has made significant steps in reducing the payroll tax burden on businesses by increasing the threshold, extending and increasing payroll tax rebates for business and proposing a new incentive payment for small businesses that take on new employees. These are worthy changes that make New South Wales more competitive.

Our Premier has committed to creating 150,000 more jobs and has put the Premiers of Queensland and Victoria on notice that we are coming for their jobs. I stand shoulder to shoulder with the Premier in this endeavour. To achieve it, we must lower our payroll tax burden, not just by initiatives but by a permanent and sustained reduction in our payroll tax burden.

Business makes decisions for the long term. If New South Wales is a low tax and minimal regulation economy, business will move here. As has been proven time and again, lower taxes attract more business and create more jobs. Tax cuts can and do lead to increased revenue. This is how we can provide the services that New South Wales needs to make this State great.

I have spent some time addressing our fiscal challenges when it comes to revenue, but it is not a one-sided equation. Under the stewardship of Mike Baird as Treasurer and now Premier, we have made remarkable ground in restraining our expenditure growth, getting our budget back on track and cutting regulation.

I am appalled by the efforts of our opponents to cast fiscal responsibility as savage cuts. Nothing could be further from the truth. Only by balancing the budget, in the long run, can we create the environment to deliver the services that the people of New South Wales expect from their government and help our economy to grow. Put simply, dollars do not equate to outcomes.

At times we fall into the trap of explaining complex ideas with a simple dollar figure. This only leads to a never-ending downward spiral where government gets bigger and the true value of projects lose their worth. If policy is governed by a never-ending game of one upmanship about who spent more, who has a record spend, and how much "wow" a certain dollar amount can attract, we will be nothing better than an episode of *The Hollowmen*.

I want to see us, as a Parliament, tackle problems and deliver solutions for our communities, not simply throw money at them. Spending should never be the end game. We can be better than this. We can deliver policy that focuses on outcomes, not inputs. We should be able to herald the fact that we have spent less and achieved more.

One way we can tackle growing and wasteful spending is through the introduction of transparency of government expenditure. Transparency websites have been introduced all over the world to give citizens and taxpayers an insight into how their government spend their money. These transparency expenditure portals have reduced waste, saved money and prevented corruption. They have been introduced by governments across the political spectrum from Texas to California.

I believe it is time that we introduced one in New South Wales. Such an initiative will shine a light on government expenditure and it will help the people of New South Wales understand how we spend their money. Policymakers, bureaucrats, journalists and citizen bloggers alike will be able to dissect the figures and shine a light on some deep, dark crevices of spending that have been left untouched and hidden.

In today's digital age, citizens are demanding and rightfully expect their government to be more open and more transparent. We have come a long way in New South Wales under the Coalition Government, but there is still further for us to go to attack waste and profligacy. I extend to the Australian Taxpayers Alliance and to my good friend Tim Andrews a vote of thanks for raising the profile of this issue in Australia and also for your assistance in my path to becoming an upper House man.

I enter this Chamber as a team player on behalf of the Liberal Party. It is only through the party that I sit here. It is the people of New South Wales, but the Liberal Party first and foremost, that I represent in this place. Especially as an "at large" representative for the party, my core constituency is the membership of the Liberal Party across this State. I acknowledge so many of them in the gallery who have come today. In his inaugural speech, the Premier outlined why he was proud of our party in saying:

... it is the party that has always allowed members to exercise their discretion in relation to matters of conscience.

The Premier then went further in calling for the party to adopt a free vote in matters that relate directly to a member's community.

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The Premier reflected his father and his stance in calling for this, and I reflect mine in what I say today as my dad always said to me, "An MP needs to stand up for his constituents."

In echoing the calls of the Premier, I too am proud to believe in and protect the Liberal Party's right for members to exercise their conscience in accordance with the rules of the party room. That exercise is not only for matters of moral conscience but also for matters of all conscience. That is one reason that I have always been drawn to the Liberal Party.

Mr President, as you know, I am a team player. I come to this place to represent the Liberal Party and its values. I am not a maverick nor do I intend to become one, but our increasingly homogenous system of voting along strict party lines troubles me. It is a phenomenon that has increasingly taken root in our democracy, largely as a result of the archaic caucus provisions of the Australian Labor Party. It is one that is not shared by other democracies in the Anglo sphere.

In the United States and the United Kingdom members exercise a greater degree of independence in their voting, hence their accountability for the decisions they make. In those nations Whips, like our great the Hon. Dr Peter Phelps, spend more time arm twisting than tweeting. I yearn for the day when members opposite will have the ability to exercise their conscience and not face expulsion from their party

It should be the right of the party and the electorate to vote to maintain a member on the basis of their voting record. It is a fundamental tenet of our Westminster democracy that every member should be responsible for their own vote. I fear this tenet has been eroded in this nation and I defend its right to continue to be exercised in the Liberal Party.

As part of the Liberal Party, I am very proud to stand in this place as a member of Premier Baird's team. I recognise in this House the work and leadership of our Premier, Mike Baird. Without him many

members would not be in this Parliament today, and I am one of those. I am excited to be part of a team with a reformist plan for New South Wales that will lower cost-of-living pressures, improve our economy and deliver the infrastructure that this State desperately needs. As someone who grew up literally at the exit of the M4 in Leicester Avenue, Strathfield, I cannot wait to see the delivery of WestConnex and the missing link that this city so desperately needs.

The Hon. Duncan Gay: A fine young man.

The Hon. SCOTT FARLOW: I thank the Minister for Roads, Maritime and Freight for the work he has done on that project. I am glad to join this team with two great friends whom I had the pleasure of spending many hours with during the campaign, Adam Crouch and Mark Taylor. They are now members in the other place. Both will make wonderful representatives of their communities in this Parliament and I look forward to serving with them in the years ahead. I am also delighted to be reunited in this place with Ben Franklin, a former work colleague and friend. Even though we are now members of different parties we are still on the same team.

It should be remembered that that team also consists of people who were not successful in being elected. In particular, I thank fellow Legislative Council candidates Hollie Hughes and Reena Jethi, who is seated in the gallery, for their efforts in the campaign. I am sure that they will both achieve great things in politics and I have no doubt that other red benches await my good friend Hollie in the near future.

As a candidate for the Legislative Council with an electorate that spans all of New South Wales, I had the great opportunity to campaign with so many tremendous candidates, particularly in Western Sydney, on the Central Coast and in the Hunter. I want to acknowledge today the tremendous efforts of Bernard Bratusa, Hannah Eves, Lyndon Gannon, Karen Howard, Jason Pauling and Steve Thompson. I also particularly acknowledge the work and presence in the gallery of Raman Balla, Sandra Kerr, Michael Sharpe, Nomiky Panayiotakis and Julie Passas. All were tremendous advocates for their communities. I am sure they will continue to make significant contributions to our party. It is also important to recognise the contribution of friends who have not returned to Macquarie Street, for which, I believe, our Parliament is the poorer: Charles Casuscelli, Chris Holstein, Tony Issa, Andy Rohan and Roza Sage.

I enter this place a Christian and wish to acknowledge in this Chamber Jesus Christ as my Lord and Saviour, the King of Kings. I bring my Christian values to this place, as much as they are the values that define me. It is set out in the Synoptic Gospels that the Lord said:

Render to Caesar the things that are Caesar's; and unto God the things that are God's.

The place for God's laws is in the *Bible*; His statutes are written in the hearts of his followers. While I believe in Christian values and I seek to uphold them, I do not believe it is my place to legislate them. God gave us free will to choose what is right and wrong, whether we would follow him or repudiate him. I do not believe that government by power or coercion can change the hearts of mankind.

In coming to this House with an abiding faith, I also come to this place with a respect for the divergent faiths and cultures that exist within our community. I respect and will uphold the rights of individuals to practise any faith or no faith free from government interference or tyranny. I acknowledge the presence in the gallery of my good friend Vic Alhadeff.

I also respect and encourage the political role of the church and religious organisations. While I do not believe the *Bible*, *Torah*, *Quran* or any religious text should be used as the yardstick for determining public policy, I do believe that religious institutions play an important role in our political discourse and debate. I welcome that role.

None of us stands alone in this Chamber. We are all held up through the support and work of so many, like the spire of a steeple. In the time allowed I cannot name each brick that supports me here today, but I will try and recognise a few of the columns. Firstly, I thank the Sydney University Liberal Club, as it was there that I got my start in politics on my first day at campus when I was signed up by Alex Hawke, the now member for Mitchell. Alex, I thank you, as it was on that day that this road started for me. Alex has been a constant guide ever since. I thank you for your support, counsel and the odd bullocking, which all led to my entry to this place.

I am proud of the growth and progress of the Sydney University Liberal Club and its continuing commitment to classic Liberal values. I give my thanks to two of the club's most esteemed presidents, Alex

Dore and Sasha Uher, for upholding the club in this tradition. I thank current Sydney University Liberal Club members, led by William Dawes, for continuing down this path and for taking the club from strength to strength.

I also pay particular thanks to my Sydney University Liberal Club alumni who have stood with me through every challenge and encouraged me in my journey: Tim Andrews, Mark Chan and Simon Fontana. You are all kindred spirits, great mates and, as the member for Miranda can attest, terrible hiking buddies. I thank you all.

I thank the New South Wales Young Liberal Movement for my start and their support in getting to this place. To Tobias Lehmann, Sophie Holman, Brendan Christie and President James Wallace, I give thanks. I also make particular mention of the efforts of the Flying Squad under the direction of Joshua Crawford and Dean Shachar. Never in my time in this party have I seen a Flying Squad operate so well and make such a difference. Well done.

I thank those kind souls who had the forbearance to put up with me on their staff, starting with Senator Concetta Fierravanti-Wells, who was elected by this Chamber to the Senate, Peter Debnam, Greg Smith, SC, the Hon. Bronwyn Bishop, and my good friend Lucy Wicks. From each of you I learnt a lot and I will endeavour to include those learnings in my service in this place.

I acknowledge also the support I have received from so many friends: Gerard Benedet, Simon Berger, Jonathan Flegg, Chantelle Fornari-Orsmond, Andrew Jefferies, Damien Jones, Julian Leeser, Ben Shields and Nick Tyrrell. I look forward to the contribution that they will make to public policy in the years ahead, hopefully in a place such as this. I also give thanks to those within the broad Liberal family who offered me support and influenced my journey to this place: Sandra Blackmore, Sam Diamant, Justin Fazzolari, Taylor Gramoski, Ross Grove, Sean Garman, Colleen Hodges, Andrew Isaacs, Warwick Jones, Amy Lehmann, Ben and Sara Potts, Ted Seng, Vincent So, Chris Stone, Natarsha Terreiro, Daniel and Talitha Try and, of course, Helen Wayland. I thank you all.

I thank my former Strathfield Council colleague and great mate Bill Carney and his wife, Mira, for their support through many trials and tribulations. I thank also my great Strathfield friends Councillor Gulian Vaccari, Councillor Sang Ok and the wonderful Jung Ok. I thank all of those within this Parliament who have supported me in my journey to this place, in particular Greg Aplin, Mark Coure, the Hon. Catherine Cusack, my great mate, former vice president and senior Matt Kean, Geoff Lee, Daryl Maguire, Gareth Ward and now the Hon. Shayne Mallard.

I also thank Minister Ajaka, Minister Berejiklian and Minister Roberts, who are seated in the gallery, and of course you, Mr President. I am especially grateful for the support shown to me by my kindred spirits and great friends in this Parliament the Hon. Dr Peter Phelps, the Hon. Natasha Maclaren-Jones, Ray Williams, Minister Goward and Minister Elliott. Thank you for being part of this journey; I am glad to be joining you. I acknowledge the wisdom, encouragement and contribution to our nation in the Federal Parliament of David Coleman, Paul Fletcher, Craig Laundry, Craig Kelly and Minister Scott Morrison and thank them for their assistance along this road.

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I would not be standing here in this place if I had never had the good fortune of meeting Nicholas Campbell. I remember meeting Nick for the first time in Canberra at an Australian Liberal Students Federation [ALSF] conference. On that day, I saw in Nick someone who I thought was the brightest person in the room, and that room included a subsequent leader of the Federal Liberal Party and a former Chief Minister of the Australian Capital Territory. To this day, nothing has changed my impression.

Nick is a great beacon of sensibility in our party and someone who has always put the party's best interests first. I thank him for being my political mentor. At that same ALSF conference where I met Nick was my great mate Eugene Paperny. Thanks for being roped into so many things over the years, a few of which may have helped me in my journey to this place. I thank Eugene and Ellen and both their families for their never-ending support.

Before and after politics, there will always be family. Growing up as an only child there are many things that you miss out on—one thing you do not is parental love. I would like to take this opportunity to thank my parents, Mark and Cassandra, for their steadfast love and guidance throughout my life. As the son of a truck

driver and a receptionist—both union members, for the benefit of those opposite—educated in public schools and the first in my family to attend university, I have not come from a privileged upbringing. Yet I have been privileged to enjoy a loving one. Ronald Reagan once said:

Each generation goes further than the generation preceding it because it stands on the shoulders of that generation.

Mum and Dad, today I stand here on your shoulders and I thank you for bearing that burden. My Nan and Grandma are in the right Chamber today—they enjoyed seeing all the members of the other place being sworn in yesterday. It is said that grandparents and grandchildren are natural allies. They have been pivotal in my upbringing, my outlook on the world and my presence in this Chamber today. I thank you and I thank my Pop and Grandpa in heaven for their influence on my journey here as well. My family in the United States—Kaylene, John and Jacqui—may be half a world away but I have always felt their love. I thank them.

Now I turn to my wife, Penny. We forged our love together in this building, and I know it will last a lifetime. I fell in love with you not because you would be a doting wife but because you are your own person and always will be. Thanks for your love and support and sharing the path with me. In the words of the Premier, you rock. When the now Premier was Treasurer and working on his first budget he wrote in Penny's budget papers, "You rock". It was the first and probably only time Penny ever received flowers from me in competition.

Together Penny and I have created what will always be our greatest achievement, our son, Christian, whom I love more than words can describe. I hope and pray he will never be alone. Magoo, when you read back on this one day, I want you to know that I am in this place for you and I want to make the world you inherit a much better place so that you and your generation can stand on our shoulders and go further than we ever could have dreamed.

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

First Day's Debate

Debate resumed from an earlier hour.

The Hon. WALT SECORD (Deputy Leader of the Opposition) [4.05 p.m.]: As the Deputy Leader of the Opposition in the Legislative Council of New South Wales, I speak in reply to the Governor's Speech presented on 5 May. As is tradition, the Governor outlined at the Government's advice the Government's agenda for this the Fifty-sixth Parliament of New South Wales and now it is the turn of the Opposition to present its address-in-reply. I lay out my response to the Government's program informed by the recent election and the promises of the Baird-Grant Liberal-Nationals State Government.

It is an honour and a privilege to do so as the Deputy Leader of the Opposition in the Legislative Council of New South Wales. This is a role that carries considerable responsibility, as we are the House of review in our bicameral system. Our job is to commend, improve, critique and, if prudent, curtail the excesses of the Executive Government. This was the original role of this Chamber. It is a role that predates the Legislative Assembly by many decades.

New South Wales' accountable, effective and reflective laws are due to our bicameral system, and the diligence of members of the Legislative Council of New South Wales. An Executive that is compelled to navigate its legislation through a House of review creates better and more responsive laws. I have seen this firsthand, working in opposition and government at both the State and Federal levels. It is a check on political power that Australian electorates instinctually understand. Australians rarely provide unfettered legislative power. On the rare occasions that they do, they will judge harshly governments that abuse their power. I point to WorkChoices by the former Howard Federal Government as an example of the excesses of a government with a majority in both Chambers.

One need only look at the pasting John Howard endured in 2007 to see how electorates can judge governments when they cross a bridge too far. I appeal to all members of this House not to wave through the Government's agenda without proper scrutiny. I say this because we will be judged. While the Baird Government, with the support of the Christian Democratic Party, has a clear majority, there are still methods available to the Opposition and the crossbenches to hold the Government to account.

I point to questions on notice, questions without notice, the budget estimates process and calls for papers. The calls for papers and committee inquiries must continue, and I hope they do. I note that Reverend the Hon. Fred Nile and the Hon. Paul Green have indicated that they are going to support the privatisation of the electricity network following a Legislative Council inquiry. I humbly remind those members of our review role and the need to investigate the impacts of legislation. This investigation must go beyond the simplistic politics of so-called election mandates.

I take this opportunity to congratulate the President on his election. I have been the subject of his rulings and I know that at times I test his patience. With respect, maintaining order in this place of assertiveness is not an easy task, but it is one that the President does with professionalism and fairness. I also congratulate the reappointed Ministers Duncan Gay and John Ajaka and the newly appointed Minister Niall Blair. I wish them all good luck, but not too much luck. I congratulate my colleague the Hon. Adam Searle on his appointment as Leader of the Opposition in the Legislative Council. I extend the same courtesy to the Government and Opposition Whips and Deputy Whips as well as the Deputy-President and the Assistant-President.

My colleagues and I will use the next four years to hold the Government to account on its extravagant promises. The March election result has given rise to a rejuvenated Opposition with a new team of hungry parliamentarians, led by the new member for Auburn, the Hon. Luke Foley.

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The new Labor parliamentarians come from a range of fields, professions and backgrounds. Many of us were born overseas and are from a variety of different faiths including several streams of Islam as well as Judaism. I also note that earlier today we welcomed the first person to the Parliament of New South Wales from a Hindu background. We are all relishing the challenge ahead and are looking forward to 2019. As Labor leader Luke Foley said on Tuesday:

This revitalised Labor team, 20 new MPs bursting with energy and enthusiasm, will be a far stronger Opposition holding the Baird Government to account.

With that in mind most of my comments will relate to my portfolio responsibilities of Health. Labor believes in—and delivers—quality health care and education. They are a perennial focus of Labor because they are levellers in an unfair society. They are often how anyone from a disadvantaged background gets anywhere. They are core to a fair society, and I am in the Labor Party because they are core to Labor. We have run strong and properly resourced public health systems. We know that investing in health and education makes good economic sense.

Labor is the party that created public health in Australia and Medicare. We accept that there will be debate about the future of health in Australia, but the only way to create a better system is to be creative. That is why I take strong exception to the Liberal-Nationals' approach to health—an approach based on cutting rather than creating. It is economically short sighted and grossly unfair to patients in New South Wales. Members opposite may think this criticism is unfair in the light of the billions of dollars in health promises they splashed around during the election. They should rest assured that I will get to those shortly.

Governments, like people, are not judged on what they promise but on what they deliver. In the last term of this Government, in spite of its 2011 promises, it delivered cuts aplenty. Over the past four years, the Liberals and The Nationals have slashed \$3 billion from our health budget. That included funding cuts of \$2.2 billion in program and operating costs from NSW Health and a further \$775 million cut from hospital staff budgets. These are not my figures, they came directly from the Minister for Health on 14 September 2012. That happened at the same time that their federal counterparts inflicted unprecedented national health cuts that hurt New South Wales families. On 27 April Federal Health Minister Sussan Ley confirmed on Sky News that \$57 billion in health cuts will stand. The whole New South Wales community will be looking at how the Premier will respond at the July Council of Australian Governments [COAG] retreat with the Prime Minister. Gauging by his previous responses, the Premier will roll over to the Prime Minister and toe the party line.

Communities may think that even if Government members cannot take the health fight to Canberra they might at least try to hold their ground in New South Wales, but no. Last week we saw the Baird Government break its first election health promise. On 30 April the Minister for Health, Jillian Skinner, refused to provide a timetable for the \$300 million upgrade to Campbelltown Hospital and thus reneged on an explicit election promise. That was a promise broken before this Parliament even sat. It may be a new record. As local members the member for Campbelltown and the member for Macquarie Fields, who I praise today, took the Liberal-National Government to task. I had the privilege of visiting their local hospital last week.

Yesterday in the *Wollondilly Advertiser* the Minister for Health tried to respond to the criticism and made the situation worse by admitting that any upgrade to Campbelltown Hospital may be many years away. In response the Liberal member for Camden, Chris Patterson, said the Government could "not pull money out of the air". I remind Liberal members that it was an election commitment. On the weekend we also learnt that the Baird Government kept the true cost of the Northern Beaches Hospital from the community until after the election to avoid scrutiny. New South Wales Treasury tender documents show that the true cost to taxpayers of the new privatised Northern Beaches Hospital will be \$2.14 billion. That is more than double the \$1 billion figure that the Premier and the health Minister announced on 11 December.

