



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Tuesday, 10 October 2017**

Authorised by the Parliament of New South Wales



## TABLE OF CONTENTS

Business of the House .....	273
Suspension of Standing and Sessional Orders: Order of Business .....	273
Private Members' Statements .....	273
Tumut Labyrinth for Peace .....	273
Bulli Hospital .....	274
Inverell Police Station .....	274
Wallsend Neighbourhood Watch .....	275
Port Macquarie Electorate Handbell Ringing .....	276
Sydney Urban Planning .....	277
Art from the Heart Exhibition .....	278
M5 Toll .....	278
East Hills Electorate Sportspeople .....	279
Getting Ahead in A Just-Gettin'-By World Program .....	280
Goulburn Electorate Events .....	280
Warnervale Development .....	281
Vinnies Western Sydney .....	282
Lilli Pilli Ladies Afternoon Tea .....	283
Visitors .....	283
Visitors .....	283
Announcements .....	284
Birth of Harriet Lucy Perrottet .....	284
Commemorations .....	284
Centenary of First World War .....	284
Members .....	284
Representation of Ministers Absent During Questions .....	284
Announcements .....	284
Death of Brian Joseph Bannon, Former Member for Rockdale .....	284
Governor .....	284
Administration of the Government .....	284
Bills .....	285
Justice Legislation Amendment Bill (No 2) 2017 .....	285
Retail Trading Amendment (Boxing Day) Bill 2017 .....	285
Assent .....	285
Governor .....	285
Administration of the Government .....	285
Administration of the Government .....	285
Members .....	285
Electoral District of Blacktown .....	285
Issue of Writ .....	285
Electoral District of Cootamundra .....	285

## TABLE OF CONTENTS—*continuing*

Issue of Writ.....	285
Electoral District of Murray.....	285
Issue of Writ.....	285
Notices .....	286
Presentation.....	286
Question Time.....	286
Electricity Prices .....	286
Opal Card.....	287
Williamtown Land Contamination .....	288
Regional Data Connectivity.....	289
Williamtown Land Contamination .....	290
Counterterrorism.....	291
Williamtown Land Contamination .....	292
Energy Security.....	293
River Red Gum Forests Revocation .....	294
Consumer Protection.....	295
Documents .....	296
Register of Disclosures .....	296
Attorney General of New South Wales .....	296
Reports .....	296
Committees .....	296
Legislation Review Committee.....	296
Report: Legislation Review Digest No. 44/56 .....	296
Petitions.....	296
Petitions Received.....	296
Business of the House .....	297
Business Lapsed.....	297
Motions Accorded Priority .....	297
Gun Control .....	297
Consideration .....	297
Blacktown By-Election.....	297
Consideration .....	297
Gun Control .....	299
Priority .....	299
Private Members' Statements.....	301
Mater Dei Camden.....	301
Bills .....	302
Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017 .....	302
First Reading.....	302
Second Reading .....	302
Consideration in Detail .....	323

## TABLE OF CONTENTS—*continuing*

Third Reading .....	325
Road Transport Amendment (Driver Licence Disqualification) Bill 2017 .....	325
Returned.....	325
Local Land Services Amendment Bill 2017 .....	325
Second Reading .....	325
Consideration in Detail .....	333
Third Reading .....	335
Private Members' Statements .....	335
Indigenous Incarceration Rates.....	335
Unleash the Black Dog Ball.....	336
Rose Bay Beach .....	337
Blue Mountains Major Events Funding.....	337
Police Local Area Command Amalgamations.....	338

## LEGISLATIVE ASSEMBLY

**Tuesday, 10 October 2017**

**The SPEAKER (The Hon. Shelley Elizabeth Hancock)** took the chair at 12:00.

**The SPEAKER** read the prayer and acknowledgement of country.

### *Business of the House*

#### **SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

**Mr ANTHONY ROBERTS:** I move:

That standing and sessional orders be suspended to permit:

- (1) The introduction and passage through all stages, at this or any subsequent sitting, of the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill.
- (2) The House to sit past 10.00 p.m.

**Motion agreed to.**

[*Notices of motions given.*]

### *Private Members' Statements*

#### **TUMUT LABYRINTH FOR PEACE**

**Mr DARYL MAGUIRE (Wagga Wagga) (12:12):** On 12 August I joined the community of Tumut to dedicate the Labyrinth for Peace. The dedication ceremony, which involved the Blakeney Millar Foundation and the Rotary Club of Tumut presenting the labyrinth to the citizens of Tumut, included bagpipes and didgeridoos, the bearing of river water and traditional incense and smoke. The Blakeney Millar Foundation is a private philanthropic and discretionary trust that operates under terms laid down by its generous benefactor, Mrs Lillian Maude Blakeney Millar. It funds innovative projects in the fields of community service, education, health, and the beautification of Tumut and its environs. The foundation has a strong relationship with the Rotary Club of Tumut, which is the custodian of Pioneer Park, where the labyrinth was constructed.