Beyond this breach of trust with the electorate, the Opposition asserts that the Government has broken its own transparency laws by suppressing the financial details until after the election. Section 27 of the Government Information (Public Access) Act 2009 provides that the State Government must release details of contracts worth more than \$150,000 within 45 days of their conclusion. By this measure, the details of the Northern Beaches Hospital should have been published in mid-February. Why did that not happen? It is because the Government wanted to avoid scrutiny of one of the State's largest health financial transactions. The whole hospital project was arranged under a cloak of secrecy to avoid public scrutiny. And, of course, the Baird Government redacted key details of the contract on so-called commercial-in-confidence grounds.

This is a government that promised new levels of accountability and transparency but which provided 71 pages of self-exemptions from the State's freedom of information laws. The exemptions relate to a range of matters including: completion date; the date of transfer of the facility to the taxpayer; payouts and penalties; patient fees; comparison of private patients to public ones; key performance indicators; and exclusivity arrangements. Like so many decisions by the Liberals and The Nationals, they said one thing before the election and then did another after.

Public scrutiny of contracts is especially important in health care. You cannot set clinical standards and the care of patients by commercial contracts and yet, due to the cloak of secrecy, we do not know what standards are set for the Northern Beaches Hospital. What sort of government would refuse to set public patient standards? It is one that does not wish to be accountable to them. Liberal-Nationals governments have form here. We have seen it in previous privatisation attempts such as the Port Macquarie Base Hospital debacle in 1994. We have seen what occurs when clinicians are instructed to triage for profit.

I know the Minister likes to pretend that is ancient history, so let us look instead at the events uncovered this April at Fiona Stanley Hospital in Perth. That hospital is the Western Australian Liberal Government's private hospital flagship and the benchmark that its New South Wales conservative contemporaries look to. As part of a \$4.3 billion contract with the Western Australian State Government, Serco runs a number of services at the hospital. This shining example of what Mike Baird wants to bring to New South Wales is a hospital where medical equipment has been returned to operating theatres covered in blood and tissue. The Western Australian State Government was forced to admit that there had been at least three cases of foreign materials found on instruments. In response to criticisms by the Western Australian Labor Leader of the Opposition, Mark McGowan, the Western Australian health Minister had to strip contractor Serco of the sterilisation service at the hospital.

With events like these unfolding, it is clear why the Liberals and The Nationals feared that they could not be honest with the community about the Northern Beaches Hospital before the election. This is a serious matter. It is about the standards of patient care in public hospitals. This Government not only refuses to guarantee the standards, it refuses to even say what the standards are. I submit that this is precisely the kind of "unfettered" executive power that this House serves to keep in check.

We intend to hold the Government to account on its American-style health privatisation agenda. We will also hold the Government to account on its numerous and lavish health election promises. During the campaign the Premier was absolutely flamboyant—committing more than \$5 billion over four years to hospitals and ambulance station upgrades with an additional \$1 billion earmarked for new hospitals in south-western Sydney, all of which totalled more than \$6 billion. Then, as if to outdo himself, the Premier stood outside Prince of Wales Hospital and promised that the Liberal-Nationals Government would spend \$10 billion on health over the next two terms.

These claims have been broadcast far and wide, so it will be interesting to see how the Government excuses its failure to implement them. In the following months and years I will be highlighting every one of

them. For the benefit of the community, let us go through the extravagant promises they have made. They include: \$822 million for an upgrade to Westmead Hospital; \$95 million to Westmead Children's Hospital; \$500 million for an upgrade to the Prince of Wales Hospital at Randwick; \$400 million to Blacktown-Mount Druitt Hospital; \$60 million to Armidale Hospital; \$50 million to Bowral Hospital; \$20 million to the Bulli Hospital aged care facility; \$30 million to Broken Hill Hospital; \$89 million to Byron Central Hospital; \$10 million to Cooma Hospital; and \$150 million to Concord Hospital.

The Liberal-Nationals Government has also promised the following: \$368 million for Gosford Hospital; \$200 million for Hornsby Ku-ring-gai Hospital; \$30 million for Inverell Hospital; \$50 million for Macksville Hospital; \$400 million for the new Lower Hunter-Maitland Hospital; \$20 million for Manning hospital in Taree; \$60 million for Mudgee Hospital; \$15 million for Port Macquarie Base Hospital; \$300 million for Rouse Hill Hospital; \$307 million for St George Hospital; \$62 million for Sutherland Hospital; \$200 million for Wyong Hospital; \$251 million for Shellharbour Hospital; \$180 million for Lismore Base Hospital; \$170 million for Wagga Base Hospital; \$156 million for Coffs Harbour hospital; \$150 million for Dubbo Base Hospital; \$120 million for Goulburn Hospital; \$2 million for Gunnedah Hospital; \$48 million for Tweed Hospital; and \$300 million for e-health.

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They include \$25 million, including stages two and three of the neonatal unit upgrade at John Hunter Hospital; \$7 million to improve imaging, renal dialysis and other facilities at Singleton hospital; \$7 million at Grafton hospital's ambulatory care unit; \$7 million for Ryde Hospital; \$4.5 million to build a new renal dialysis service at the Blue Mountains Hospital in Katoomba; \$8 million for a multistorey car park at Shoalhaven hospital; \$5 million for the Shoalhaven Cancer Care Centre; \$5.9 million for an ambulance station at Pottsville; \$5 million for a Kiama ambulance station upgrade; \$3.8 million for a Maitland ambulance station; \$3.5 million for an upgrade to the Wauchope ambulance station; \$6.6 million for the Bathurst ambulance station; \$2.5 million for the Molong ambulance station; and \$4.9 million for the Wyong ambulance station.

The Hon. Rick Colless: "I've been everywhere, man."

The Hon. WALT SECORD: I will list them all because I intend to hold Government members to account and make them honour every one of those promises, which include \$4.2 million for the Toukley ambulance station; \$4 million for Coraki's HealthOne; \$120,000 for a 40-space car park at Murwillumbah hospital; \$240,000 for a cochlear implant service at Port Macquarie hospital; \$2.3 million for a foetal alcohol disorder centre at Westmead Hospital; for Yass, \$3.7 million for a new ambulance station and \$8 million to construct a new multipurpose services [MPS] building. In the Riverina, the Government promised \$63.5 million for MPS health projects—and not just dollars. The Government also promised jobs.

On 17 March, the Premier and the Minister for Health promised 3,500 more medical positions, including 1,100 more nurses, 700 more doctors, 300 allied health professionals, and an additional 400 hospital support workers. The Government also promised 53 paramedics. For the country, the Government promised 20 new positions in the Rural Generalist Training Program and 60 new medical specialty training positions with a rural and regional focus. If re-elected, the Government also committed an extra \$159 million in medical research to bring its total spending on medical research to \$1 billion over four years.

The Hon. Dr Peter Phelps: One billion.

The Hon. WALT SECORD: In four years.

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! The Hon. Walt Secord will address his comments through the Chair, not to members on the other side of the Chamber.

The Hon. WALT SECORD: Thank you for the breather. I think it is important to get the entire election commitment list on the record.

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! The Hon. Walt Secord will direct his remarks through the Chair.

The Hon. WALT SECORD: Mr Deputy-President—

The DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! The Hon. Walt Secord will be quiet for a second. He will direct his remarks through the Chair. If he needs more time for a glass of water, that is fine, but he will direct his remarks through the Chair.

The Hon. WALT SECORD: Furthermore, Liberal and Nationals members promised \$22.8 million for mums with neonatal depression and \$100 million for one-stop shop health centres in Western Sydney. Mr Deputy-President, I could go on. There is more, including the Nepean Hospital, which I visited last week with the new member for Londonderry, Prue Car. But let us be assured that no-one has paid closer attention to every single election commitment made by this Government than I, and I will continue to pay the closest attention. Over the next four years, I look forward to visiting as many of the State's hospitals and their hardworking staff as possible. As for other public health policies, I am disappointed that the Liberals and The Nationals are yet to make good on their pledge to allow chemists to provide influenza shots in pharmacies. They also have failed to make any sensible moves to properly regulate e-cigarettes and they have failed to properly respond to the community's desires on medicinal cannabis and adult cystic fibrosis.

Furthermore, Liberal and Nationals members promised to tackle the scourge of ice—particularly in rural and regional areas—but again, they have taken no action. I have spoken to medical staff: Ice is strangling emergency departments in some parts of the State. During the election campaign, I pledged that a Labor Government would allow specially trained chemists to provide vaccinations in a limited manner in pharmacies to healthy adults. Shortly afterwards, the Minister for Health followed suit and copied Labor's policy. But New South Wales has lagged behind other States and Territories—with South Australia and Western Australia already changing their legislation—as well as other comparable international jurisdictions. In Queensland, pharmacists are in the second year of a statewide trial with more than 11,000 customers having been given an influenza jab at their local chemist. The Pharmacy Guild of Australia's New South Wales branch president, Paul Sinclair, said hundreds of pharmacists already had undergone university-level training to administer the vaccine in the hope that the Government would give the green light. But we await delivery on what I understand was to be a bipartisan promise.

On a related subject, I offer my bipartisan support for the Federal Government's recent efforts to improve childhood vaccination levels. As the son of an indigenous Canadian, I have no time for anti-vaccination activists. Measles, chickenpox and smallpox devastated the world's indigenous peoples and they continue to devastate the developing world. Vaccinations work and they have saved hundreds of millions of lives. But, sadly, large-scale vaccinations have allowed a small fringe to become complacent about the welfare of our nation's children, especially in regard to measles, whooping cough, mumps and other deadly diseases.

Thanks to a decade of misinformation, those diseases are returning to countries in which they were once considered a thing of the past. In the United States of America, the Centre for Disease Control reported that 2014 had the highest measles case rate in more than 25 years. We are going back in time. We see the same trend in Sydney's North Shore and eastern suburbs and on the State's North Coast. On 30 April the New South Wales Communicable Diseases Unit issued a measles alert for Parramatta and Pymont after reports of two people being infected with measles. So far this year there already have been six cases of measles in New South Wales. In 2012, there were a staggering 172 cases. Vaccinations have made us healthy and protect us, so I support strong moves against parents who put in jeopardy their children, other children, elderly people, and people whose immunity is compromised.

While the New South Wales Government has made positive steps in relation to this issue, there is still more work to be done. We do not allow people to avoid wearing seatbelts and ignore speed limits based on their own beliefs and we should not allow people to refuse to immunise their children. But in New South Wales loopholes still exist. It is heartbreaking to see that immunisation rates in some parts of the State have slipped to the levels of the developing world. I note with interest that on 15 April the newly elected Greens member of Parliament for Ballina, Tamara Smith, expressed her support for vaccination programs. Ms Smith said, "Vaccination programs are an important public health measure that have led to a decline in communicable diseases" around the world. I also agree with her view that "the Federal Government should focus on community education and social marketing programs" and work with families to address the concerns of vaccine-hesitant parents to improve levels of immunisation.

The member for Ballina and I also share similar views on fluoridation. She said, "Fluoridation has long been accepted as an effective way to reduce dental decay." She is taking a tough stand in support of vaccination and fluoridation. Of course I agree. Every \$1 invested in fluoridation saves the Australian taxpayer up to \$18 in avoided medical costs. Before fluoridation was introduced in Sydney in 1968, the average 12 year old had more

than nine teeth that were rotten, decayed, filled or extracted. I welcome her statements and hope that we can work together to fight the irresponsible push against vaccinations and fluoridation on the North Coast. I am pleased that there are individuals in The Greens who are willing to take on the opponents of those two important public health pillars.

I conclude by referring to two matters relating to rural and regional New South Wales. Firstly, I draw attention to the community's disappointment that Liberal and Nationals members have decided to downgrade regional ministers to parliamentary secretaries. In the new reshuffle, the Premier has downgraded and devolved the portfolios of Western New South Wales, the Hunter, Illawarra, North Coast and Central Coast to mere parliamentary secretaries. That also involved the complete demotion of the member for Tweed, Geoff Provest. He lost his parliamentary secretary position on police and emergency services and was completely overlooked in favour of the member for Clarence, Chris Gulaptis, who has become the Parliamentary Secretary for the North Coast.

The Hon. Catherine Cusack: You are a nasty piece of work.

The Hon. WALT SECORD: It is going to be a long four years, Catherine. I also note that the member for Barwon has made similar statements in regard to the demotion of regional ministers. When he was first informed of the Premier's decision to demote regional ministers, he said he thought it was "an April fool's joke". In an extraordinary round of interviews, the member for Barwon, Kevin Humphries, blamed the Premier, Mike Baird, and the Deputy Premier, Troy Grant, and backed Labor's arguments to keep the regions' influence at the Cabinet table. He described it as a kick in the guts—strong words, but fair and very true.

Finally, I refer to the matter of coal seam gas [CSG] and unconventional gas. Labor remains committed to a CSG-free northern rivers. The community has spoken loud and clear on the matter. As my colleague Adam Searle said on 24 April in the wake of the Supreme Court decision involving Metgasco, Labor stands ready to help to protect the unique quality of life on the North Coast.

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The Baird Government has had plenty of time to bring carefully crafted legislation to the Parliament which would enjoy bipartisan support. Labor remains committed to a CSG-free northern rivers and looks forward to working with the Government in a bipartisan manner to legislate to achieve this objective. I sincerely hope that the Liberal-Nationals do not return to their pre-election position, which involved cosyng up to Metgasco—

Mr Scot MacDonald: They sued us.

The Hon. WALT SECORD: You cosied up to them—putting the interests of the CSG industry ahead of the local community. I also sincerely hope that the deep and long-lasting links between the sector and the National Party—particularly those of the member for Lismore, the Hon. Thomas George—do not result in the Government's betrayal of its clear promise to protect the northern rivers from coal seam gas. Labor will watch this, as with all actions of this Government, with interest and scrutiny over the next—

The Hon. Shaoquett Moselmane: Point of order: Interrupting the speaker is disorderly and I ask that the member be asked to refrain from doing that.

The Hon. Dr Peter Phelps: To the point of order: The Opposition Whip was, in fact, interrupting his own man in the Parliament.

The Hon. WALT SECORD: I will wrap up—

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! I think we are now moving to a point—

The Hon. Catherine Cusack: Sit down, Walt.

The Hon. WALT SECORD: Oh, are you the Chair?

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! The member was concluding his speech. We will then move to the inaugural speech of the Hon. Mark Pearson.

The Hon. WALT SECORD: Labor will watch this, as with all actions of the Government, with great interest and scrutiny over the next four years. I thank the House for its consideration.

DEPUTY-PRESIDENT (The Hon. Trevor Khan): I call the Hon. Mark Pearson. I remind members that this is the honourable member's inaugural speech. I ask them to extend to him the usual courtesies for such a speech.

The Hon. MARK PEARSON [4.31 p.m.] (Inaugural Speech): I support the motion by the Leader of the Government to adopt the speech yesterday by the Governor of New South Wales.

It is indeed a privilege and honour to be the first member of Parliament elected by the people of New South Wales on the platform of animal protection, animal wellbeing and animal welfare. This is the second country in the world that has elected a member of Parliament on this platform. The first country was Holland where, four years ago, Marianne Thieme of the Dutch Party for the Animals was elected to the Dutch Parliament. Since then, two others have joined her. New South Wales is the third jurisdiction in the world to have elected people to parliament on the basis of animal protection and animal wellbeing. Last year the European Union elected two people, one from Germany and one from Holland, to the European Parliament on the platform of animal protection and wellbeing.

I am extremely privileged and honoured that Australia, together with those other countries, is leading the world in electing somebody to the halls of parliament to be a voice for the wellbeing of vulnerable and voiceless beings who cannot request help themselves. On three occasions yesterday the Governor referred to this as being an important function and a necessity for a government to embrace.

There are political parties relating to animal welfare in 12 other countries of the world. As well as in Australia, they exist in Holland, Britain, Portugal, Spain, Germany, Sweden, Cyprus, Turkey, France, the United States and, very recently, Finland. Moves are afoot to bring animal protection—a shield and a sword for animals—to Singapore, Vietnam and China as well as the Middle East where they will soon be having their first conference about the protection of animals, supported and arranged by Princess Alia of Jordan. This is a new era, a new chapter of a very important, fundamental and ethical shift in the consciousness of people about the wellbeing of those who cannot speak for themselves.

It is interesting that 193 years ago, in 1822 in England, the first legislation for animal protection came about through the Cruel Treatment of Cattle Act. Richard Martin fought for five years in the House of Lords—over and over and over again—to bring this first legislation in the world to protect animals. They coined the name "Humanity Dick" for Richard Martin but he fought very hard. It is interesting that the legislation that was brought in was not about cute fluffy dogs or the majestic and wonderful whales of the world, but about cattle. One of the reasons Richard Martin fought so vigorously was because of the horrors he experienced in seeing horses flogged to death in the streets of London; the horrors of bear-baiting—and baiting has become well-known to us in this State and this country just recently—and because of dog fighting. These were the issues in his heart and on his mind and about which he was concerned.

It is helpful and constructive for us to understand that Richard Martin finally succeeded in getting the legislation through with the help of a wonderful philosopher, Jeremy Bentham. Bentham was ahead of his time. The argument he used was: It is not a matter as to whether an animal can think or reason; it is a matter of whether an animal can suffer. This compelling argument is what achieved the majority vote in the first parliament in the world to protect animals.

In 1824, two years later, Richard Martin helped to form the first prevention of cruelty to animals organisation, which was soon thereafter sanctioned by the Queen and named the Royal Society for the Prevention of Cruelty to Animals. Richard Martin drew upon the principles of slavery, claiming similar rights for animals in relation to wellbeing, liberty and their freedom from being kept in a situation where they were at one's mercy and subject to one's beck and call or cruelty. Those principles helped bring prevention of cruelty to animals forward.

It is interesting to note that the legislation to protect animals was endorsed and enacted before legislation to protect children. It was drawn upon by the House of Lords in order to say that if there was legislation to protect animals, it was only right and proper to extrapolate that to the protection of children.

It is of note that Queen Victoria, I think every year, was given the opportunity to pardon a prisoner. It is of particular import that where the prisoner presented had committed heinous acts of cruelty to animals, Queen Victoria never pardoned the prisoner. She struck the chord, set the tone of the profound importance of protecting those who are vulnerable, those who cannot protect themselves from us when they are at our mercy. I may be incorrect, but I think I am the first person to be elected a member of Parliament in New South Wales, under the sovereignty of the Queen, who has as his or her principal platform the protection of animals. I think that is quite historic and I enjoy being part of that historic movement.

Why did the Animal Justice Party form? It was because it became clear that thousands of people were outraged by what was happening to our live export animals. We saw thousands and thousands of people gather on the streets of Sydney, as well as in all of the capital cities and smaller cities across Australia, after they witnessed the horrendous treatment of our live export animals—both during their transport on ships and in their handling and slaughter. What compelled us to consider a party for animals was that the people who came together on the street to protest about live exports were cattle producers standing beside butchers, standing beside lawyers, standing beside clergy, standing beside poor and animal rights people in their dreadlocks. These people were standing together, outraged by what was happening to our exported animals. Importantly, we are not talking about cats and dogs and beautiful, majestic whales, which also are important and must be protected; we are talking about sheep, the animals upon which the economy of Australia was built, and cattle. These are farm animals, often not looked upon in the same way as are dogs and cats.

In the Australian Capital Territory many people witnessed the killing of thousands of kangaroos. From where the kangaroos were being herded up and goaded, tranquillised and then shot, one could see in the distance the coat of arms of the Federal Government of Australia. On that coat of arms, as in this Chamber, is the kangaroo. Yet in the Australian Capital Territory, 300 or 400 metres away, kangaroos—including their joeys—were being rounded up, tranquillised and killed. This caused enormous trauma to a lot of people who were trying to protect them. So it was those two major events—the treatment of live export animals and the trauma that many, many people in the Australian Capital Territory felt—that caused the first meeting here in Sydney to consider the forming of a political party for animals, the Animal Justice Party.

Recently we have seen footage of the live baiting of greyhound. It was extraordinary that across Australia many, many people were outraged by this practice. Very interestingly, the outrage was not only about the cruelty, torment and torture of the animals used in live baiting, but also about the presumption of regularity. The presumption of regularity is often referred to in the courts of Australia when the actions or proposed actions of a government are brought before the court. The court says that we must get over the bar of the presumption of regularity—that the government of the day is looking after the matter and ensuring that the right thing is being done for animals.

The outrage and concern of the public was that people assumed they had elected a government that would look out for the welfare of the animals and ensure that the acts that caused this outrage and concern do not happen. As was exposed through *Four Corners*, the investigations of police and colleagues of mine established that live baiting is a practice that is systemic, that is criminal, that is ongoing and that many who knew about it turned a blind eye. This expose struck at the trust and presumption in the community that proper regulation and enforcement was in place to ensure against these practices.

It is very interesting that police at very high levels are now taking the issue of animal cruelty very seriously indeed. It is coined the cycle of violence; that wherever harm is inflicted on animals, whether in a home or other situation, it is likely, and very often the case, that there will be, if not at the time, domestic abuse, child abuse and maybe worse. From a study of the history of serial killers, it is clear that they started with harming, tormenting and torturing animals. So the police are taking very seriously that animal abuse is a marker for human abuse. It is important that we grasp and understand this; and it is very important that, now the people of New South Wales have voted into Parliament somebody to press this issue, we need to address animal suffering as a clear measure of the civilisation of our society.

There is before the Parliament various legislation, I think called biosecurity legislation, that is similar to legislation proposed in South Australia. One term for it is Ad-gag, essentially legislation that is currently before a Federal committee of inquiry. Many parts of that legislation are about restraining and stopping whistleblowers—people who have gone to properties, or worked in places, and have documented evidence of animal cruelty. Rather than legislation being put in place to try to find the perpetrators of cruelty, or install mandatory CCTV cameras, et cetera, to document cruelty to animals and address this cruelty in a proactive and positive way, those pieces of legislation—one before the Federal Government and one which will soon be

before this Government—is about punishing, and punishing very severely, the people who have had the courage, on many occasions risking their personal liberties, to document and record what is often systemic cruelty to animals in abattoirs, factory farms or intensive farms, et cetera.

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This legislation is draconian and extremely serious, and we need to grapple with it in an ethical and sensible way. Recently we saw and were outraged by the cruelty to several species as a result of live baiting being used with greyhounds. If this legislation is passed, rather than the perpetrators being properly dealt with according to law, it would be informants, such as the people who put in place the cameras for surveillance, and the programs such as ABC's *Four Corners*. Those people involved would face charges under that legislation that could lead to possible imprisonment. This is an extraordinary situation. This Government must turn its mind to how this sits with freedom of speech, the principles of prevention of cruelty to animals, and the principles of the rights of people to document what might be considered to be cruelty to animals.

I have a colourful background and many of my colleagues here have shared that colourful background with me. I draw the attention of the House to the Prevention of Cruelty to Animals Act. In 1995 we tried hard to stop the tethering of sows in Parkville piggery, which belonged to Paul Keating. Pregnant sows had metal collars around their necks and they were tethered to iron cages. They were confined for most of their lives until they were sent out to slaughter, which would have been the first time they felt the sun on their backs or saw the grass of the fields.

What happened in that place is a result of section 9 of the Prevention of Cruelty to Animals Act. This legislation is about preventing cruelty to animals. Section 9 is about exercise. A person in charge of an animal must provide that animal with exercise. Section 9 (1) says that person is not guilty of an offence if that animal is of a class of stock animal, or an animal which is usually kept in captivity by means of a cage. This section imposes a positive duty upon a person in charge of an animal to provide it with exercise, yet an exemption is put in place when we deal with thousands or tens of thousands of animals in one place, which is called factory farming.

That day I, with many of my colleagues, went to Parkville piggery and we chained ourselves next to these sows. Despite numerous complaints from people who were working in the piggery and people who were slaughtering the animals in the abattoir, nothing was happening for these animals. As an activist, I participated in going to the piggery and chaining myself next to the sows. Something interesting happened that day. As we were being arrested and processed at the police station—and they were the days when one had to put one's finger on ink—the Minister for Agriculture, Richard Amery, announced on the front steps of Parliament House that as of 1996, the next year, the tethering of cows in piggeries would be a specific offence under law.

That is the reason for my colourful past and I have now taken on another colour in this House. It is important that we work hard for these animals because they cannot speak for themselves. I hope to bring to this House a question as to whether it is appropriate that the portfolio of animal welfare or animal protection belong to the Minister for Primary Industries. The Department of Primary Industries protects primary industries and many of them have animals and the Minister for Primary Industries has the responsibility to protect those industries. It is not appropriate to have animal welfare and animal protection in such a portfolio. That portfolio should be placed in a ministry that is completely neutral to an industry's interests in using animals. I hope that at some stage we can have a debate as to whether the portfolio of animal protection should be moved to the police, who have more powers than the Royal Society for the Prevention of Cruelty to Animals [RSPCA]. They have powers to obtain warrants and to install surveillance to document cruelty to animals.

There are hundreds of dogs and cats at this very moment in pounds and shelters across this State. They are completely healthy animals. They are quite adoptable, but they are unwanted. If they are not adopted within seven days, they are killed. They are healthy animals, capable of being rehabilitated if they have problems. They are not animals that are vicious or dangerous or so diseased and sick that they need to be euthanased. At 5.00 p.m. this Friday veterinarians will go to these pounds and they will kill the cats and dogs.

At the same time, as was exposed by Oscar's law in the paper last Sunday, we have sheds all over this State with thousands of animals that are breeding machines. They are breeding cosmetic, pretty-looking dogs. The bitches in these puppy farms are impregnated and deliver litters over and over. After several years their bodies are broken. They are rendered worthless and then killed. These animals are being sold in pet shops and, at the same time, we have healthy unwanted animals waiting for adoption that are being killed because we have an industry that is breeding animals. I will ask this House to address—as the Victorian Government is doing—

whether the puppy farms should be banned, phased out, and rendered to the scrap heap of history. It is unconscionable to have animals bred like this because it causes a lot of suffering.

The other important issue is that the RSPCA is a charitable organisation. It receives minimal Government funds and relies on legacies and donations to survive. Yet it has been given the main prosecutorial and investigative powers under the Prevention of Cruelty to Animals Act. The Act is about criminal activity. We would not want childcare centres in every community to be the administrative instrument for the Childcare Protection Act; that would be uncalled for. The RSPCA has a long history of respect and support, and it has a function, but it is time to put into question whether the RSPCA should be the main administrator of the Prevention of Cruelty to Animals Act.

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The people of New South Wales have elected me because the protection of animals is important to many, and that importance is continuing to grow nationally and internationally. The Animal Justice Party can be seen as a single issue party—I thought that when I was participating in its formation. Rather, it is a single purpose party with multiple issues. Interestingly, the Party for the Animals in Holland has found that about 80 per cent of issues that come before this House have some impact one way or another on the lives of animals. But even if the issues brought before this House are not directly or indirectly related to animals, the Animal Justice Party will apply the principles of compassion and consideration to any legislation being considered. Our relationship with animals throughout time is extremely important and complex. It is very much a part of our humanity—for example, I refer to those homeless, broken people in their dirty and torn clothes that we often see in Hyde Park feeding crusts to the pigeons. Clearly they enjoy that experience of interaction.

Many men and women have fallen in war. Messenger pigeons that can brilliantly read the magnetic field around this earth have delivered messages which have stopped the sinking of ships and the killing of thousands of soldiers. Some 130,000 Australian horses were sent to the First World War, not one returned. Not one program was implemented to return even one horse. Yesterday both the Governor and the President spoke about the importance of mateship in war. Many have written about their mate being a horse, a dog or a donkey. The animals with which we share the land, air and water of this country are deeply interwoven with our sense of ethics and culture; we are indebted to them.

Ghandi managed to have Britain leave India without any blood being spilt. He said very clearly that the measure of the civilisation of a country is how it treats its animals. It is important for the vulnerable to be looked after because it also reflects how we look after our children, as well as our disabled and homeless people. Those who cannot advocate for themselves need us to advocate for them and we need to advocate more for animals. As I said before, that is why people of New South Wales have elected me to this Parliament and it is my hope that many others will be elected to other national and international Parliaments.

I thank all those who have supported me over the years. It would take too long to name them all and some are not here today. Many have helped me over the past 23 years to grapple with a profound understanding of animals and I am still learning about their complexity, beauty and majesty. In conclusion, Christine Townend, who founded Animal Liberation Australia, once said to me that it is going to be the gradual and growing profound understanding of the majesty, beauty and mystery of animals that does and will nourish the very vest in ourselves and it may well save us from the worst in ourselves. Thank you.

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GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

First Day's Debate

Debate resumed from an earlier hour.

Reverend the Hon. FRED NILE [5.09 p.m.]: I am pleased to have the opportunity to make a brief contribution to the address-in-reply debate. I am reminded of the words of Abraham Lincoln in his Gettysburg address when he talked about government and democracy and emphasised that government should be "of the people, by the people, for the people". I have endeavoured to uphold that principle in my own service to the Parliament, of which I have had the privilege of being a member since 1981, that is, 34 years.

I am very pleased to have the opportunity to comment on the Governor's Speech at the opening of this Parliament because, as members know, I am one of the strongest supporters, if not the strongest supporter, of

our constitutional monarchy based on both the Australian Commonwealth Constitution and our State Constitution. New South Wales and Australia are not republics. I know there are members of this House who are republicans and it is their democratic right to hold different political beliefs. But I am strongly opposed to any efforts to change our nation from a constitutional monarchy to a republic without a vote of the people in a referendum, as is currently required.

When a referendum was held about becoming a republic the "no" vote won. The people of Australia voted to retain our current constitutional monarchy. Yesterday the Governor opened our Parliament, as our governors have done in the past and, I hope, will continue to do so in the future. I am opposed to what I call sneaky republicanism, that is, attempts by republicans to remove any trace of our constitutional monarchy. It seems to happen most often when the State is governed by a Labor Government.

The Labor Party, when in government, made changes to this Parliament, some of which were almost childish acts. They attempted to remove elements of our constitutional monarchy, even removing the portraits of the Queen and the Duke of Edinburgh from the parliamentary dining room. Following the election of the O'Farrell Government, and obviously with the consent of the President and the Speaker, I was very pleased to see that the portraits were restored to their rightful place. One may view that as a small matter, but I believe it was a very important symbolic act to restore those portraits to our parliamentary dining room.

Another act that I believe was very important, and which I put to the Premier, was the restoration of the oath of allegiance. The oath of allegiance is based on our Constitution; we are a constitutional monarchy. It does not mean that we are second-class citizens or that we bow and scrape to the Queen; it is recognition of the hierarchy in our parliamentary system. The Queen of Australia, on the advice of the Government, appoints the Governor-General and the Governor of each State. That is how our democracy functions. It is not a radical practice; it is how our democracy works according to law.

Some members worked very hard to change that practice and introduced a pledge of loyalty. I have no objection to the words in the pledge, but it is not the correct pledge to be made by members of Parliament. Members of Parliament should have the opportunity to take the oath of allegiance and, if they are God-fearing people, to say the words "so help me God". Members who do not wish to do so can make an affirmation. Our system has always recognised the right of conscience of individuals who do not believe in God. I accept that they should not be forced to make a statement such as "so help me God". Those two options were available for many years until the change to a pledge of loyalty.

The O'Farrell Government allowed me to introduce a bill to restore the oath of allegiance. I was very pleased that the bill was passed. During debate, those of a republican background were strongly against the bill and raised the issue that members would be forced to take the oath of allegiance. I accepted that argument and agreed that members who did not want to take the oath of allegiance should have the option of a pledge of loyalty. But it was never intended that the majority of members would make a pledge of loyalty. The proposal was that the majority of members would take the oath of allegiance and those who had a strong conscientious objection—in other words, the fervent republicans—would make the pledge of loyalty.

Before the opening of Parliament, a form was sent to all members asking whether we wanted to take the pledge of loyalty, which was the first option, or the oath of allegiance. I raised with the Clerk that the pledge of loyalty was listed as the first option. However, the form was sent just before the opening so it was too late to amend it. The form gave the false impression that the House supported the pledge of loyalty. It is clear from debate on the bill to restore the oath of allegiance that the House would give prominence to the oath of allegiance but would allow members who could not in good conscience take the oath of allegiance to take the pledge of loyalty. As I said, it was too late to amend the form before the opening of Parliament.

At the opening of Parliament I was disappointed, as were other members, when the majority of members took the pledge of loyalty. I noted that some members who took the pledge of loyalty were congratulated as if their decision to do so was a sign that they were republicans. I do not agree with that at all. They may have taken the pledge of loyalty as a matter of convenience or they simply did not give the matter due consideration. They may have simply ticked the box on the form and, therefore, that is the way they were introduced to the House to be sworn in. The House should address this issue before the next election; some new members may be sworn in before then. We must emphasise the oath of allegiance but indicate that there is an option—in other words, reverse the priority.

As members know, I proudly took my oath of allegiance. It is the correct form for the swearing in of members, whether they are republicans or monarchists. Members should take the oath of allegiance in accordance with our Constitution.

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Obviously, I am pleased to have been re-elected to the Parliament. It is never a certainty. Although a lot of people said, "Don't worry, you will always be re-elected," I do not think one can take it for granted. It takes a lot of work and prayer and the help of the citizens of this State to be re-elected. In my case, my prayers in asking for the help of Almighty God were answered, as were the prayers of many others.

Not only because I have been a member for 34 years but also because I am in my eightieth year, I was probably taking on a hurdle. Some strong supporters of mine may have thought it was time for me to retire. Maybe they thought they would not vote for me so I could have a forced retirement, but that did not happen. The number of my supporters was fairly consistent with previous elections and I am very grateful for that. I will endeavour to serve God and the people of this State during my re-elected period.

As members know, no-one lives forever. I made a provision for our party to nominate my successor so that there will be a simple flow-on if I die of an illness or have an accident. I am replaceable. With the nomination of a successor, there will be no great controversy in deciding the future of the party. That is why I proposed the name of the Reverend Dr Ross Clifford to the Christian Democratic Party, and I am pleased that the party has accepted him as my successor. No deadline has been established, but at a point that is convenient to him and to me he may take my place. It is not an established fact, but it gives security to the people who say to me, "You are doing a great job but do you have a successor?" I can now answer that yes, I do. It may relieve some of their worries that my passing or retirement would create a vacuum in the Parliament. We will have a very well-equipped member to succeed me in this place.

For more than 20 years the Reverend Dr Ross Clifford has been principal of one of the largest theological colleges in Australia. It is under the Baptist denomination but it is open to students of all denominations. Anglican, Presbyterian, Congregational students and so on are all welcome to study at the college and obtain qualifications that are recognised at the same standard as those from a university, from degrees right up to doctorates. The college offers courses including the traditional bachelor of theology, master of theology, doctor of theology and so on and has a high academic standard. Reverend Dr Ross Clifford is in the middle of a major \$30 million redevelopment of the college and he will be busy for some years in leading the further growth and development of the college. With more than 700 students, it is one of the largest theological colleges in Australia and provides ministers to all denominations.

In referring to our Constitution I should include in this speech my congratulations to Prince William and Princess Cate on the birth of Princess Charlotte. She is obviously a bonny, bouncing baby girl who has brought great happiness not only to her parents and the Queen but also to the people of the United Kingdom and Australia. Without being a deliberate publicity campaign, the event has increased the support for and interest in the royal family. As a result, it has increased support for our constitutional monarchy, especially amongst the younger generation. From every point of view, it has been a wonderfully positive development and we are very grateful for all of the good things that have happened.

As we know, the Governor's Speech to the Parliament is drafted by the Government and provides it an opportunity to outline its plans for the future. During the Speech I was greatly encouraged by the details the Governor outlined about the energy of the Government led by Premier Mike Baird over the previous four years. Many of the targets he set have been achieved and New South Wales is the leading State economy in Australia. We have seen the sad situation at the Federal level and the Commonwealth Government's massive debt. We do not have that debt in New South Wales because of the good work of the Coalition Government. It has established a secure foundation upon which we can deliver a further plan for the future.

This is not a government that is looking backwards but a government that is looking forwards. It has a positive plan that is ambitious in its scope and realistic in its deliverables. One aspect of it is the proposed leasing of the poles and wires, which the Government hopes will provide some billions of dollars. There is some question as to how many billions it will be because of some changes in the energy sector but it is hoped a sufficient amount will be raised. Those funds will go to the proposed Rebuilding NSW fund from where the Government will redirect them into the infrastructure and services that people want and that the State needs to deliver long-term prosperity.

Some people have a negative attitude about the proposed leasing of the poles of wires and they criticise the Government for giving away something that belongs to the people. They do not understand that the money raised will build greater infrastructure that the people will own. It will be reinvested in a way that will provide a direct benefit to the people through better roads, hospitals, schools and so on. Some people also fear that the lease will lead to increased electricity prices. I am pleased that the Government has appointed former chairman of the Australian Competition and Consumer Commission Professor Allan Fels as a commissioner on pricing to ensure that people will not pay more for electricity as a result of the long-term lease of the assets. That factor led me to look at the leasing arrangement in a more positive way.

Nevertheless, because there was a lot of controversy during the election campaign, for the benefit of the people of this State I thought we should clear up all the question marks by establishing a select committee to look into the matter and where all the players involved will present their evidence. I am pleased that the Premier has agreed to be a witness and to be cross-examined by the nine-member committee representing the Labor Party, The Greens, the Shooters and Fishers Party and the Christian Democratic Party. To me, the Premier agreeing to expose himself to questions from all sides of politics is already a positive result. Of course, the Treasurer and representatives from banks and other organisations involved in the leasing arrangement will also appear before the committee.

As chairman of the inquiry, I am hopeful that after we assess the pros and cons of the leasing the pros will outweigh the cons and it will clear the deck for the leasing to proceed. I am not jumping ahead of the committee's inquiry and the decision it will make after taking into consideration all the factors. I am sure that New South Wales will continue to be the number one State in the Commonwealth and we will increase economic prosperity, create jobs, build strong families and deliver the infrastructure that meets all the needs of our people. I am pleased to respond to the Governor's Speech at the opening of Parliament.

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The PRESIDENT: Order! I remind members to extend to the Hon. Bronnie Taylor during her inaugural speech all of the usual courtesies.

The Hon. BRONNIE TAYLOR [5.29 p.m.] (Inaugural Speech): Mr President, may I begin by congratulating you on your re-election and by acknowledging all other members of the Fifty-sixth Parliament. I make particular mention of my colleagues from the NSW Nationals: the Hon. Duncan Gay, the Hon. Rick Colless, the Hon. Niall Blair, the Hon. Sarah Mitchell and the Hon. Trevor Khan and, of course, my class of 2015 colleague the Hon. Ben Franklin. It is indeed a privilege to be able to serve in this place with all of you, and I very much look forward to the days ahead.

As His Excellency the Governor reminded us yesterday, we are all here because we have something that unifies us all: a belief and a commitment to a great country, a great State and, for The Nationals, a great rural and regional New South Wales. We want the best possible opportunities for the people whom we represent.

Just as this place has an enormous history and at its best has been a powerful representative of the people of New South Wales, so we each individually bring our own history to our roles. My history has largely been one of working from outside the political system. For 40 years I have been unaligned to any political party, seeking the best in health, in education and in agriculture for my communities from people of any persuasion. However, six years ago I determined that it was time to put myself at the table, to work from the inside, and The Nationals was a natural fit for me. It is the party that can best represent rural and regional Australians. I am therefore incredibly honoured to take a seat in this place as a representative of the good members of the NSW Nationals.

I have not long built my career in politics. I have built my career in health. I am a proud nurse. Nursing is a profession I love and I will miss. There is nothing more rewarding than being a nurse. The privilege of patients and families allowing you into their lives at their most vulnerable is a true honour. I have seen the best and the worst of government in health. At its worst, government imposes policy upon communities that simply does not fit. At its best, government partners with communities to assist in solving their health issues.

A great example of this has been the devolution of decision-making to a structure of local health district boards and allowing the community a voice at the highest levels. Being part of a health board has indicated to me that this is a valuable model that is working. Consultation has become meaningful, rather than simply ticking boxes. Other areas of government could perhaps have something to learn from this health model.

My father worked for Qantas, our national carrier, for his entire working life, starting when he was 18 and flying the mail runs in Papua New Guinea. A stint in Sydney saw him meeting my mother, and together they set off on a life that was to bring a string of different postings all over the world. My father was the proudest Australian I will ever know. In a corner of every new country he resided in there was a house and flagpole that remained forever Australian. I spent my early years in New York followed by postings in the Philippines and in Thailand. I have a deep connection with these Asian countries and their people. It is still somewhere I can return to where I feel completely at home, with its rich culture and resilient as well as very stoic people.

After leaving school I attended the University of Sydney where I studied nursing. This was to be a decision to this day I am so grateful for and ultimately has paved the way for me to be standing here today. I knew I had found my niche when I started caring for people affected by cancer. I spent eight years as a clinical nurse specialist in palliative care, both in the city and the Monaro, three years as a clinical nurse consultant in cancer care, and four years as one of the original breast care nurses for the McGrath Foundation. The final 18 months of my 20 years of service to NSW Health was as the Director of Cancer Services for the Southern New South Wales Local Health District [SNSWLHD].