The Tumut labyrinth celebrates the community service of citizens in times of peace and conflict. It was conceived and funded by the Blakeney Millar Foundation for the benefit and enjoyment of the Tumut community. The foundation partnered with the Rotary Club of Tumut and the Snowy Valleys Council, which provided the location in Pioneer Park, to give the local area a facility that can be used by young and old together or alone. The path is wide enough to enable two people to walk together, including carers of children and those less able. Its width also facilitates access by wheelchair and motorised scooters. The way stations provide places on the journey for rest and further reflection. Local stories of indigenous and European settlement, revealed on the text panels in the way stations, also facilitate group use by schools or community groups.

Whether used as a meeting place, for personal reflection, exercise, education or celebration, the Tumut labyrinth encourages inclusiveness in recognition of the diversity of its community. Having entered the labyrinth from the elliptic entrance way, visitors move along its single, winding stone path and may quietly contemplate their own life journey while learning about those who have preceded them in forging the communities of the Tumut region. Once arriving at the centre, return is possible either via a direct path to the entrance way or by retracing the winding path. As labyrinths are designed to promote respectful contemplation, all who use it should do so with courtesy and with others in mind.

The design of the labyrinth draws on historic conceptions of labyrinths whilst presenting a unique experience. The specific materials and stories of the labyrinth are local to Tumut. The pathway of the labyrinth is made from wee jasper bluestone. There are three way stations situated along the outer edges, which provide places to rest and to learn. The labyrinth's centre traditionally suggests the sun, with the orbit of the eight planets in our solar system represented by the rings of the eight layers of path edges that form the seven folded layers of the path. As well as specifically recognising all those from the Tumut region who have served in military conflicts through its solar system design feature, a number of additional wartime elements have been incorporated into its construction. Under each planet lies a handful of soil from Hill 60 in Belgium, the scene of a significant 1917 battle involving Australians serving on the Western Front during the First World War. The soil was provided by the Director of the Australian War Museum, Dr Brendan Nelson.

The Blakeney Millar Foundation has fostered a special relationship with the town of Ypres in Belgium in recent years. In 2010 the chairman of the foundation officially represented New South Wales at the famous Menin Gate ceremony on Anzac Day. The Tumut Grevillea, an endangered species, has been planted in a grove between the labyrinth and the adjacent billabong of the Tumut River. Other locally grown plants feature in this new garden. A number of panels represent Tumut explorers and custodians, the local Aboriginal people, and others represent Remembrance Day. There were poems and river music at the opening. I congratulate all those involved, including the Blakeney Millar Foundation, the Rotary Club of Tumut, the local council and all the people who turned up on the day. There was a very large gathering at this unique labyrinth, which will provide a place for rest, contemplation and peace.

### **BULLI HOSPITAL**

**Mr RYAN PARK (Keira) (12:17):** I speak today to an issue that I have raised in this House on a number of occasions: the upgrade of Bulli Hospital. When I ran for preselection in 2010, I told the community that I thought this was unfinished business by previous governments of all persuasions. I said that we would fight together to try to ensure that Bulli Hospital not only remained open but also expanded to cater to the growing population in the northern suburbs of the Illawarra and to provide a relief valve for the very congested Wollongong Hospital, which continues to be under enormous pressure. That community campaign culminated in 2012 with more than 12,000 signatures on a petition that we debated in this place. It was the first petition from the Illawarra to be debated in the House under the new arrangements, which I was very proud of. It was something that the community felt very strongly about. The Bulli Hospital was built on the backs of men and women involved in the coalmining industry. It was essentially built with donations from those workers and the community. The hospital has an enormous legacy but is in grave need of an urgent upgrade.

For a while in 2011 and 2012 we were concerned that there would no longer be a hospital at Bulli and that the people of the northern Illawarra would miss out on health services. The community fight and campaign to maintain that hospital is critical as our population increases greatly in the summer months. People from south-western Sydney and Western Sydney come down the hill—our great escarpment—to enjoy world-class beaches. Unlike Sydney, they can get car parking spots so they enjoy our beaches immensely, in particular, beaches in the Keira electorate which is nestled between the Tasman Sea and the escarpment. That influx of people puts enormous pressure on emergency services. With the escarpment, the ocean, the cliff faces and the rock formations people get themselves into trouble and suffer minor, serious and fatal ailments which tends to occur more in summer as the population increases. For those reasons we need a hospital.