It was through my work as a cancer nurse that I became politically active—and this was definitely not within the guidelines of the code of conduct for NSW Health. I just may have been the staff member most requested by senior management to read and reread the code. I was most definitely not an easy nurse to manage. But that was because I felt so acutely that my patients were not getting the services they required or receive the treatment they so desperately needed and as close to their homes and their families as possible.

Country people are so stoic—incredibly so—and this is something that struck me when I made the move from the city to the Monaro. It was because of my patients that I set about lobbying for a local oncology service. I knew we could safely deliver chemotherapy locally and that this would contribute greatly to the treatment options and experiences of our local patients. I approached the health service with my ideas, based on evidence that patients who live outside the metropolitan centres have poorer health outcomes, often because they choose treatment options that will not take them away from their homes or their communities but that do not reflect best practice.

For example, a rural or regional patient will choose to have a radical mastectomy instead of breast-conserving surgery partnered with chemotherapy and radiotherapy so that the time they are away from home is minimalised. I must make myself clear: I do not advocate for being able to deliver all specialised health services and treatments in the regions—we want the best specialists providing the best treatments in the best environments. But the services that we can provide to the highest standards locally should be absolutely delivered locally, and there is no doubt that this can be done with many cancer treatments.

When I approached the health service I was told, "There is no way we will ever support a local oncology service". So here my story of becoming the accidental activist was born. Receiving no joy from the health service or the government at the time, I worked with the very famous community group the Monaro Committee for Cancer Research. At the time it was led by the formidable rural woman Sue Litchfield—I should not look at you, Sue—who is someone I am proud to call my friend and who has had an enormous impact on my life and on my belief that people in the regions deserve to be heard.

I am beyond thrilled that Sue is in the public gallery today. Sue is an inspiration. She represents for me what is truly inspiring in rural women: intelligence, versatility, passion and a determined nature to see that all politicians understand what is needed to allow us all to thrive in the regions. She is truly a Monaro treasure. Sue asked me one day what I thought our community needed for our cancer patients and I told her that we needed an oncology clinic. So, along with her energetic committee, we set about taking on the health service to get a local clinic.

This meant extensive fundraising for which the committee is now renowned, having raised in excess of \$1 million. That is not bad for a population of 10,000. The *7.30 Report* on the ABC did a fantastic story on one of our fundraising events—Cooma's Dancing with the Stars. I can most definitely assure you I gave Sonia Kruger a run for her money as the hostess with the mostest. It is quite a picture.

The day we opened the clinic was one of the proudest moments for our community: It encapsulates the enormous generosity of spirit that is rural New South Wales. We will not be beaten. We deserve good health services that are accessible and that allow us to stay in our communities, whenever possible. That is only fair.

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The establishment of the Cooma Oncology Clinic reflects a community taking charge of its health care. Government needs to actively listen to our communities and to support them in their needs. The best initiatives in communities are those that the community drives and that government partners.

One of the first patients to use the Cooma Oncology Unit was Susan Mitchell, OAM—a proud National. I met Susan when she was diagnosed with advanced pancreatic cancer. She was a formidable force and her reputation for being an advocate for the regions was well known. On the home visits I made as her nurse with her and her husband, Dugald, she would always turn the conversation—which could and perhaps should have been about her—to coercing me to become involved with the New South Wales Nationals, to advocate for better health services in New South Wales. I am honoured that her husband, Dugald, is with us tonight and I know that somewhere upstairs she will be listening now and making sure I do not disappoint.

My years as one of the first McGrath Foundation nurses were definitely the highlight of my professional career. The McGrath Foundation is a stand-out organisation with its roots in the community. It is a foundation built by two incredible, unselfish women, both from England but who shared a common link of falling in love with great Australian cricketers. Etched in my memory is my first meeting with Tracy Bevan and her telling of her story of love and friendship that led her to stand beside her best friend and begin the McGrath Foundation—not for themselves but because Jane McGrath wanted to do something for others in a health system that was difficult to understand and to navigate. The McGrath Foundation is another example of the people power that exists in our communities. When government is able to support and partner such initiatives we get terrific outcomes.

Over 8,000 McGrath nurses are based in the regions across Australia and are proudly supported by their communities. This model gives power to communities by allowing them to be involved in a positive message and to contribute to something that makes a real difference in their locality. I was and remain a very proud McGrath Breast Care Nurse. I salute Tracy Bevan and her team and thank her and the beautiful Pip Bell—one of our nurses—for being here with me in the Chamber this afternoon. I am just "tickled pink" that you are here.

The Hon. Robert Brown: Very good, very droll.

The Hon. BRONNIE TAYLOR: It worked!

My nursing career has also taught me to deliver a message with truth and transparency, no matter how difficult it is to hear. It is these skills I draw on every day and that professional skill and experience will serve me well as a member of the Legislative Council. As politicians, we cannot fix everything and we do not win all the time—far from it—but what we must do is to be honest and transparent, and have the ability to articulate our message well and explain our decisions, without fear but with consideration for those we will inevitably disappoint.

My husband, Duncan, and I have been blessed with two girls. There is no doubt that daughters turn their fathers' hair grey and age their mothers well beyond their years, but we most definitely would not be without them. I am not a parent who tends to boast about her children. I am quite hard on my girls and I know they will agree. I found out from a teacher at their school that they were both hiding in a closet last year having quite a discussion about what a "tiger mother" I was and that no one else's mother could possibly be as difficult as theirs. I do expect a lot from Hannah and Holly. They are fortunate: they have two parents who love them and a large extended and close family that feels the same way about them. Our expectation is that they become the very best people they can be, and that they serve their communities well. We must keep our children grounded, love them and encourage them and have strong families with strong values, but the best we can do for our children is to let them know they need to work hard and they need to be good people.

The girls have had access to a great education, both in the public and private sector. How fortunate we are as a State that we have a choice. Both sectors are invaluable and both play an important role by shaping the future of our children. Opportunities come from the benefit of access to a good education. We still live in a land where life opportunities through education are unequal. A child from Wilcannia does not get the same chances as a child from Woollahra. We need to give all our young children the chance to start their education at a

preschool, followed by a good local school with great teachers led by an effective principal and with an engaging curriculum that extends to both academic subjects and vocational training to suit the aptitude of each individual student. In particular, those schools in the most complex communities in our State need the most urgent and direct intervention. These schools are where we begin to rebuild our most troubled communities. We have started down that path with the Rural and Remote Education strategy but we have much more work to do. We owe that to our rural and regional families. With good schools and educational opportunities, we can make families and youth thrive in rural communities, which will in turn strengthen our regional development. We want families to want to stay in our communities but to entice them to stay we need great schools and great opportunities for their children.

I met my husband, Duncan, whilst still at school; he was very dashing and quite the catch—but more on this part of my life later. I honestly never imagined Dunc wanting to return to the country, so when he asked me—about eight years into our extended courtship—if I would be willing to return with him from Sydney to the wide open plains of Nimmitabel, I must be honest, I did a second take as I knew that life as I had imagined it would not eventuate. I would have followed Dunc to the end of the earth and back, so it was a fleeting moment of consideration.

Duncan's family has been farming on the Monaro for generations. It is a place of vast openness, natural treeless plains and a beauty that is unique and magical. The Monaro has what some might call a challenging climate. Gale force winds blow across the mountains and a biting minus 10 frost is a common occurrence. I believe it is this climate that makes the people of the Monaro so resilient and content because honestly, if you did not love it, you probably would not stay. The Monaro is renowned for its tough grazing stock and its fine, beautiful, clean and very green Monaro merino wool. It is said that Monaro stock can survive anything that is thrown at them and the same can be said for its people. It is a diverse area, with the Snowy Mountains at one end and the ever-growing city of Queanbeyan at the other.

We are also very fortunate in the Monaro to have the most outstanding local member in this Parliament. I have loved working with the Hon. John Barilaro over the past four years and I relish the thought of what he will achieve for the Monaro in the next four. He encapsulates what is so terrific about the south. He loves where he comes from and he will fight to the death for it. The Monaro Nationals are a great team, inspired by a great leader in John and his recent win in the seat of Monaro reflects that. His success is the result of the efforts of the many people who have worked hard alongside him. I acknowledge my good friend Emma Watts, our State Electoral Chairman: a formidable woman with a great intellect and an ability to bring teams together in a common purpose. I am excited about working with John to ensure the Monaro is kept in the safe hands of the New South Wales Nationals for many terms to come.

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I have spent the past four years as a councillor on the Cooma Monaro Shire Council, three as the deputy mayor. I have learnt a great deal and have gone from being critical of local government to championing it on many levels. There must be change in the way councils do their business, I acknowledge that—but there is so much good in local government and it remains the closest form of government to the people, and this is particularly so in rural and regional New South Wales.

Agriculture has a huge and exciting future and I am grateful to have the opportunity to be part of it. Duncan's father, Peter, has had a huge influence on both of us; because of his astuteness and hard work over his lifetime, he has provided our family with the opportunity to be part of a terrific family farming business. Peter took great risks to build his property, surviving horrendous droughts and low commodity prices to expand to a point where we now have a successful farming business that sustains several families. We must support families to absorb risk and build their small businesses so that they are sustainable into the future, not by giving them handouts but by creating a framework within which they might operate successfully and resiliently in the face of difficult seasons and price cycles, which inevitably will come. We must demonstrate that we are committed to agriculture and its bright future by encouraging young people to develop their careers on the land and in the regions.

Nowhere is the role of the veterinary professional more crucial than in rural New South Wales. I had have had the pleasure of sitting on the NSW Veterinary Board for the past four years. It is a profession I admire deeply. Their evidence-based care and advocacy for animals is based on science rather than emotion and sits at the core of their profession. That approach of science and evidence should be embraced, not just in veterinary science but in food production, animal welfare and environmental sustainability.

My grandmother, Rachel Eileen Stevens, was a strong and wise woman who hailed from Wales. She bequeathed to me her rather troublesome psoriasis and a propensity at very inconvenient moments to burst into very Welsh tears, so please bear with me for the next few moments. Here we go! My family has been a constant support to me. My mum is an incredible woman; she is strong to the core. I think her finest feature is that one evening she would be sitting next to President Marcos in the Philippines and the next day would be helping her Filipino golf caddy look after his sick child. Everyone is absolutely equal to my mother regardless of their background or any other status. She is also an incredible athlete. In fact Mum had a golf handicap of eight, and can still wipe most of the family off the tennis court—and I am sorry, but that includes the grandchildren. Unfortunately, we lost my Dad 18 months ago to pancreatic cancer. He was really my biggest fan and he so would have loved all of this—but I know in my heart that he is beside me today cheering me on. God bless you, Dad.

My sister has always been a tower of strength; she looks out for Mum and she keeps us all together. My brother-in-law Paul is a gem and a testament to the powers of the New South Wales health system. In 2002 Paul was diagnosed with acute lymphoblastic leukaemia and a positive Philadelphia chromosome, which meant every time we put him into remission with very aggressive chemotherapy he kept reverting to his leukemic cells; so his chances of survival were very slim indeed. But thanks to a new drug trial and the formidable force of my sister willing him on and terrifying every nurse and doctor that came near him if they had not washed their hands, he sits in the gallery today fighting fit after completing a 600-kilometre bike ride raising money for children who have cancer and their families.

To my girls, thank you for supporting me through this. Hannah, I know politics is not your thing, but give it time. You might want to join the Young Nationals at Sydney uni yet! Holly, my youngest, who lives for sport and is part of the award winning Young Nationals netball team: I will not be much longer as I know you have a netball game at seven, and school sport will always take preference over your mother. And that is okay. Now to Dunc. I met my Dunc when I was 17. His legendary status preceded him; he was school captain, head of the military corps, academically top of his year, a great basketball player and a very handy second rower, and that is of Rugby Union—the game of champions, in case anyone is wondering.

The Hon. Niall Blair: We should have preselected him!

The Hon. BRONNIE TAYLOR: People say that a bit. But you are stuck with me for eight years, Minister. The day we were married was one of the happiest days of my life and I do confess I stood there about to walk down the aisle and I really could not believe I had pulled it off. I have no hesitation in saying I would not be standing here if it was not for you. You make me a better person. You have always been beside me and your support means everything to me. I admire you: your recent work as President of the Isolated Children and Parents Association speaks volumes about who you are. Anywhere I go in rural New South Wales, they sing your praises of how you have lifted the issues of rural and remote education to new heights, finding solutions and developing models of education that will deliver. This is reflected in your vision of the Cooma Universities Centre, which is now a reality in extending access to higher education to regional youth. As it says in that book, Dunc, that we read to the girls for what seemed like an eternity, I really do love you to the moon and back.

I thank Anna O'Brien, another great lady of the south, for agreeing to come with me as my adviser. She will keep me focused on the things that matter, and we will make a great team. I would not be here without the support that the members of the New South Wales Nationals have given me, and I will not let them down. I conclude by pledging to honour these three things whilst I sit in this Chamber: I will never forget who I am; I will never forget where I am from; and I will never ever forget that I sit in this Chamber representing the good members of the New South Wales Nationals. Thank you, Mr President.

Debate adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a future day.

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BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Reverend the Hon. Fred Nile agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 32 outside the Order of Precedence, relating to a Select Committee on the proposed leasing of electricity transmission and distribution businesses, be called on forthwith.

Order of Business

Motion by Reverend the Hon. Fred Nile agreed to:

That Private Members' Business item No. 32 outside the Order of Precedence be called on forthwith.

SELECT COMMITTEE ON THE LEASING OF ELECTRICITY INFRASTRUCTURE

Establishment and Membership

Debate resumed from an earlier hour.

The Hon. ADAM SEARLE (Leader of the Opposition) [5.59 p.m.]: As I indicated, while we campaigned strongly on the issue that the monopoly on these productive and valuable publicly owned assets should remain in the hands of the community, we make no apologies in this place for intending to carefully scrutinise any proposed lease or sale. The transaction is of vital importance to the future of this State. These are some of the most valuable economic assets in our nation and we believe that they are the most valuable economic assets owned by the New South Wales Government. If this transaction proceeds, it should do so on terms and conditions that have been properly evaluated so that the people of this State are firmly satisfied that the financial transaction stacks up. We believe the current terms that are proposed are not wholly adequate and that is why I have moved the amendment.

One of the key changes we propose is that the terms of the legislation to facilitate the transaction, and its likely effects, should be an explicit term of reference examined by the committee. How can the committee reach a proper decision or evaluation of the proposed transaction if we do not know and have not considered the terms of the legislation under which the Government will proceed to dispose of these assets? There are many details about the new holding company that the Government proposes to be the vehicle for the lease that have not been the subject of any public discussion or any real evaluation.

There are many aspects of this transaction that have not seen the light of day and that is why we think the particulars of the constitution of any proposed holding entity to take on the businesses of TransGrid, Ausgrid and Endeavour and the content of any shareholder agreement should be scrutinised, together with the exposure of any new entity to Commonwealth taxation. At the moment tax equivalent payments are paid to the State Government and are used each year in the annual budget. Under any long-term lease of the kind being discussed, all of the tax equivalent payments will be lost to the New South Wales Government and the people of this State. That needs to be explored because it is not part of the existing terms of reference.

Equally important is what happens at the end of the lease or, indeed, during the lease. If one looks at the South Australian experience, at the end of its lease, while the assets were being returned to public ownership, the South Australian Government was liable to make a significant payment to the private company holding the lease for any improvements that that company had made over the life of the lease. Equally, over the 99-year period, the assets need to be replaced or upgraded. The question that emerges is who will own the upgraded or new assets? Will it be the people of this State or the lessee?

The fact is that this is a crucial part of the transaction and it is necessary to understand its nature and whether, ultimately, it is a dud deal for the people of this State. When this issue emerged clearly in the Queensland State election held earlier this year, its Treasurer said, "It is a matter between the contracting parties." That raised alarm bells here because the contract will be commercially secret. It will not be a public document, although the transaction is of such importance it probably should be. In the amendments we have included a series of clauses that scrutinise that aspect of the lease—who owns the assets at what point and, in particular, at the end of the lease period.

We also think there needs to be more focus on what we understood during the election campaign to be the changes made to the UBS report, where references to it being not good for the State were removed. The question is at whose instigation was it removed and why were those changes made by that reputable firm. There are many aspects that remain opaque that need to be properly examined, not the least of which is the impact of these transactions on employment at the transmission and distribution businesses, particularly in rural and

regional New South Wales. We think these must be examined precisely so that a proper and informed assessment can be made of the proposed transaction holistically.

Turning to the composition of the committee, we do not think it is appropriate that a member of the Executive become the Deputy Chair. This is not a personal reflection. This committee is meant to be scrutinising a key aspect of government policy. We think the appointment of the Parliamentary Secretary to the Minister for Justice—a member of the Executive—as the Deputy Chair sends the wrong signal. Again that is not a slight on that person. The function of this committee is to scrutinise the actions of the Executive and a member of the Executive should not be in a key role on the committee. We believe those changes should be made and that Mr Borsak should be the Deputy Chair.

We also think the time frame is wrong. A two- to three-week turnaround is not sufficient. Given the complexity and the financial consequences of this transaction for the future of the State, we propose adding an extra three to four weeks, taking the reporting period to 30 June. Surely the sky will not fall in. The fact is that the Government cannot book the proceeds of any transaction before any sale takes place.

Fundamentally, what is obvious from its omission is the likely impact of the transactions on the State budget. The terms of reference from Reverend the Hon. Fred Nile look at the potential proceeds, but there is no term of reference looking at the financial impact of the loss of the tax equivalent payments, the TCorp guarantee payments and the dividends on the State budget. This is of crucial importance. It was a matter of much import and impact during the election and it is a matter on which the Government did not come clean. It must come clean before this House and this Parliament and the wider community can make an informed decision whether this transaction is in the public's interest. The Government's failure to disclose these details gives it no credit and it can claim no mandate from the election result because these details, crucial to people's understanding, were not disclosed before polling day. We urge the House to amend the adopted terms of reference.

The Hon. ROBERT BROWN [6.07 p.m.]: I speak briefly to this motion on behalf of the Shooters and Fishers Party. We support Reverend the Hon. Fred Nile in his efforts to shed some light upon this debate. I know that the Opposition and The Greens are moving amendments to Reverend the Hon. Fred Nile's motion. I also note that Reverend the Hon. Fred Nile and the Opposition have already agreed on a couple of amendments. Reverend the Hon. Fred Nile has accommodated those amendments.

It is on the record that in fact we fought a campaign against the sale of the poles and wires and the Hon. Robert Borsak was re-elected. The stance of the Shooters and Fishers Party on this is clear and unequivocal.

The Hon. Dr Peter Phelps: Never too late to change, Robert.

The Hon. ROBERT BROWN: For old dogs like me, it is. I can count to 21 without taking my shoes and socks off. We know already what will be the outcome. I have some sympathy for the Opposition and all of their amendments—particularly the one relating to the Deputy Chair. I understand they have been moved in globo. However, in my discussions with the Leader of the Opposition, I pointed out that I felt that the addition of a catch-all clause, which Reverend the Hon. Fred Nile agreed to put in the terms of reference, should allow all of the issues that the Opposition is raising to be brought to the table under that particular term of reference.

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I would urge those opposed to the sale to make sure that they encourage credible witnesses with the knowledge and experience to be able to put the facts the way they are to this committee so that the conditions of sale in particular can be illuminated and properly debated. When the committee has made its recommendations I have no doubt that the Government will want to proceed forthwith. At that time the Hon. Robert Borsak and I will exercise our right to vote against any legislation for this sale, lease or whatever one likes to call it.

During the Governor's Speech and throughout the election campaign the word "mandate" was thrown around. I remind everyone that the only parliamentary party in New South Wales that achieved a swing to it in double digits was the Shooters and Fishers Party, and even though it was only a small vote we were out there—

The Hon. Duncan Gay: I remember you only getting two members up.

The Hon. ROBERT BROWN: Duncan, we are still here for the next four years. I am not going to admit that we were disappointed because we were not. Only the Labor Party and the Shooters and Fishers Party

had an increase in their vote. As I said to Premier Baird, "We feel we too have a mandate. That mandate might not extend as far as yours, but we will exercise it when it comes to the vote."

The Hon. WALT SECORD (Deputy Leader of the Opposition) [6.11 p.m.]: As the Deputy Leader of the Opposition I make a contribution on the motion to establish a select committee into the proposed sale of the electricity network. We have a very important and historic task here and it rests heavily on all of us as the Baird Government is set to undertake one of the largest privatisations ever in the history of New South Wales. That is why we need a comprehensive and fulsome parliamentary examination of the proposed sale of the electricity network. Make no mistake: Labor wants a tougher and genuine inquiry into the sale of the electricity network. Let me say that again: Labor wants a tougher and genuine inquiry into the sale of the electricity network, because once it is sold it is gone for good. The Baird Government wants the parliamentary inquiry to be a whitewash, a laundering, a veneer, a sugar-coating—

Dr John Kaye: A shame.

The Hon. WALT SECORD: A shame, a sham. Make no mistake: Labor wants a genuine, tough and thorough inquiry. First, and most importantly, we have not seen the legislation to sell the network. If the Government were bona fide the legislation would be before the committee for examination. Secondly, the timetable for the inquiry is completely inadequate. The select committee reporting date of 2 June will not allow a proper examination of this matter. An examination of the parliamentary calendar shows that the committee can only sit a maximum of 12 days. At the very minimum, the Parliament needs a broad inquiry to report on 30 June—close to two months. This would give the select committee the opportunity to properly examine witnesses and hear evidence. The framework proposed by Reverend the Hon. Fred Nile does not do that.

Thirdly, the proposed terms of reference by Reverend the Hon. Fred Nile does not include any impact on the budget or the loss of dividends. These are important matters. Furthermore, it does not properly extend its inquiry into the tawdry and sordid UBS affair, which became a major issue during the election campaign and reached deep into the Premier's office. Reverend the Hon. Fred Nile made public announcements about electricity privatisation throughout the election campaign. We are debating this matter today because of Reverend the Hon. Fred Nile's commitments. However, the proposed select committee does not come anywhere near meeting the spirit of the commitments he made.

During the campaign Reverend the Hon. Fred Nile gave a commitment to his supporters that he would only support electricity privatisation after a thorough and detailed parliamentary inquiry. He gave the clear and unequivocal impression to the 125,603 people who voted for him and the Christian Democratic Party that he would only support the sale after a genuine examination of the proposed transaction. In the Lismore-based *Northern Star* of 25 March it was reported that Reverend the Hon. Fred Nile had said while on the North Coast that he would:

... use our balance of power in the Upper House to oppose any Government proposal to sell our poles and wires.

However, on 30 March—a few days after the election—he changed his position and said he now wanted a "short, sharp inquiry". Reverend the Hon. Fred Nile, the Liberal Party and The Nationals owe it to the community to support a wider examination and honour their original promise to the electorate. Reverend the Hon. Fred Nile may think that his inquiry into electricity privatisation honours that commitment; sadly, it does not. The proposed terms of reference are just a glorified waving through of the Liberal-Nationals Coalition electricity privatisation.

The Legislative Council exists to safeguard the interests of our community and to ensure that the powers of the Premier and the Executive do not go unchecked. We are here to modify and improve. I appeal to the Government and the crossbench to accept the Hon. Adam Searle's amendments. We are here to put the families and taxpayers of New South Wales first and to protect their interests. This proposed select committee inquiry by the conservative side of politics is simply a rubber stamp to the Baird Government's agenda to privatise.

In conclusion, I remind members of our role as a House of review and as legislators to curb the excesses of executive government. New South Wales residents do not want to see a fleeting inquiry with the subsequent bills smashed through this Parliament. We need a proper and thorough examination of the sale of the electricity network. Unfortunately, the wording of Reverend the Hon. Fred Nile's motion does not do that. I thank the House for its consideration.

Dr JOHN KAYE [6.17 p.m.]: On behalf of The Greens I address the proposal for a select committee on the proposed leasing of the electricity transmission and distribution network. Electricity privatisation is lazy and disastrous policy. Like Labor's absurd gentrader privatisation four years ago, the proposal to lease the wires and poles in New South Wales for the next 99 years—if that is not the next closest thing to a sale I do not know what would be—will leave this State poorer and environmentally damaged. It will leave our budget in a worse position, cost jobs and foreclose on technology development in this State that is critical to our economic future. It is lazy policy because there are better ways of raising \$20 billion. If this Government or its Labor predecessors had been prepared to stand up to the vested interests in property ownership and to the clubs it would have been possible to raise money to service a \$20 billion loan payable back over 20 years without requiring the sale of assets, the loss of income and loss of control of the energy future of this State.

The Hon. Robert Brown: And without risking the triple-A rating.

Dr JOHN KAYE: Absolutely, and even if it did risk the triple-A rating it shows that there is something profoundly wrong with the triple-A rating. I have asked time and again in this Chamber why this Government and its predecessor have allowed the self-same institutions that brought the global financial system into crisis by issuing junk ratings for sale to bully them?

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The reality of where we are today is that we do not need electricity privatisation to raise \$20 billion. If we do use electricity privatisation to raise \$20 billion then we will lose badly when it comes to the future of this State. I recognise that this inquiry will go ahead and there will be a debate about it. To that extent I wish to have a close look at the terms of reference put forward by Reverend the Hon. Fred Nile and to make it clear that, while those terms of reference have some positive aspects to them and while they would enable some degree of examination of the issues raised by electricity privatisation, they do not go nearly far enough.

I agree with the Hon. Adam Searle with respect to the reporting date. Three weeks is simply not long enough to inquire into what is probably the largest privatisation—in dollar value terms although not in terms of employment numbers as that was Ageing, Disability and Home Care—this State has ever seen. It is justified not on the grounds of microeconomic reform but purely on the grounds of a grab for cash. There is a strong argument for an inquiry into this complex issue, with complex interactions with the economy, environment, budget, jobs, technological development and the development of the economy, to go for much longer than three weeks. I support the proposition of the Hon. Adam Searle that it should go until the end of June.

I mean absolutely no disrespect to the Hon. David Clarke, who would probably make an excellent deputy chair of the committee, but I do have concerns with this proposal. The Hon. David Clarke is a Parliamentary Secretary, and I congratulate him on that. As far as this Chamber is concerned, he is part of the executive. Under this proposal he would be the deputy chair of a committee inquiring into a policy of the executive. It is inappropriate that he be the deputy chair under those circumstances. Therefore, I move:

That the motion be amended by omitting the name of the Hon. David Clarke and replacing his name with Hon. Robert Borsak as the deputy chair of the committee.

That is my first amendment. I have grave concerns about the terms of reference and where they go to. The Hon. Adam Searle outlined some of those concerns, and I agree with his concerns and I wish to add six more. To that end, I move the following amendments:

That the question be amended by inserting after paragraph 1 (1):

- (m) consequences of the proposed transaction for the future implementation of grid-connected renewable energy generation, battery storage, energy efficiency and demand management and other new and emerging technologies;
- (n) the impacts of recent developments in cost-effective battery storage and other new technologies on the potential sale price of the leases;
- (o) the establishment and enforcement of a reserve price for the leases;
- (p) any constraints that might be imposed on the future regulation or development of the New South Wales electricity industry as a result of the proposed transaction, including possible contractual provisions with the lessees;
- (q) potential consequences of the proposed transaction for low-income households, including but not limited to as a result of increasing numbers of consumers disconnecting from the grid;

- (r) potential impacts on employees in the electricity industry and the future of training opportunities in the industry;
- (s) potential impacts on network reliability, service restoration times and public safety;
- (t) the long term impacts on the State's economy.

The first of those amendments goes to the issue of renewable energy. I note that Reverend the Hon. Fred Nile is on the record as saying that renewable energy is not a State matter. I invite Reverend the Hon. Fred Nile to have a good look at the State's renewable energy action plan. I invite Reverend the Hon. Fred Nile to have a look at the State's wind energy planning guidelines. I invite Reverend the Hon. Fred Nile to have a look at the Electricity Supply Act, the solar bonus scheme and other matters that relate to renewable energy within that Act.

In fact renewable energy is, if anything, a State matter. It only becomes a Federal matter because of the corporations power and the renewable energy target which is exercised through the corporations power. The fundamental regulation of the grid and the fundamental regulation of renewable energy remains a State matter. It remains a matter that is both affected by and affects privatisation. It is affected by privatisation because in the end the future of renewable energy is about grid connection. It is about grid connection of solar panels and grid connection of wind energy, and changing the ownership of the grid reduces the capacity of the State to reconfigure that grid in a way that makes renewable energy more economically accessible to the community and more economically competitive.

Right now we have a grid which is configured around the 1950s proposition that we burn coal and gas in centralised stations, transmit the power through high-voltage wires to distribution points in the form of zone substations and then lower the voltage and distribute the power to households. In effect the grid that we are talking about privatising is a high-quality 1950s electricity grid. I say this as an electrical engineer who has worked on the grids of both New South Wales and Victoria and on the national electricity market. That grid is now profoundly outdated.

There is a need for major capital investment to transition the grid into a smart grid—a grid that works to trade energy in different ways to the ways we have traded it in the past. Passing the grid over to the private sector will rob it of not only capital but also control in the common interest. It will mean that the control of that grid is in the hands of a private sector company that will be focused on profit. Being focused on profit means that a company is not focused on creating the renewable energy future and not focused on forgoing profit in a way that creates opportunities for renewable energy in the reconfiguration of the grid.

There is a second interaction between renewable energy and electricity privatisation that is critical. On Friday of last week Tesla, the electoral vehicle company, announced its home battery, industrial battery and utility-scale battery packages for electricity. For the first time, we have a cost-effective way of storing electrical energy. I say before the House, with all humility, that everything I have said in the past about electricity transmission and distribution, about renewable energy and about the business of energy generation, the economics of it and the social arrangement of energy, is about to change. This is a game changer.

It is a great shame that Mike Baird does not understand and that the Government Whip does not understand the significance of the Tesla announcement. The announcement means that rooftop solar panels have suddenly gained value—they have gone from just being valuable for energy generation to being reliable for transmission offset. It is a major change. I invite members to go and have a look at *The Conversation*, *RenewEconomy* and the other commentators. Commentator after commentator is saying the same thing—this is a game changer. This is a rewriting of the twenty-first century grid.

We are talking about selling an asset which we value as a monopoly asset at a point at which there is now major and potent competition to it—that competition is rooftop solar and energy storage. Those people with access to north facing roofs, with a few thousand dollars of capital and who own their own homes can now disconnect from the grid. When they do disconnect the financial burden of servicing the grid debt—the \$15 billion, \$12 billion or whatever it is that the Government raises on this—will fall on fewer and fewer heads.

Let us imagine a scenario. What if the almost 400,000 existing solar houses get batteries and begin to disconnect reducing the number of customers by about 20 per cent. The grid costs—the distribution use of system charges and the transmission use of system charges—could then go up by 20 per cent. It would push the cut-off point for cost-effective disconnection a little further in favour of the customer. So more people would disconnect. One can imagine the economic collapse of the grid that could happen. It would leave only those living in rental accommodation, those with access to capital and those without an understanding of what is going

on to serve a \$14 billion debt which has been so-called recycled into other projects. This is a social justice nightmare.

There are two choices ahead for New South Wales: either keep the grid in public ownership and make a transition in a socially just way to a renewable energy future with an intelligent and smart grid and trading opportunities, which brings everybody on board, or privatise it—

The Hon. Dr Peter Phelps: Hear, hear!

Dr JOHN KAYE: —and create energy ghettos. The Government Whip might say, "Hear, hear". He might like the concept of energy ghettos. We have seen the reality of energy ghettos before. I lived in the United States in the late 1970s and early 1980s in the Pacific Northwest, and I will have more to say on that later on—

The Hon. Dr Peter Phelps: The time of Jimmy Carter. That explains a lot.

Dr JOHN KAYE: It was not about Jimmy Carter; it was about the construction of nuclear reactors being entered into the rate base. The rate base began to shrink.

The Hon. Duncan Gay: Dr John Kaye must have been at Three Mile Island.

Dr JOHN KAYE: The Leader of the Government is showing his ignorance. Three Mile Island is of course on the east coast; I am talking about the Pacific Northwest.

The PRESIDENT: Order! As I have frequently reminded the Leader of the Government, it is best not to reply to interjections.

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Dr JOHN KAYE: I have grave concerns that these terms of reference do not address the renewable energy interactions, the potential impacts on low-income households or the impacts on employment in the industry. Under the determination of the Australian Energy Regulator some 3,000 jobs in the electricity industry are at risk. I note that the Labor Party welcomed that and the Government opposed it—a strange day in politics. In the terms of reference Reverend the Hon. Fred Nile has proposed there is no discussion about the reserve price. Reverend the Hon. Fred Nile and I sat together while he did an expert job of running the inquiry into the gentrader transaction.

The Hon. Trevor Khan: And many others.

Dr JOHN KAYE: And many others, including the Hon. Greg Pearce and the Hon. Trevor Khan. We formed a formidable team. One thing we exposed was the absence of a meaningful reserve price. We do not know whether the Hon. Gladys Berejiklian will instate a reserve price or not. Finally, we do not know the details of the contract or the capacity of the Government to cut deals. For the convenience of members, I explain that I have moved two sets of amendments. My first amendment concerns the replacement of the Hon. David Clarke with the Hon. Robert Borsak as deputy chair. The other amendments relate to the terms of reference. I commend my amendments to the House. I hope that members understand the significance of what is before us today. This proposal is much more than a nice recycling of assets. It is a game changer for electricity in New South Wales and it poses significant risks that that there will be the formation energy ghettos, a loss of jobs and that we will lose our capacity to determine our energy future in the best interests of the community.

Reverend the Hon. FRED NILE [6.31 p.m.], in reply: I thank members of the House for their contributions. I am sure that under the terms of reference all of their concerns can be adequately dealt with during the inquiry through the questions that they ask when the Treasurer, the Premier and representatives of other organisations appear as witnesses. It will be up to the skill of the committee members as to how they conduct the inquiry. I note the points Dr John Kaye made. I said to him before—and I think it is correct and he has proved it again—that all of his propositions should be dealt with in another inquiry. I am not against those issues being debated but they are not relevant to a leasing of poles and wires. I recommend that he give consideration to that. I urge members to support the motion for this inquiry and vote against the amendments.

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Question—That the amendment of the Hon. Adam Searle be agreed to—put.

The House divided.**Ayes, 13**

Ms Barham	Mr Primrose	Mr Wong
Mr Buckingham	Mr Searle	
Dr Faruqi	Mr Secord	<i>Tellers,</i>
Mrs Houssos	Mr Shoebridge	Mr Donnelly
Dr Kaye	Mr Veitch	Mr Moselmane

Noes, 20

Mr Ajaka	Ms Cusack	Mr Mason-Cox
Mr Amato	Mr Farlow	Mrs Mitchell
Mr Blair	Mr Gay	Reverend Nile
Mr Borsak	Mr Green	Mrs Taylor
Mr Brown	Mr Khan	<i>Tellers,</i>
Mr Clarke	Mr MacDonald	Mr Franklin
Mr Colless	Mr Mallard	Dr Phelps

Pairs

Ms Cotsis	Mrs Maclaren-Jones
Ms Voltz	Mr Pearce

Question resolved in the negative.**Amendment of the Hon. Adam Searle negated.****Question—That the amendment of Dr John Kaye to paragraph (1) (f) be agreed to—put.****The House divided.****Ayes, 13**

Ms Barham	Mr Primrose	Mr Wong
Mr Buckingham	Mr Searle	
Dr Faruqi	Mr Secord	<i>Tellers,</i>
Mrs Houssos	Mr Shoebridge	Mr Donnelly
Dr Kaye	Mr Veitch	Mr Moselmane

Noes, 20

Mr Ajaka	Ms Cusack	Mr Mason-Cox
Mr Amato	Mr Farlow	Mrs Mitchell
Mr Blair	Mr Gay	Reverend Nile
Mr Borsak	Mr Green	Mrs Taylor
Mr Brown	Mr Khan	<i>Tellers,</i>
Mr Clarke	Mr MacDonald	Mr Franklin
Mr Colless	Mr Mallard	Dr Phelps

Pairs

Ms Cotsis	Mrs Maclaren-Jones
Ms Voltz	Mr Pearce

Question resolved in the negative.**Amendment of Dr John Kaye to paragraph (1) (f) negated.**

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Question—That the amendment of Dr John Kaye to paragraph (3) be agreed to—put.

Division called for and Standing Order 114 (4) applied.

The House divided.

Ayes, 15

Ms Barham	Dr Kaye	Mr Wong
Mr Borsak	Mr Primrose	
Mr Brown	Mr Searle	
Mr Buckingham	Mr Secord	<i>Tellers,</i>
Dr Faruqi	Mr Shoebridge	Mr Donnelly
Mrs Houssos	Mr Veitch	Mr Moselmane

Noes, 18

Mr Ajaka	Mr Franklin	Reverend Nile
Mr Amato	Mr Gay	Mrs Taylor
Mr Blair	Mr Green	
Mr Clarke	Mr Khan	
Mr Colless	Mr MacDonald	<i>Tellers,</i>
Ms Cusack	Mr Mason-Cox	Mr Mallard
Mr Farlow	Mrs Mitchell	Dr Phelps

Pairs

Ms Cotsis	Mrs Maclaren-Jones
Ms Voltz	Mr Pearce

Question resolved in the negative.

Amendment of Dr John Kaye to paragraph (3) negatived.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

[The President left the chair at 6.53 p.m. The House resumed at 8.00 p.m.]

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COURTS AND CRIMES LEGISLATION AMENDMENT BILL 2015

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

Motion by the Hon. Duncan Gay agreed to:

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

Second reading set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE

Postponement of business

Government Business Notice of Motion No. 3 postponed on motion by the Hon. Duncan Gay and set down as an order of the day for a later hour.

**INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (VALIDATION) BILL
2015**

Second Reading

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [8.03 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated in *Hansard*.

Leave granted.

We will not tolerate corruption in this State, end of story.

All previous findings of corruption by ICAC should, and will, stand.

While the High Court's recent decision in *ICAC v Cunneen* raises important questions about the ICAC's jurisdiction for the future, it should not provide those who have done the wrong thing in the past with a loophole.

We need a strong ICAC, and we will have one.

This Government is committed to upholding and promoting integrity in public administration.

A strong ICAC plays a vital role in investigating, exposing and preventing corruption involving or affecting public administration.

Broadly speaking, the ICAC has jurisdiction to investigate and report on allegations or complaints of corrupt conduct by public officials, as well as conduct by any person that could adversely affect the exercise of public official functions.

However, the recent High Court decision in *ICAC v Cunneen* [2015] HCA 14 has determined that the ICAC's jurisdiction is narrower than had previously been understood to be the case, in relation to conduct that could adversely affect the exercise of public official functions.

The majority of the High Court found that, for the conduct to be corrupt conduct, it must "adversely affect" the probity of the exercise of public official functions, rather than simply the efficacy of the exercise of public official functions.

The High Court decision will potentially affect a large number of past ICAC investigations and findings of corrupt conduct, going all the way back to 1989 when the ICAC was first established.

This Government has no tolerance for corruption, and where someone has been found to have done the wrong thing, they should not be able to get away with it on the basis of a new loophole.

This bill does not reverse the High Court's decision, but it does validate actions and findings of the ICAC before 15 April 2015 where they were based on the previous understanding of the ICAC's jurisdiction.

The bill also validates actions taken by other persons or bodies, and legal proceedings, where they rely on the validity of the ICAC's past actions.

This will mean, for example, that the past prosecution, conviction and sentencing of a person, where it arose following an ICAC investigation, will still stand.

The bill will also validate the obtaining of evidence and information by the ICAC in the past, and will ensure that the ICAC can continue to refer that evidence or information on to other relevant bodies for appropriate action.

This will mean that the information gathered by the ICAC can still be validly used by other investigatory or regulatory bodies, such as the NSW Police Force, and validly used in subsequent proceedings, whether disciplinary, civil or criminal proceedings.

As I announced yesterday, as well as validating past actions through this bill, the Government has decided to commission an independent panel of experts to review the appropriate scope of the ICAC's jurisdiction.

Members will be aware that, following the High Court's decision, the ICAC requested that the Government introduce legislation to broaden the ICAC's jurisdiction relative to what it had previously understood it to be.

In effect, the ICAC recommended that the High Court's decision be reversed not only to validate past findings, but also prospectively.

While the Government appreciates the concerns that have been raised by the ICAC, it is also important to consider the High Court judgment itself, and the issues that it raises about the possible unintended consequences if the ICAC's jurisdiction were to be as broad as it had previously thought.

Further, the Inspector of the ICAC has also cautioned against moving too quickly to change the ICAC's jurisdiction going forward.

Accordingly, the Government proposes that a rigorous review be undertaken to assess the impact of the High Court's decision to make recommendations as to what, if any, legislative action is needed to ensure that the ICAC has the most appropriate jurisdiction and powers going forward to prevent, investigate and expose serious corrupt conduct and/or systemic corrupt conduct involving, or affecting, public authorities and/or public officials.