I am pleased that work has started to upgrade the hospital. I am pleased that the community stood with me and we were able to convince the Government that this important facility needed upgrading. Under the plan there will be a 60-bed public aged care inpatient unit, an outpatient clinic, an urgent care centre—which I will talk about in a moment—and additional parking for about 50 vehicles. The important urgent care centre is not an emergency department but acts as a pressure release for Wollongong Hospital by treating people with minor ailments who do not need critical care straightaway but who need the attention of a skilled nurse or doctor. Recently I took a family member to the urgent care centre at Bulli Hospital and that person received first-class treatment.

The centre currently opens between 7.00 a.m. and 10.00 p.m. I have talked to Denis King, the Chair of the Illawarra Shoalhaven Local Health District, about trialling an extension of those hours. Everyone, especially those with children, knows that things happen in the middle of the night that require them to take their children to medical care outside core hours. We will continue to work on extending those hours. As this is the issue I have brought up most often in this place since 2011 I thank the community for its support. I thank the men and women from the medical industry and faculties who got behind the campaign to save the hospital. I thank those people who attended rallies, signed petitions and who got out and fought for Bulli Hospital—an important health precinct and health facility. I look forward to the people of the northern Illawarra benefiting from this resource in future.

### **INVERELL POLICE STATION**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (12:22):** I update the House on my push on behalf of the Inverell community for a brand new 24-hour police station in the Inverell district. By way of background, members of this House would know if they have heard me talk about it before that the station, which is now almost 60 years old, was built at a time when Inverell was served by only 14 police officers. In 2017 the station operates 24 hours a day and has 50 officers working in the same space that was built for only 14 officers. To accommodate the sprawling growth of the community and the police force which protects and serves that community there are now detectives, a rural crime squad and other general duties police working out of police residences at the rear of the police station. Instead of being used as dedicated housing for police those residences are being used as office accommodation because of the increasing deployment of officers.

Other significant problems need addressing at that station. There are not enough cells. There is only one interview room and there needs to be at least two. The custody facilities for evidence are not large enough, particularly when storing firearms which police often have to seize in rural areas because of criminal offences or as a part of their duties. As members of the community walk into the police station they see a station that is old and not equipped to deal with people with disabilities or people with hearing difficulties. There is only one muster room which is cramped. There is no female locker room despite a large contingent of female officers. The roof of the station leaks. The list goes on.

These are the consequences of having an old facility that was built when we policed communities differently and with a fraction of the number of officers that are serving the community now. I have been campaigning side by side with the community and with Inverell Shire Council for nearly two years for that new station. The week before last we had a breakthrough—a meeting with the Mayor of Inverell, Paul Harmon, the Commissioner of Police, Mick Fuller, and the Deputy Commissioner Field Operations Regional, Gary Worboys and me—when we put forward a case for improvements at the station to address the needs of officers, and a new station to accommodate a growing community and a growing demand on police. We want a facility that will last for the next two, three, four or five decades to serve that community as it continues to expand. The Inverell community is expanding; it has a growth rate of around 2.5 per cent and it is one of the fastest growing communities in the New England north-west region.

At that meeting I was pleased to hear from the NSW Police Force that while planning work continues on that new station we will not have to wait another 12 or 18 months to equip local officers with a new station because work at a cost of \$250,000 will start immediately to upgrade some of the most important components of that station. An extra interview room will be created. Special facilities will be built at the rear of the police station to house detectives. The Aboriginal community liaison officer will be moved, making space available for a larger muster room. A female locker room will be built and a lot of work will be done to the front of the building to make it easier for members of the public to access the station to report offences or just generally have a conversation with local officers.

This important breakthrough in no way diminishes the case that the community and I are putting to the Government to ensure we have a brand new 24-hour police station at that facility. I commend Inspector Rowan O'Brien and Senior Sergeant Ross Chilcott who lead a wonderful, dedicated team of officers at Inverell and I thank them for their service to the community. They have my support and the support of their community. These upgrades will be a wonderful interim measure while we wait another 12 to 18 months for the planning work to be completed and for the delivery of a brand new 24-hour police station. I put on record again in this House and publicly state my commitment to delivering that 24-hour police station for the Inverell community, who need and deserve that station, and to giving our officers the best facilities and equipment to keep our community safe. I will continue that fight along with Inverell Shire Council. I thank the Minister for Police for his indulgence in hearing our case.