The independent panel will be chaired by former High Court Chief Justice, the Honourable Murray Gleeson AC QC, and will include Mr Bruce McClintock SC, who conducted a review of the ICAC Act in 2005.

In light of the High Court's decision in *ICAC v Cunneen*, the panel will be asked to consider and report on:

- the appropriate scope for the ICAC's jurisdiction,
- any legislative measures required to provide the ICAC with the appropriate powers to prevent, investigate and expose serious corrupt conduct and/or systemic corrupt conduct involving, or affecting, public authorities and/or public officials, and
- whether any limits or enhancements should be applied to the exercise of the ICAC's powers.

The panel will be able to consult with relevant stakeholders, and will be specifically requested to consult with the ICAC, the Inspector of the ICAC, the Director of Public Prosecutions, the Solicitor-General, the Crime Commission, the New South Wales Police Force and the Police Integrity Commission.

The panel will consider a report by the Inspector of ICAC that will include consideration of:

- the conduct of past and current investigations of the ICAC,
- whether the ICAC's powers, and its exercise of its powers, are consistent with principles of justice and fairness,
- the extent to which ICAC investigations give rise to prosecution and conviction, and
- whether any limits or enhancements, substantive or procedural, should be applied to the exercise of the ICAC's powers.

The panel will be asked to report to the Government by 10 July 2015 so that further legislation, if needed, can be introduced later this year.

The bill and the review by the independent panel will ensure that we continue to have a strong and effective ICAC.

Importantly, the bill before the House will validate not only actions taken by the ICAC in respect of past completed investigations, but also actions already taken by the ICAC in respect of its current investigations.

Pending the outcome of the review, it will be a matter for the ICAC to determine whether to finalise and report on those parts of its current investigations that fall within its clear jurisdiction as determined by the High Court, or whether to hold off until the independent panel's review is complete and Parliament has had an opportunity to consider whether any change to the ICAC's jurisdiction should be made.

The Government has taken this action today, and has sought urgent passage of the bill, because of our steadfast resolve to eradicate corruption from this State.

I commend the bill to the House.

The Hon. ADAM SEARLE (Leader of the Opposition) [8.03 p.m.]: I lead for the Opposition in debate on the Independent Commission Against Corruption Amendment (Validation) Bill 2015. I say at the outset that New South Wales Labor supports the bill before the House. The bill will validate past actions of the Independent Commission Against Corruption where they would otherwise be affected by the recent High Court decision in *ICAC v Cunneen* and ensures that the Independent Commission Against Corruption can validly refer evidence it has already gathered or received to other relevant agencies, including the NSW Police Force or the Director of Public Prosecutions, if appropriate.

I note that the legislation has come on with great speed, but the Opposition does not make any objection on that basis because we understand the pressure that is being created by the High Court decision. On the back of the High Court decision, a number of applications have been made to the New South Wales Supreme Court by persons affected by prior ICAC inquiries and its findings to have their matters potentially overturned. We accept entirely the need for urgency.

I note that a couple of days ago the Premier discussed with the Opposition the public policy underpinning the legislation and the policy objectives to which it is directed. I note that Opposition members received a copy of the bill yesterday and, although having only a short time, we nevertheless have read and

considered the legislation. Unlike other circumstances, the Government has not merely provided the bill without the Opposition having the time to consider it.

The starting point for the Opposition in this debate, as our leader Luke Foley has pointed out, is that New South Wales needs a powerful anti-corruption body with robust powers. Our fear was that the High Court decision in *ICAC v Cunneen* has the potential to weaken the Independent Commission Against Corruption in its necessary role and this legislation is taking the first step to addressing that danger. The Cunneen decision looked at the definitions of corrupt conduct in section 8 (2) of the legislation and, in particular, whether the commission had the jurisdiction to inquire into the behaviour not only of public officials behaving corruptly, which would go without saying, but also the behaviour of those who are not public officials but whose behaviour might impact upon the conduct of public officials, even if those officials did not act corruptly. In fact, they may not even have been aware of the corrupt intention of those other persons.

In that matter, the commission was successful at first instance before Justice Hoeben, the Chief Judge at Common Law, but the decision was overturned in the New South Wales Court of Appeal with Chief Justice Bathurst being the dissenting voice in a three-to-one decision. The decision of the High Court was upheld, although on slightly different grounds to the majority of the Court of Appeal in a four-to-one decision, with Justice Gageler, the former Commonwealth Solicitor-General, being in the minority. The issue turned on the meaning of the definition of corrupt conduct in section 8 (2) of the Act. The relevant expression was:

... that adversely affects or that could adversely affect ... the exercise of official functions by any public official.

This issue was addressed at paragraph 2 of the majority judgement of the High Court by Chief Justice French and Justice Hayne, Justice Kiefel and Justice Nettle. They stated:

"Adversely affect" is a protean expression. In this context, however, there are only two possibilities.

Either it means adversely affect or could adversely affect the probity of the exercise of an official function by a public official, or it means adversely affect or could adversely affect the efficacy of the exercise of an official function by a public official in the sense that the official could exercise the function in a different manner or make a different decision from that which would otherwise be the case.

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The former meaning accords with the ordinary understanding of corruption in public administration and consequently with the principal objects of the ICAC Act as set out in S 2A. The latter would result in the inclusion in "corrupt conduct" of a broad array of criminal offences and other unlawful conduct having nothing to do with the ordinary understanding of corruption in public administration or the principal objects of the ICAC Act. It would also enable the Independent Commission Against Corruption ("ICAC") to exercise its extraordinary coercive powers (with consequent abrogation of fundamental rights and privileges) in areas ranging well beyond the ordinary understanding of corruption in public administration and the principal objects of the ICAC Act. For these reasons, and the reasons which follow, the former meaning is to be preferred.

It goes without saying that because it is a decision of the High Court it must legally be correct but it certainly did take a very different construction from the understanding of section 8 (2) that had not only previously been understood by the commission but also by others. This bill engages the decision in precisely the terms in which they were addressed by the High Court. It validates various actions of the Independent Commission Against Corruption before 15 April, the date of the High Court decision in the Cunneen matter. It is validated if the corrupt conduct for the purposes of the Act includes relevant conduct as defined—namely, "relevant conduct" is conduct covered by section 8 (2) of the Act if it adversely affects the efficacy but not the probity of the exercise of official functions. As I have said, it does that for actions up until 15 April and validates findings of those ICAC reports that have already been delivered.

It also validates the processes and the actions undertaken in those inquiries that have not been reported such as Credo and Spicer. However, it does not extend to any findings that ICAC may make in either of those two matters, which were the subject of such public attention and notoriety last year. The Independent Commission Against Corruption has two choices: It can either deliver the findings in accordance with the current High Court ruling or it can await the deliberations of the committee that has been established by the New South Wales Government to look at the terms of ICAC's jurisdiction. That committee comprises the former Chief Justice of the High Court and former Chief Justice of the Supreme Court of New South Wales the Hon. Murray Gleeson, QC, and Mr Bruce McClintock, QC, an eminent senior counsel in New South Wales who also conducted a very thorough review of the Independent Commission Against Corruption as recently as 2005. No criticism can be made of the Government's choice of the persons to review the legislation. This bill is the first step to protect the institution of the commission from litigation of the kind that has been foreshadowed by some of those with minor interests—

The Hon. Trevor Khan: And the like.

The Hon. ADAM SEARLE: I acknowledge the interjection of the Hon. Trevor Khan. As well as preserving others who were on the receiving end of prior ICAC recommendations. The second step is the review, which is to report in July, and that legislation, if any, is to proceed when Parliament resumes in August. At this point the Labor Opposition expects that further legislation will be needed to address the situation raised by the High Court decision. I do not say that in any way disrespecting the High Court but to briefly address the minority decision of Justice Gageler.

The Hon. Trevor Khan: Why do you not reserve your decision until the report comes in?

The Hon. ADAM SEARLE: Justice Gageler made the point that under the construction preferred by the majority, conduct by private business interests seeking to collude, for example, in tendering for government contracts which led to an outcome that is contrary to the public interest would no longer be able to be investigated by the Independent Commission Against Corruption. He mentioned in his minority judgment one of the early ICAC reports dealing with the conferring of occupational licences by the then Department of Fair Trading. I note that there is no criticism of the public officials in that case or any suggestion of wrongdoing. The public officials in the department had no knowledge of the wrongdoing.

The Hon. Trevor Khan: They were duped.

The Hon. ADAM SEARLE: They were duped. Private businesses were putting in forged documents and thereby obtaining occupational licences. Although there may have been other remedies at law this was an example of systemic corruption identified by the ICAC from an early time. Those matters are no longer able to be investigated. At some point the Parliament and the Government will have to address that public policy outcome because whatever one thinks about the way in which the ICAC has been conducted in recent times there is no way of avoiding the fact—

The Hon. Trevor Khan: The institution and the manner in which it has been run are two different things.

The Hon. ADAM SEARLE: I acknowledge the interjection of the Hon. Trevor Khan. One matter is the institution itself, its powers, its jurisdiction and the important role it plays. The second matter is the way in which it is being conducted. The jurisdiction of the Independent Commission Against Corruption has been significantly narrowed. We will await the deliberations of that committee but we reserve our right to prosecute our case at an appropriate juncture because as a Parliament we need to ensure that this important institution has the robust powers it needs to address, identify and root out systemic corruption.

There has been a lot of campaigning through the media about this matter, including at least one of the architects of the Independent Commission Against Corruption, Mr Sturgess. It is strange that some of the case he has been prosecuting is not only in favour of the High Court construction but also proposes that the wider construction that the Independent Commission Against Corruption sought to have found was never the intention of its architects or of the Parliament. But if one refers to the second reading speeches from when the ICAC was established and looks at its work from a very early stage, whatever the rights and wrongs of ICAC's understanding it was apparent from the very early days. It has been very interesting to observe the interests of some of the media outlets campaigning against the institution. It has certainly been an issue—and this has been the subject of discussions in the legal fraternity and amongst members of all parties—that there seems to have been a reaction not only to the investigations conducted by ICAC but the way in which the commission has gone about its investigations and the way in which the public hearings have been conducted, in particular by counsel assisting.

The Hon. Duncan Gay: And some surprising leaks.

The Hon. ADAM SEARLE: I acknowledge that interjection because certain media outlets seem to have been extraordinarily well informed about the course of investigations of that body at different points in time. That has given rise to unease about the impartiality of the institution itself, which has done it no favours and which has served in some quarters to undermine the confidence that some parts of society have in the institution. Those matters also need to be addressed. Another indicator of the Independent Commission Against Corruption's original understanding of jurisdiction emerges from the McClintock review in 2005.

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In part of his report he said:

Section 8 (2) corrupt conduct can be distinguished from section 8 (1) conduct as it requires no wrongdoing on behalf of the public official. The conduct is corrupt because of its potential to adversely affect official functions, not because of any wrongdoing by the official. An example of section 8 (2) corruption might be fraudulent action by person A that caused a public official to unknowingly hand over money to which person A was not entitled. This amounts to corruption because it undermines the integrity of public administration by the wrongful payment of public monies.

I quote that part of the report to indicate that not only was it obviously the view of Mr McClintock when he did his review in 2005 but also when that review was provided to the Parliament no quarter of the Parliament, either at that time or subsequently, reared up and said, "No, that is a complete misunderstanding of what the Independent Commission Against Corruption [ICAC] was supposed to be doing," or sought to address any erroneous understanding by further legislation.

So it is quite clear that ICAC's understanding of the width of its jurisdiction was not only held by ICAC but was a general and common understanding. In light of the High Court ruling, perhaps it was a misunderstanding. Nevertheless it was not only the basis upon which people proceeded but also the basis upon which this Parliament proceeded when it received Mr McClintock's review. Of course, as I indicated, the High Court has ruled that that understanding is not correct; and there are public policy considerations that fall out of that.

This bill is a good first step in dealing with the consequences of the High Court decision. The Labor Party is happy to support it. We look forward to taking future steps to ensure that we have a robust and effective corruption fighting body in this State. In particular we look forward to the report in June of the panel of Mr Murray Gleeson and Mr Bruce McClintock. We understand that the Inspector of the Independent Commission Against Corruption, the Hon. David Levine, is also conducting, pursuant to his powers as inspector, a review of aspects of the operation of the commission. I also look forward to his report being published and to reading what he has to say.

In short, I think this bill represents but the beginning of the journey. Obviously the potential avalanche of legal fallout from the High Court decision will be stopped by this legislation. The important thing is that the Parliament gets the report of the former Chief Justice and Mr McClintock, reflects on it and then takes the steps necessary to ensure the institution has the sufficient jurisdiction and powers it needs to operate effectively—and also ensures, given the extraordinary coercive powers and the extraordinary trust reposed in the institution, that those who operate the institution discharge their duties fairly and according to law.

Dr JOHN KAYE [8.22 p.m.]: On behalf of The Greens I speak on the Independent Commission Against Corruption Amendment (Validation) Bill 2015. The Greens will not be opposing this legislation. Like I think all members of Parliament, we see this as an essential step to protect the Independent Commission Against Corruption [ICAC] from a flood of litigation, which would not only be expensive but could threaten a number of important findings of ICAC—a number of prosecutions, a number of convictions and a number of sentencings that have arisen from evidence given before ICAC.

Without this legislation a large amount of ICAC's work—where it involved a person who is not a public official who had in some sense corrupted a person who was a public official—would be open to challenge. This legislation does not take us forward to future investigations. We understand that the Premier has created a special commission of the former Chief Justice Mr Murray Gleeson and Mr Bruce McClintock, SC, to look at ways of resolving the problem created by the case of *Independent Commission Against Corruption v Margaret Cunneen and ors* [2015] HCA 14, which was conducted in the High Court of Australia. With respect to the nature of the problem, and I am sure there are others who can express this better than I, having read the judgement and a number of commentaries on the judgement my understanding is that the problem stems from the interpretation of section 8 (2) of the ICAC Act. This relates to where an individual who is not a public official adversely affects the exercise of an official function by somebody or somebodies who is or are public officials.

My reading of the Act has always been that for the behaviour to be corrupt it does not require the public official to have behaved in an adverse fashion. They may not have exercised their functions effectively—that is to say, they may have exercised their functions on the basis of information that was given to them for the purpose of causing them to behave in a particular fashion. They may have been misled. But in a situation where they behaved with 100 per cent probity I, and I think everybody at ICAC, had commonly understood that

a section 8 (2) matter would arise in that situation. On appeal the High Court of Australia found that was not the case and that in fact it was necessary for the public official to have behaved corruptly for a section 8 (2) matter to have occurred.

The Hon. Trevor Khan: And the Court of Appeal found that as well.

Dr JOHN KAYE: I thank the member opposite for that correction. I understand that the original judge did not, but the Court of Appeal in a two to one judgement found that, and then the High Court upheld that decision on an ICAC appeal to the High Court of Australia in a six to one decision. The point being that where we are at now is that the uncommon interpretation, as I will call it—that is, the High Court's interpretation, and I mean no disrespect to the High Court; I suspect they know a lot more about the law than I ever will—which runs counter to the common interpretation, is now that which stands.

The consequences go well beyond the case of Margaret Cunneen, her son and her son's girlfriend, and information they may or may not have provided to the New South Wales police and what the New South Wales police may or may not have done with that information. I think that is a matter of public interest,; but that is not what this legislation is about. The matter goes to a large number of investigations that are section 8 (2) matters.

Michaela Whitbourn from the *Sydney Morning Herald* identified a number of such cases. I think she is right when she identifies these, in particular Operation Jasper from 2013. Here Travers Duncan and his associates John McGuigan, John Atkinson and Richard Poole were found to have acted corruptly by concealing the Obeid family's involvement in coal tenements. The public official did not behave in an adverse fashion, but behaved in a fashion that was ineffective with respect to his functions because he was misled by McGuigan, Atkinson, Duncan and Poole. That finding would have to be set aside.

Similarly, in Operation Acacia in 2013 former union secretary John Maitland and his associates Craig Ransley, Andrew Poole and Mike Chetser were found to have made or to have agreed to Maitland making false and misleading statements to officials. Those officials were not found to have behaved in any adverse fashion themselves, but they behaved on false and misleading statements made to them either by Maitland or by Maitland and his associates.

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That finding, any prosecutions that arise from it and any evidence associated with it would now be at risk from a court challenge.

The Hon. Trevor Khan: That would be a grievous outcome.

Dr JOHN KAYE: I agree with the Hon. Trevor Khan. I sat with the Hon. Trevor Khan and others throughout those terrible years of 2007 to 2011 and watched the behaviour of certain people in this Chamber. We saw what was happening with mining tenements in New South Wales. To allow the work of operations Jasper and Acacia to be challenged in any way on a legal technicality would be a travesty that would not be without a moral and financial cost to this State. It would reduce the capacity of this State to behave as an economic entity in which people believe that decisions are being made rationally and with a sense of probity.

Michaela Whitbourn identified other operations going back to Operation Charity, which dealt with the Royal Hospital for Women and Royal North Shore Hospital; Operation Carina, which dealt with the Land and Property Management Authority database; and Operation Segomo in which a barrister and solicitor knowingly misled the courts to assist clients and agreed to submit deliberately inflated claims for legal costs, and so on. Those matters are now at risk. The legislation before us seeks to resolve that. The legislation authorises all matters where section 8 (2) would be at risk because of the High Court's finding in the *Independent Commission Against Corruption v Margaret Cunneen and ors* matter. It validates all ICAC findings, prosecutions, convictions and sentencing that would otherwise be at risk from the High Court's findings. It also authorises the collection of evidence during those matters and the continued referral of evidence and information gained in those inquiries to other law enforcement and legal bodies.

The legislation, however, is entirely retrospective. It stops at the time of the Cunneen finding in April 2015. It does not leave ICAC with any powers to go forward under the old, common or non-High Court interpretation of section 8 (2). I understand that Justice Gleeson and Mr McClintock will look into that matter during their special inquiry. Concerns have been raised about the terms of reference of those inquiries, to which I will return in a minute. The first issue I have relates to the retrospective nature of this legislation. There are

some concerns about retrospectivity and I am persuaded by the argument that it is simply morally wrong to make a matter illegal retrospectively when a party previously thought the behaviour was legal. It destroys the rule of law. One ought to be able to rely on the law to say, "I am within the law. I can do this."

The Hon. Trevor Khan: But that's not what is happening here.

Dr JOHN KAYE: I appreciate that helpful interjection. "That is not what is happening here" was to be my next sentence. The Hon. Trevor Khan is prolonging my speech, but that is okay. This is validating what was the interpretation of the legislation by ICAC and everybody else at the time. That is to say, nobody ought to be surprised by the retrospectivity of this legislation. In that sense it is a special case. My colleague Mr David Shoebridge will address this matter, but this a genuine case in which we are validating matters that were conducted under an almost universally held understanding of the meaning of section 8 (2). To that extent I do not believe this is—as the Hon. Trevor Khan so helpfully guided me to say—what is happening here. This is not a case in which somebody had a valid reason for thinking something was legal, but then finds out subsequently it was illegal because of a change in the law. This is a validation of legitimate findings.

I also have some concerns about two further matters. The first relates to what will happen in the period between now and the findings of the special commission of inquiry being delivered. The ICAC is hamstrung: It cannot pursue matters where an individual causes corrupt behaviour without corrupting a public official. For the time being we are living in a world where there is no such protective power from ICAC. That is a matter of concern. I appreciate that we are playing with fire here. I understand that the powers of ICAC are strong, and that they step outside the normal judicial and investigative powers. I appreciate the need for caution in changing the definitions and the scope of the commission's powers; however, I must raise that concern.

My second concern relates to the breadth of the terms of reference given to the independent panel. They are extremely broad. The Greens believe it is appropriate to look at those matters, but we also believe that broad-ranging inquiries always create the possibility that the power of ICAC will be weakened. In this case it may be a very small possibility because of the people involved and the political will to at least not be seen to be weakening ICAC. However, there is always a risk that an outcome from the inquiry will put pressure on ICAC and weaken its power.

I will finish this speech where I began. Corruption is not a victimless crime. Each and every household and the environment, economy and moral standing of New South Wales is damaged by every single action of corruption. It is why my colleagues, as far back as the now Senator Lee Rhiannon, have been so diligent about trying to eradicate corruption in this State. It is critical that nothing stand between ICAC and its capacity to stamp out corruption. The Greens do not oppose this legislation; however, we raise concerns about the duration of the period in which ICAC will have no section 8 (2) powers. We also raise concerns and seek a commitment that nothing will be done to limit the scope or powers of ICAC in a manner that would in any way allow corruption to flourish in this State.

Reverend the Hon. FRED NILE [8.37 p.m.]: On behalf of the Christian Democratic Party I am pleased to support the Independent Commission Against Corruption Amendment (Validation) Bill 2015. The object of the bill is to amend the Independent Commission Against Corruption Act 1988 to validate certain previous actions of the Independent Commission Against Corruption [ICAC] following the decision of the High Court in *Independent Commission Against Corruption v Margaret Cunneen and ors* [2015] HCA 14.

As members know, on 15 April 2015 the High Court decided in that case that the jurisdiction of ICAC in relation to corrupt conduct did not extend to specified criminal conduct of private persons or public officials such as perverting the course of justice, fraud and election funding offences that adversely affected the exercise of official functions by public officials unless there was some lack of probity in the exercise of official functions by public officials—that is, some lack of honesty or impartiality on the part of public officials in the exercise of their official functions. It was not sufficient that the criminal conduct merely adversely affected the efficacy of the exercise of official functions—that is, it merely prevented public officials from properly exercising their official functions.

The bill does not reverse the High Court decision, but validates action taken by ICAC before 15 April 2015 on the previous understanding that corrupt conduct extended to relevant criminal conduct that adversely affected in any way the exercise of official functions. Accordingly, it validates action taken by others in reliance on the action taken by ICAC.

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The bill does not authorise the continuation of investigations or inquiries by ICAC that have been held by the High Court to involve ICAC exceeding its jurisdiction, but enables ICAC to refer any such matters to other investigative or prosecuting authorities and to provide them with any evidence or information obtained by ICAC before 15 April 2015. That is a very important point. The bill will allow ICAC to refer any such matter to other investigative or prosecuting authorities, such as the Director of Public Prosecutions, which is the procedure that is being followed by ICAC. ICAC merely collects information and evidence and determines whether there has been corrupt conduct. If so, it then refers the matter to the Director of Public Prosecutions, which must investigate thoroughly to ascertain whether there is sufficient evidence to support a prosecution.

As a member of the parliamentary committee with oversight of ICAC, a number of times I raised with the Director of Public Prosecutions why, in my view, there have not been many investigations and prosecutions after ICAC seems to have done so much work. We received a summary at one of our committee meetings that listed many of the persons who had been referred by ICAC to the Director of Public Prosecutions. The Director of Public Prosecutions simply had written beside each person's name "not sufficient evidence to prosecute". Therein lies the challenge. Many people think that ICAC has collected sufficient evidence for a prosecution but often it is evidence cannot be used in a prosecution in a court. That is a dilemma arising from the manner in which Parliament set up ICAC and its role. ICAC is not prosecuting body. It does not take someone to court to obtain a conviction and sentence of a year or two in prison. ICAC cannot do that. That is in the hands of the Director of Public Prosecutions.

I share the widespread public concern over the whole issue of ICAC pursuing Senior Crown Prosecutor Cunneen in what I regard as almost a vendetta, which had no basis in fact. I am hoping that the Inspector who will conduct an inquiry into that matter, Justice Levine, will establish what happened in ICAC to cause it to go off the rails for what I believe is the first time. ICAC has been very thorough and very careful in all the cases it has conducted. Why did ICAC decide to make this particular matter an issue and conduct its inquiry in such a vindictive manner? The Christian Democratic Party hopes that no personal grudges held against Ms Cunneen are involved. I know she has upset some of the legal profession because of her thoroughness and her excellent work. I hope that the investigation was not payback by using ICAC against her. I look forward to the results of the investigation that will be conducted by Justice Levine, who is the ICAC Inspector. We certainly want ICAC to continue, which is what this bill will do.

The bill will validate the corruption findings by ICAC concerning Liberal members involved in the donations scandal and in the Australian Water Holdings issue which is a very serious matter. Those investigations should not be invalidated but rather should be upheld, and the bill will do that. The Christian Democratic Party is pleased to support the legislation and supports also the panel that will comprise former Chief Justice Murray Gleeson, QC, who has a very commendable reputation, and Bruce McClintock. They will work with the ICAC Inspector, Justice Levine. In due course—probably by July—the panel will make recommendations whether further amendments to the Independent Commission Against Corruption Act 1988 are required. We must be certain to ensure that no changes to ICAC will undermine its role. We want to strengthen its role, not undermine its role.

The Commissioner of the Independent Commission Against Corruption has been the subject of much criticism—justifiably, I believe—as a result of comments she made to a young lawyers meeting. The boasting by the commissioner was recorded. The recording has been played on 2GB and other radio stations, so it is not hearsay. Those remarks should never have been made by a commissioner or made in public. That they were is regrettable: I think it has damaged ICAC as an institution and probably undermined the commissioner's own role. Nevertheless, the Christian Democratic Party looks forward to the inquiry in due course assisting ICAC to be more effective and stronger, not weaker. The Christian Democratic Party supports the bill.

The Hon. ROBERT BROWN [8.45 p.m.]: My comments on the Independent Commission Against Corruption Amendment (Validation) Bill 2015 will be extremely brief. The Shooters and Fishers Party does not support legislation of which a substantial component is reliant upon retrospectivity. The Shooters and Fishers Party has consistently adopted that position since the day that the Hon. John Tingle was elected in 1995. However, in this case we understand that there is huge public concern to ensure that we do not get into an unholy mess by providing second chances in the courts. The Shooters and Fishers Party will not call for a division on the bill, but I state for the record that the Shooters and Fishers Party does not approve of bills that rely on retrospectivity. The second point I make is that we absolutely support the Government in its proposal to have Mr Gleeson and Mr McClintock take a close look at this matter. The Shooters and Fishers Party hopes that the panel's recommendations will put a curb bit on what I would describe as cowboy practices.

Mr DAVID SHOEBRIDGE [8.47 p.m.]: At the outset of my contribution to debate on the Independent Commission Against Corruption Amendment (Validation) Bill 2015, I commend the words of my colleagues the member for Balmain, Mr Jamie Parker, in the other place and Dr John Kaye in this House. I acknowledge that The Greens also have concerns about retrospective legislation, which is an issue that has been raised by the Hon. Robert Brown. On any occasion when the Parliament proposes by legislation to effectively recast the law retrospectively and take away someone's rights or privilege one party over another party, as a Chamber we should be enormously careful before proceeding down that path. The traditional use of retrospective legislation by government after government in New South Wales normally has been to take away people's rights—for example, workers' rights to workers compensation, workers' common law rights and motorists' rights to seek reasonable damages under common law. Retrospective legislation is usually applied in this Parliament and in other Parliaments in Australia to remove the rights of vulnerable people and to privilege the rights of the powerful.

However, when we consider the retrospective legislation in this bill, it does not have that cast to it; indeed, it is quite the opposite. The retrospectivity of this legislation will validate or protect from challenge the actions, conduct, findings, investigations and ultimately the reports of the Independent Commission Against Corruption when the commission has investigated matters that the overwhelming majority of people in New South Wales would think have been rightly and properly investigated by ICAC. ICAC has been an essential part of the machinery of government in New South Wales where the powerful, the well-connected and the cashed-up actually have been held to account.

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Too often they are held to account only in the court of public opinion in hearings before ICAC and it has not ultimately amounted to appropriate criminal sanctions and long periods with three meals per day provided by Her Majesty. Nevertheless, ICAC is an important instrument that has the capacity and a track record of holding the influential, the well-connected and the powerful to account.

For those reasons—the nature of the powers and the conduct that the retrospective legislation is seeking to validate—The Greens will support retrospective legislation in this case. No doubt there will be ongoing public discussion about what the role and scope of ICAC should be. Some people suggest that we need an entirely new corruption body that picks up not only the role of ICAC but also the role of the Police Integrity Commission, adopting models in other jurisdictions such as Queensland, Victoria and Western Australia. Adopting the Victorian model would be an enormous mistake because of the extremely limited gateway of its anti-corruption body before it can investigate corruption. Effectively, in Victoria the commission needs to be convinced that there is criminal conduct that amounts to corruption before it can even use its investigative powers. It cannot operate on a suspicion basis or a concerns basis; effectively, it needs to be persuaded of the existence of criminal corruption before it can act.

If we replicated that model in New South Wales we may as well throw out ICAC. However, the experiences in Western Australia and Queensland—a broader corruption body that does not have the same obvious defect in its investigative powers as the Victorian model—will no doubt be talked about and discussed by academics, politicians and lawyers. Indeed, I hope it will be the subject of deep public debate in the coming weeks and months as New South Wales grapples with how to ensure that we have the most effective, most transparent and independent ICAC in New South Wales. When reading the decisions at first instance in the Supreme Court, the Court of Appeal and then the High Court, there is a clear difference of opinion between eminently qualified judges about what sections 7, 8 and 9 of the Independent Commission Against Corruption Act, read together, ultimately say is or is not corrupt conduct.

As several judges pointed out, the language in the bill is not helpful. It is confused and inter-related. Indeed, the language is in many ways a lawyer's picnic. And it has been picked apart by advocates and judges. Two judges in the New South Wales Supreme Court had one view, both at first instance and in the Court of Appeal. Two judges had a contrary view. In the High Court we had a similar division: Four judges had one view and one judge had a contrary view. Regardless of the merits of their views of statutory interpretation—I do not in any way pretend that I have anything like the skills of statutory interpretation as those august judges. That is their training, and they are extraordinary in it. I accept the majority decision by the High Court, as I think we are bound to. But on reading the decisions of the minority, the Chief Justice of the New South Wales Supreme Court and the decision of Justice Gageler, who formed the minority opinion in the High Court, I can fully understand for a public policy reason why they came to the view that what ICAC was doing fell within the definition of "corrupt conduct" as set out in the Independent Commission Against Corruption Act.

What the Parliament has done, with its previous drafting of the Independent Commission Against Corruption Act, is create the very problem that has now worked its way through the various levels of our court system. It had created a difference of opinion. A majority said that what happened in the Cunneen case fell outside the scope of ICAC's powers. I hope that the end product of the referral to Justice Gleason and Justice McClinton, who will be looking at the review, will be to form the conclusion that the minority opinion's view of what is corrupt conduct under the Independent Commission Against Corruption Act would be the best public policy outcome for New South Wales. That would involve at its centre determining that corrupt conduct includes conduct of the kind that is being validated with this retrospective legislation. Section 34 in schedule 1 states:

In this Part:

relevant conduct means conduct that would be corrupt conduct for the purposes of this Act if the reference in section 8 (2) to conduct that adversely affects, or could adversely affect, the exercise of official functions included conduct that adversely affects, or could adversely affect, the efficacy (but not the probity) of the exercise of official functions.

That is the nub of the debate that has worked its way through the Supreme Court, the Court of Appeal and the High Court. Justice Gageler in the minority in the High Court pointed out two examples that demonstrate where the broader definition of "conduct" allows the Independent Commission Against Corruption to investigate conduct that I think everybody in New South Wales would think should be investigated and to look at actions that I think almost everybody—those being investigated were probably not of this view—in New South Wales would consider to be corrupt and which should be the subject of investigation by ICAC. At paragraphs 103 to 105 His Honour said:

103. Two examples will suffice to illustrate the outworking of that understanding. One was a report, presented to the Houses of Parliament and published in November 2003, entitled "Report on investigation into certain applications made to the Department of Fair Trading for building and trade licences". ICAC found in that report that a named individual had engaged in corrupt conduct within the description of s 8(2) by fraudulently providing forged documents and false information concerning trade qualifications in applications for trade licences which he submitted to the Department of Fair Trading on behalf of other persons whom he charged high fees. ICAC recommended that the Department consider a number of changes to its policies and procedures for the purpose of detecting and preventing fraud of that nature.
104. The other was a report, presented and published in December 2003, entitled "Report on investigation into Mr Glen Oakley's use of false academic qualifications". ICAC found in that report that, over a period of 15 years, a named individual had created and used false academic qualifications for the purpose of applying for employment, which he was successful in obtaining with a number of public authorities in New South Wales. That conduct was explained by ICAC to fall within s 8(2) because it was "conduct that involve[d] fraud and forgery and could adversely affect the exercise of official functions by a public official in considering Mr Oakley's applications for the positions for which he applied, evaluating his candidacy for the positions, and, where his applications were successful, causing him to be appointed to the relevant position. ICAC explained its reasons for conducting the investigation to include ensuring integrity in public sector recruitment processes, emphasising that "[t]he public have a right to expect not only that those appointed to public sector positions are appropriately qualified but that they are honest". ICAC went on in the report to recommend a number of specific changes to the recruitment policies of public sector agencies.
105. In both examples, ICAC investigated and reported on conduct which had the potential to impair the efficacy of an exercise of an official function by a public official. Neither would have been within ICAC's power had s 8(2) been interpreted as confining corrupt conduct to conduct having the potential to impair the probity of an exercise of an official function by a public official.

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They are two clear examples that show the narrow definition that has been adopted by the High Court, if it is left unchanged, will remove the capacity of ICAC to do its job in addressing corruption in New South Wales. If ICAC cannot investigate those people who engage in fraud and bribery in order to obtain a grossly dishonest outcome from public authorities but which does not go the further step of corrupting the public authority, then we will have crippled ICAC in New South Wales; it will be limited inappropriately in its actions.

Much of the concern in the public debate has been about whether ICAC should have engaged in the investigation of Margaret Cunneen and whether the conduct was such that it caused concern that the investigation commenced by ICAC was not a proper exercise of the discretion of the commission in the first place. It is fair to have a public discussion about that matter but there needs to be discretion in the commission. At section 20 the commission is expressly precluded from undertaking an investigation that is of a trivial nature, or of a nature that is not of a systemic or a substantial concern. There is a clear statutory discretion in the commission not to undertake an investigation of such a nature when it would occupy the time and resources of ICAC, which has clearly been spread thin while trying to deal with the manifest corruption in New South Wales.

Whether that discretion was exercised appropriately is a completely different argument from whether ICAC should have the power to investigate the corruption of public processes and the corruption of public officials, which does not involve the public official being engaged in criminal wrongdoing. They are totally different conversations. Indeed, whether it is the ICAC, the Police Integrity Commission or the Ombudsman, concern is expressed across the political spectrum at different times and to different degrees that we have an array of statutory investigative bodies that are essential and carry out important work. But how do we hold them to account in a democratic system where the people do not trust the politicians and where it is often the politicians who are the focus of these investigative bodies?

It would be simple if they were not investigating politicians or the corrupt conduct of elected officials. The statutory bodies would be subject to oversight by the Parliament and the Parliament could sort it out. If it overstepped the mark then it could be reeled in by the elected officials. At the moment ICAC has a number of elected officials and former elected officials in its sights. Simply saying to the people of New South Wales that Parliament will be empowered to have more direct oversight of ICAC does not resolve the problem; it brings a fresh set of problems to the table. We must look at models that provide public comfort and public assurance that there is oversight of these statutory bodies.

Perhaps one way that might be done is by allowing a closer oversight of these statutory bodies by the elected officials after a statutory cooling-off period, so that four years after an inquiry, when all the representations have been considered fully, any corruption charges or criminal charges will have been washed through the system. At that point it is the job of elected officials to engage in far closer scrutiny, to go behind the reasons and the decision-making that led to A being investigated and B not being investigated, and the use of resources. That is the kind of model we should be looking at. I hope that there will be an active public discussion about these matters, about the scope of conduct that is appropriate for ICAC and its oversight measures. Nobody can pretend that the current inspector role works—it does not. Having a part-time inspector with no resources whose recommendations can be ignored is absolutely useless. With all due respect to his Honour Justice Levine—

The Hon. Trevor Khan: You pronounced it right this time.

Mr DAVID SHOEBRIDGE: Yes, Levine as in latrine. Because of the essential limitations in his office, he has failed to provide any comfort that there is adequate oversight of ICAC. In a similar way, we have seen the Parliament fail to properly oversight the role of the Ombudsman. A part-time inspector with no resources and no statutory powers other than to ask for documents, and who is then politely ignored by the commissioner when he or she comes up with recommendations, is not a solution. We see that with the Police Integrity Commission and the ICAC. It is a failed model.

These are difficult matters. The bill only touches the surface of what we need to do to address the problem of corruption and corruption oversight. We could start by having decent laws in this State and adopting a set of bribery laws similar to those in the United Kingdom. Rather than the archaic medieval laws on corruption that we have New South Wales, it would mean that prosecutors could put people in jail for a proper period if they engage in corruption. Most of the laws on corruption rely on common law offences, which have holes so large that defendants could drive trucks through them to avoid conviction. Strangely enough, neither major party in New South Wales has been keen to put modern corruption laws on the record. They are happy with the medieval interpretations that we have. This bill goes a small way to addressing the concerns. Retrospectivity is concerning, but important. For the reasons that my colleagues Dr John Kaye and Mr Jamie Parker have outlined, we support the bill.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) [9.06 p.m.], in reply: I thank members for their contributions to the debate and the spirit in which they made them. The bill will validate—and I think the key word is "validate"—the past actions of the ICAC where they have been affected by the High Court decision in *ICAC v Cunneen*. The bill will ensure that the important information gathered by the ICAC can still be passed on to other appropriate bodies and used for investigation or prosecution or any other relevant actions. The Government, as the Premier indicated, will not tolerate corruption in New South Wales. The bill will ensure that those who have been found to have done the wrong thing will not be able to rely on a new loophole to escape that finding. I thank the Hon. Adam Searle, Dr John Kaye, Reverend the Hon. Fred Nile and Mr David Shoebridge—

Mr David Shoebridge: You almost choked on the last name.

The Hon. DUNCAN GAY: That is your interpretation. I was feeling much more benign and benevolent towards you than I have for a long time.

Dr John Kaye: Getting old are you?

The Hon. DUNCAN GAY: I am. The concerns were genuine. I have to say that under a strict interpretation of relevance to the bill, most of the comments went way beyond the scope of the bill. They referred to other matters, such as the inquiry et cetera. But it would have been churlish of me to raise that point. In many regards, most members considered their remarks were relevant and appropriate, given that what is happening is a two-part process. The concerns raised during the second reading debate tonight are appropriate, and I will address some of them. Dr John Kaye is concerned that ICAC will be hamstrung. It is not hamstrung. It still has the power to investigate public officials and refer on evidence that it has obtained in its investigations to date. The inquiry terms that were put in place are appropriate.

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We look forward to receiving the review from Mr Murray Gleeson, AC, QC, and Mr Bruce McClintock, QC, that will help ensure a strong Independent Commission Against Corruption to rid New South Wales of corruption. Those opposite asked for a commitment but the Premier has already given a very strong one, which I totally support. In response to concerns raised by Reverend the Hon. Fred Nile, the Inspector of the Independent Commission Against Corruption will provide a report, including consideration of the conduct of past and current ICAC investigations, whether ICAC's executive and other powers are consistent with the principles of justice and fairness, and the extent to which ICAC investigations give rise to prosecution and conviction. Mr David Shoebridge raised concerns about his perception of the lack of resources for the inspector-general. Certainly part of this ongoing inquiry will be extra resources for the inspector-general to make sure that he is able to fulfil his role in a proper manner. The Government is pleased with the support of members for the proposals in this bill. I commend the bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. Duncan Gay agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

DEPUTY-PRESIDENT (The Hon. Paul Green): I inform the House that His Excellency the Governor has issued a Commission under the Public Seal of the State authorising the Hon. Donald Thomas Harwin, MLC, President of the Legislative Council, to administer to all or any members of the Legislative Council the pledge of loyalty.

The Clerk of the Parliaments read the Commission.

COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

DEPUTY-PRESIDENT (The Hon. Paul Green): I inform the House that His Excellency the Governor has issued a Commission under the Public Seal of the State authorising the Hon. Trevor John Khan, MLC, Deputy-President and Chair of Committees of the Legislative Council, to administer to all or any members of the Legislative Council the pledge of loyalty.

The Clerk of the Parliaments read the Commission.

COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

DEPUTY-PRESIDENT (The Hon. Paul Green): I inform the House that His Excellency the Governor has issued a Commission under the Public Seal of the State authorising Reverend the Hon. Frederick John Nile, MLC, Assistant-President of the Legislative Council, to administer to all or any members of the Legislative Council the pledge of loyalty.

The Clerk of the Parliaments read the Commission.

SPECIAL ADJOURNMENT

Motion by the Hon. Duncan Gay agreed to:

That this House at its rising today do adjourn to Tuesday 12 May 2015 at 2.30 p.m.

ADJOURNMENT

Motion by the Hon. Duncan Gay agreed to:

That this House do now adjourn.

ANZAC DAY 2015

The Hon. TREVOR KHAN [9.17 p.m.]: I will speak briefly of the support and friendship shown by the Turkish Government and people to the people of Australia on Anzac Day 2015. I, along with so many people watched the services held at Anzac Cove and Lone Pine on the 25 April. The level of cooperation and support shown by the Turkish Government to the many Australian visitors who attended the peninsula that day was inspiring and heart warming. It is clear that when we talk of the Gallipoli campaign the people of modern Turkey recognise the actions that took place at Gallipoli as an invasion of their lands by armed forces, including from Australia and New Zealand. To defend their homeland they, like us, poured the blood of their sons onto those rocky slopes. It cannot be forgotten that the campaign cost the lives of so many on both sides.

The figures reported are as follows: the United Kingdom 34,072 dead, 78,520 wounded, 7,654 prisoners or missing, a total of 120,246 casualties; France, 9,798 dead, 17,371 wounded, a total of 27,165 casualties; Australia, 8,709 dead, 19,441 wounded, a total of 28,150 casualties; New Zealand, 2,721 dead, 4,752 wounded, a total of 7,473 casualties; British India—as it was called—1,358 dead, 3,421 wounded, a total of 4,779 casualties; and Newfoundland, then a separate nation to Canada, 49 dead, 93 wounded, a total of 142 casualties.

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That is a total Allied loss of 56,707 dead, 123,598 wounded, 7,654 missing or prisoners, a total of 187,959 casualties. For the Ottoman Empire, 56,643 young men dead, 107,007 wounded, and 11,178 missing or prisoners, a total of 174,828 casualties.

In short, the losses to both sides were enormous, and there can be little doubt that the grief and loss felt by so many families in Australia was equally matched on the Turkish side. It also must be recognised that the impact of the campaign on the Ottoman Empire was enormous. Realistically, the demands of the campaign were a significant element to the collapse of the old empire and the truly tragic events that accompanied that collapse. I return to the impact of this campaign upon the people of all those who engaged in the fight. I quote a Turkish folk song called the Ballad of Canakkale:

In Canakkale stands the Mirror Bazaar.
Mother I set forth against the enemy, oh, my youth, alas!

In Canakkale there is a cypress tree.
Some of us are engaged, some of us married, oh, my youth, alas!

In Canakkale there is a broken jug.
Mothers and fathers abandoned hope, oh, my youth, alas!

Canakkale's heights are shrouded with smoke.
The thirteenth division marched to war, oh, my youth, alas!

In Canakkale the cannonballs landed.
Ah, our comrades fell wounded together, oh, my youth, alas!

Canakkale's bridge is narrow, impassable.
Its waters have become red blood, not a cup can be drunk, oh, my youth, alas.

From Canakkale I barely escaped.
My lungs rotted from vomiting blood, oh, my youth, alas!

From Canakkale I escaped, my head is safe
Doomsday came before I reached Anafarta, oh my youth, alas

In Canakkale they shot me.
They buried me before I died, oh, my youth, alas!

In Canakkale are rows of willows.
Brave lions rest beneath them, oh, my youth, alas.

AGEING POPULATION

The Hon. SOPHIE COTSIS [9.24 p.m.]: This is the first sitting week of the Fifty-sixth Parliament of New South Wales. Over the next four year this Parliament will grapple with many issues and a critical issue the Parliament will need to grapple with is Australia's ageing population. In 2013, the Productivity Commission reported that by 2060 the portion of the population aged 75 years and older will grow from 6.4 percent in 2012 to 14.4 percent in 2060. That is an increase equivalent to four million people.

Our ageing population is a success story, reflecting longer lifespans as a result of improvements in people's quality of life and medical science. Yet our ageing population poses critical challenges for public policy in New South Wales. For example, our ageing population places greater pressures on our State's finances through increased demand for health services. Our ageing population also will place challenges on our housing and planning systems in order to create communities that cater for the needs of older Australians.

One of the most critical challenges arising from our ageing population is addressing discrimination against older Australians in the workplace. Last month, the Federal Commissioner for Age and Disability Discrimination, the Hon. Susan Ryan, AO, released a report on the prevalence of age discrimination in the workplace. The report found that one in four Australians aged 50 years and older had experienced discrimination on the basis of their age in the workplace and that many older Australians were discouraged from participating in the workplace because of their experience of age discrimination. The report found:

Some Australians aged 50 years and older are discouraged from entering the workforce due to the anticipation of discrimination.

Just over a half (53%) of Australians aged 50 years and older worked for a wage or salary, were self-employed or looked for paid work in the last two years. Of those who did not participate in the workforce in the last two years but would have liked to, one in seven (13%) anticipated experiencing some form of age discrimination and that prevented them from entering the workforce.

Older workers looking for employment are more likely to experience age discrimination

Australians aged 50 years and older who looked for paid work (58%) were more likely to experience discrimination because of their age when compared to those who worked for a wage or salary (28%) or those who were self-employed (26%).

Over two in five (44%) managers aged 50 years or older reported that they took a person's age into consideration when making hiring decisions.

Age discrimination costs the economy \$10 billion per year. The economy could be boosted by \$33 billion per year with the employment of more older people. Overcoming age discrimination at work is a particular challenge for the New South Wales Government. With almost 400,000 employees in the New South Wales public sector, the New South Wales Government is Australia's largest employer. Despite the New South Wales Government's responsibility to be a model employer, the most recent State of the Public Sector Report by the New South Wales Public Service Commission found wide discrepancies among public sector agencies in relation to addressing the issues of an ageing workforce. The report found:

... not all agencies develop workforce plans that are able to align with future workforce requirements.

The report found further:

... agencies had varying levels of focus on attracting and retaining employees of different ages.

The report also indicated that many agencies lack plans for reducing age discrimination. That is unacceptable. I firmly believe that all public sector agencies should develop and make public long-term plans as to how they will deal with our ageing population. These plans should include details as to how agencies will recruit and retain older Australians as part of their workforce and how they will create opportunities for young people and graduates to fill the demand for new workers as older employees retire. The plans also should detail how agencies will address workplace discrimination against older people, including hiring practices and existing employees.

The challenge is clear. Without a revolution in our society's approach to ageing, older Australians will find themselves caught in a trap in which they are neither able to access secure employment nor rely on the pension or superannuation systems to provide for a secure retirement.

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However, if we can overcome age discrimination and tap the wisdom and experience of older Australians, then we can harness a new source of productivity to drive our State's prosperity for the future. I call on the Government to focus on this issue. I also challenge the private sector to do much better than it is currently.

WELLBEING POLICY

Ms JAN BARHAM [9.29 p.m.]: I begin my contribution to debate in the Fifty-sixth Parliament with the theme of wellbeing. The next four years will be a crucial time that shapes the lives of generations to come. We face four enormous challenges that require ongoing action. The first challenge is the relationship and treatment of the First Peoples of this country. I acknowledge that we are meeting here on the land of the Gadigal people of the Eora nation and I acknowledge the traditional custodians of all lands across this State who through past and current generations have faced the impact of dispossession and injustice.

The disparity in health, wellbeing and incarceration rates between Indigenous and non-Indigenous people should cause us all to be sorry. We must acknowledge the Stolen Generations, establish adequate redress, finalise the backlog of nearly 26,000 unresolved Aboriginal land claims, do all that we can to remove the disadvantage, and provide opportunities and outcomes for Aboriginal and Torres Strait Islander people. To ensure that we address this challenge New South Wales needs an annual Premier's Close the Gap report to inform budgets, policy and legislation.

The second challenge is climate change. Global warming is affecting our climate and creating risks to our environment, health, agriculture and economy. All levels of government must act to reduce greenhouse gas emissions, plan the transition to a net zero emissions society within several decades and put in place strategies for adapting to the impacts of a warming world on all aspects of life, including our biodiversity, coastlines, farms and health and safety. The Federal Government has weakened Australia's efforts on climate change but New South Wales has the power to act. We need a comprehensive framework for addressing both the causes and the impacts of climate change and to guide governments, businesses and society into the future. Local government and local communities can be empowered to build resilience and contribute to climate change adaptation and mitigation.

The third challenge is the failure of our society to ensure the wellbeing of all people and communities. Anyone claiming that our economy is in great shape needs to confront the appalling fact that nearly 900,000—more than one person in every seven in New South Wales—is living in poverty. Inequality is widening, cost-of-living pressures are making life harder for those on low incomes and the cruel Federal budget cuts are removing supports that could help vulnerable people. New South Wales is not protecting the environment and the biodiversity that supports and sustains us. There is a crisis and leaders must remember that. As Father Timothy Radcliffe on ABC radio last week stated:

We're part of nature, and if we rip to pieces the delicate web of ecology then we're going to damage ourselves.

We need to change what we value and how we measure the State's performance with a wellbeing indicators framework and a strategy to address poverty. We need to invest in people, providing supports and early intervention across a range of portfolios. The final challenge is the crisis in housing affordability that is undermining people's right to shelter. Many people, including those who are most vulnerable and those who are young, have been locked out of home ownership. They are in housing stress, on waiting lists for assistance and at risk of homelessness. I anticipate the Government's response to the 41 recommendations of the Select

Committee on Social, Public and Affordable Housing that I was proud to initiate. We need urgent action to make affordable, accessible and appropriate housing available to all people.

This is my green print for the next four years, a commitment to the First Peoples, climate change, social and economic inequality and the right to housing. Addressing these challenges will take effort and trust from all of us in this Parliament, from the whole of government and from many people across society, that is, the communities and organisations with the capacity to help bring about change. I look forward to debate on these issues and I hope that members share these values. As representatives of the people, we in this Parliament must act responsibly to prevent intergenerational harm to the wellbeing of people, communities and the ecosystems of this State.

HUNTER AND CENTRAL COAST STORM DAMAGE

Mr SCOT MacDONALD [9.34 p.m.]: On Monday 20 April 2015 the Hunter and Central Coast were hit by a strong east coast low that generated winds equivalent to a category 2 level cyclone and dumped 300 millimetres of rain in 24 hours in parts of the region. The New South Wales State Emergency Service [SES] described it as follows:

This is officially the biggest response operation in the history of the Service.

There was loss of life. Dungog was hit hardest when Brian Wilson, Colin Webb and Robyn McDonald were killed by flash flooding. Gillieston Heights resident Anne Jarmain was swept away in her car on Cessnock Road by rising floodwaters. I acknowledge the valiant efforts of those who tried to save these victims. Friends, neighbours and community members tried in vain to rescue these people but it was simply not possible and we express our gratitude to these courageous and selfless individuals. I extend my sympathies to the family and friends of those who perished.

There are countless examples of hardship as the storm and floods took out power, water, sewerage, phone and internet systems, damaged roads, isolated communities, while fallen trees hit houses, cars and other infrastructure. The floods swept away houses and cars and more than 1,000 head of livestock were killed. To really understand the scale of the event, I place on the record some of the emergency response statistics. None of these figures are final; there is ongoing work. Ausgrid dealt with approximately 230,000 callouts; the State Emergency Service [SES] logged over 8,200 calls for assistance in the Hunter and Central Coast; the NSW Rural Fire Service actioned nearly 3,000 requests for assistance; and there have been more than 12,000 calls to the Disaster Welfare Assistance Line. These figures do not include the countless works undertaken by local government staff. In many instances they were early responders to their community.

I spoke firsthand to council men and women in the days after. Many had not taken a break for nearly a week. I commend particularly all the mayors and general managers of the Hunter and Central Coast. They were put under enormous pressure in this disaster and everyone did their communities proud. There were many outstanding people in this event but I have to record my admiration to the police local area commanders and their teams. As utilities failed and disaster plans struggled to cope, local area commanders provided the calm leadership and responsiveness that communities under stress so desperately needed. I thank the New South Wales Police Force.

I would need a dozen adjournment speeches to properly recognise all those who are worthy. I am sure I only saw a fraction of all the good deeds and courage. Nevertheless, two senior SES people who were on the ground were tireless and seemed to be everywhere. Ken Spears and Amanda Williamson were a credit to their organisation, as were all volunteers from all over the State and interstate. Family and Community Services staff, local Department of Premier and Cabinet officers, and personnel from Roads and Maritime Services, Hunter New England Health, the Department of Primary Industries, Local Land Services, Vinnies and Red Cross all did an outstanding job.

I thank the media also. ABC radio on the Central Coast, Hunter and the Upper Hunter performed magnificently. They kept up the flow of information seamlessly. It was public broadcasting at its best. The newspapers kept their readers informed, including real-time updates through their digital platforms. I want to single out the *Newcastle Herald*, perhaps foolishly. One probably could not get a more parochial paper, but it shone during the storm and now through the recovery phase. In an event such as this the public looks to its leaders, and our Premier and ministry did not miss a beat. The Minister for Emergency Services, David Elliott, has been tireless. He has been on speed dial for me and took my calls at all times of the day and night. He

prosecuted the case for a natural disaster declaration that has been so critical for unlocking funding and resources to deal with these events.

The Premier visited Wyong, Maitland and Dungog within days to see firsthand some of the damage and to comfort the communities. Roads Minister Gay's tour of the region last week was vital to inform the New South Wales Government about the scale of the rebuilding task ahead. I thank also the Governor of New South Wales, the Hon. David Hurley, for his visit to the region. His former colleague Retired Brigadier Darren Naumann has been appointed Regional Recovery Coordinator and is already leading a well-managed, strategic effort to get these communities functioning at their best.

I conclude by observing that while the Government and all its agencies are important, there is no doubt in my mind the damage, loss of life, physical, mental and financial hardship would have been far greater had it not been for the strength, initiative, resolve and determination of community members to care for each other. I saw this in action in places such as Gillieston Heights while it was still cut off and before the helicopters arrived. The Hunter and Central Coast spirit will be my defining memory of the 2015 flood and storms.

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DOMESTIC VIOLENCE

The Hon. ERNEST WONG [9.39 p.m.]: Every year, too many people in New South Wales experience violence at the hands of someone they know and trust. So far this year 34 women have been killed in Australia, including two in New South Wales who were allegedly killed by their partners in the past week alone, marking one of the worst weeks for domestic violence in the State. Domestic violence includes any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. If we are serious about tackling this real issue then we need to start looking at implementing measures to ensure that victims can quickly and safely access a range of services and get the support they need to recover.

It is paramount that we look beyond addressing only the consequences of this abuse to implement strategies that prevent violence. We must introduce a system that allows support services shared access to essential information. This will not only improve safety for the victims but also greatly reduce the stress and trauma of having to repeat and relive their ordeal with various service providers. Positive outcomes for victims can be achieved only through an integrated community approach to how we understand and respond to domestic violence. That is particularly true for ethnic family victims who have less or no knowledge that what they are unwillingly subjected to is domestic violence. They do not know their rights, which means that they have less incentive to report violence and to seek help.

Resources need to be allocated to heighten public awareness that domestic violence can affect anyone in the community, regardless of gender, sexual identity, race, age, culture, ethnicity, religion, disability, economic status or location. Even though an increasing number of men are victims, women and children are still overwhelmingly the vulnerable victims of domestic violence. Domestic violence is always misperceived as a crime only when it involves grievous bodily harm. The public should be informed adequately that domestic violence takes many forms. It involves violent, abusive or intimidating behaviour carried out by a partner, family member, carer and so on towards victims and any kind of emotional, psychological, financial, sexual, physical, and verbal or other forms of abuse. Statistics show that domestic and family violence is the single greatest cause of death, ill health and disability for women aged under 45. In fact, approximately three-quarters of female homicides are classified as domestic homicides involving victims who share a family or domestic relationship with the offender.

Sadly, the flow-on effect of this type of abuse has far wider reaching implications than that of the victim. Children who witness violence in the home experience emotional, behavioural, health and social trauma, and are also more likely to experience or to use violence in their future relationships. Educating children and reinforcing the importance of respectful relationships are key tools in fostering healthy views and values, and the first step in changing the intergenerational cycle that idly looms ahead. It appears that not a day passes without reports in the media of yet another senseless loss of life—a valuable member of someone's family, a mother, daughter, sister, wife. What more needs to happen to prompt us to act?

Alarming, a report in the *Sydney Morning Herald* on 3 May stated that experts feared that "strong pre-election rhetoric is not yet translating into action, with the State Government moving a key agency further away from the Premier's department despite promising to put domestic violence 'front and centre'." This

sentiment was shared by Helen Brereton, the executive officer of Women's Domestic Violence Court Advocacy Service NSW, who said she was "concerned by the State Government's decision to move Women NSW, the key agency tasked with driving the state's response to domestic violence, from the Department of Family and Community Services to the Department of Health". The New South Wales Women's Alliance, a group of peak organisations, had recommended that it be elevated to the Department of Premier and Cabinet if Premier Mike Baird is serious about the pre-election commitment to tackle it with a whole-of-government approach. The alliance stated:

It is another sign that the Government is not giving it the attention it needs, or the leadership or resources,

John Robertson, the Labor member for Blacktown organised a vigil with residents of Western Sydney on Monday to remember the recent 34 female victims of violence. He quite rightly said, "This was not simply a gesture about remembrance, but taking action."

LION TROPHY IMPORTATION

The Hon. ROBERT BORSAK [9.44 p.m.]: Tonight I wish to talk about the plight of the African lion. Across their range, African lions have declined alarmingly over the past few decades, especially in the western and eastern parts of the African continent. In contrast, however, in Southern Africa lion populations are largely stable and their numbers have increased with the inclusion of conservancies in Zimbabwe and more than 45 smaller reserves in South Africa. While they are notoriously difficult to survey, a formal periodic review by the International Union for the Conservation of Nature last year estimated that between 32,000 and 35,000 lions are left in Africa. Importantly, the report from the International Union for the Conservation of Nature Periodic Review noted that the major leading threats recognised by each lion range state are habitat loss and retaliatory killing and not international trade.

However, despite the collective knowledge of 199 of the world's leading lion management experts who attended the meeting, Australia's arrogant Minister for the Environment, Greg Hunt, feels he knows better. In response to lobbying by animal rights activists and his Liberal colleague Jason Wood in early 2014, the Minister launched what can only be described as a misguided and misinformed consideration of a proposal to prohibit the importation of all lion specimens, including legally and sustainably acquired hunting trophies. The Minister's proposal was nothing more than a thinly veiled attack on sustainable and ethical trophy hunting that was packaged and heavily sold by the Minister to the media as a means to reduce the unethical practice of "canned hunting". Frankly, the Department of the Environment's public consultation on the proposal was a farce. Documents obtained by my office under freedom of information legislation reveal a litany of qualitative and quantitative errors, which were also acknowledged by the Minister in a letter to me on 5 January this year.

The Commonwealth Parliamentary Library advised Mr Wood in March 2014 that 144 African lion hunting trophies were imported into Australia between 2010 and 2014. However, after the Minister directed his department to review its records in January this year, the number of African lion hunting trophies imported into Australia was revised down to just 18. In addition to the gross errors in Australian wildlife import data, numerous procedural anomalies have also come to light. The net impact is that a gross breach of the rules of natural justice has been inflicted on Australia's hunters. This whole sorry saga culminated in a carefully staged public announcement by the Minister on 13 March this year banning the importation of all African lion imports, including sustainably obtained hunting trophies obtained under fair chase. In response to the Minister's announcement, Dr Duan Biggs at the Centre of Excellence for Environmental Decisions at the University of Queensland stated:

... [a] decision to ban all hunting trophies, like the Australian Government did with lion trophies from Africa, is like banning all blueberries from Asia because some from one country were contaminated.

He went on to state:

The reality is we either allow the hunting of a few old animals that no longer contribute to the continuation of the species, or we let the entire species get closer to extinction.

Clearly, contrary to what the animal rights activists and the Federal Minister for the Environment would have us believe, well-regulated trophy hunting is not a threat to lions. Despite repeated requests, the Minister never made himself available to meet with me, and internationally recognised wildlife management expert Professor Grahame Webb to discuss his proposed ban on the importation of lion specimens, including hunting trophies. However, the Minister was only too happy to meet with animal rights activists and to hear their side of the story.

In his speech on canned hunting to the Australian Parliament on 27 May 2014, the member for La Trobe, Jason Wood, said that there is "a huge deception taking place". He is damned right—a huge deception is taking place. However, the deception is being perpetrated by the member for La Trobe, the Minister and the Australian Department of the Environment. Shame on them! On behalf of all Australian trophy hunters and for the sake of the conservation of the African lions, the Shooters and Fishers Party will continue working to remove this counterproductive trade ban. If the Minister does not care about Africa and how such decisions impact on their local communities, the Shooters and Fishers Party does.

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 9.48 p.m. until Tuesday 12 May 2015 at 2.30 p.m.