### **WALLSEND NEIGHBOURHOOD WATCH**

**Ms SONIA HORNER (Wallsend) (12:27):** When she realised there was no active Wallsend neighbourhood watch, local resident Maree Miller decided to take the initiative and start one. Maree noticed a wave of petty crime in the Wallsend area and was volunteering at the Maryland Neighbourhood Centre when Bill Hackney, Hunter area community policing officer, gave a talk about the Neighbourhood Watch program. When Bill asked whether anyone was interested in setting up a neighbourhood watch, Maree answered the call. She said, "I put my hand up and said I'd do it".

According to the NSW Police Force, Neighbourhood Watch is a community-based, crime prevention organisation that aims to reduce localised crime and fear of crime by promoting and coordinating multifaceted approaches to prevention and problem solving. Neighbourhood Watch has been active in New South Wales since 1984. It receives no funding from the NSW Police Force or from the Government. Instead, Neighbourhood Watch relies on fundraising, sponsorships, grants and, most importantly, dedicated volunteers in the community—volunteers like Maree. Maree said:

There wasn't a Neighbourhood Watch at Wallsend or Blue Gum Hills, which would feed into Maryland, Minmi, all those places. Now Wallsend Neighbourhood Watch meets monthly, has more than 150 members and an active Facebook page. A monthly newsletter is in the works. It states:

Wallsend NHW has been formed to help reduce crime in our area and to make Wallsend an area where we get to know our neighbours and look after each other.

Wallsend Neighbourhood Watch has gone beyond that, of course. We all know that when children do not have an outlet, they are more likely to engage in petty crime and vandalism. Maree Miller and Wallsend Neighbourhood



Watch have a solution, trying to engage local children in constructive community initiatives. Maree Miller told *Newcastle Weekly*:

Those who get involved with community projects will take pride in what they do, and it'll have a flow-on effect. There are better things for them to do than vandalise businesses.

Our local Neighbourhood Watch helps bring people together, introduces neighbours to one another and creates a stronger sense of community. I applaud Maree and all the other volunteers who have done so well to get the Wallsend Neighbourhood Watch up and running. They could not do it alone. Neighbourhood Watch needs the support of local police. The Newcastle local area command does the best it can with limited resources, but it needs more. In the last few years, no new police officers have been assigned to the Newcastle local area command. I have lobbied for many years for a police station in the Wallsend area. I have worked with the member for Maitland to improve staffing at the Beresfield police station. The Government has done nothing.

This Government failed to keep its promise to build a new police station in Glendale. Even when more than 10,000 Wallsend residents signed a petition calling for a Wallsend station, still nothing was done. Residents and businesses in Wallsend have been taking steps to secure their properties. In the past, I have hosted community forums to ensure residents are aware of best practice. In recent weeks, my office advised residents to make sure that they do not keep valuables in their cars. I applaud Maree and the other volunteers for stepping up to help make our community safer, but they need more support. I urge the New South Wales Government and the Minister for Police to do the right thing and to allocate more resources and more officers to the Wallsend area. Our community deserves their support.

### PORT MACQUARIE ELECTORATE HANDBELL RINGING

**Mrs LESLIE WILLIAMS (Port Macquarie) (12:31):** I inform the House of two somewhat unique and inspiring musical groups in the Port Macquarie electorate. The playing of handbells to create music goes back more than 300 years, mirroring the ringing of church tower bells. Today handbell ringing has made a resurgence in Port Macquarie-Hastings. The Sublime Chimes Ensemble and the Bells of Haven are handbell and choir chime ringing groups based in Port Macquarie and the Camden Haven. Sublime Chimes was founded in 2013 by a group of women keen to create a musical group in which reading music was not a prerequisite. Being part of the ensemble enabled them to learn a new and unique skill in their retirement. Since formation, they have succeeded in becoming a cohesive group of players ringing handbells and choir chimes, greatly assisted by the loan of Schulmerich handbells from the Handbell Society.

Only a few months after formation, the ensemble made its debut public performance and has continued performances celebrating Seniors Week and our heritage. It has also supported organisations such as the Red Cross, Legacy, the Salvation Army and other community events. The ensemble was accepted as a sub-unit of the Port Macquarie-Hastings Municipal Band in 2014, in addition to being a group member of the Handbell Society of Australasia. Thanks to fundraising efforts by members, combined with successful grant applications, in late 2015 the ensemble was able to purchase its own three octave set of Malmark handbells. Seven new members, including one gentleman, joined the ensemble in early 2016. As all new members were music readers, this enabled them to seamlessly join the pre-existing group. The increase in the number of ringers allowed the ensemble to expand its repertoire and therefore be in a position to accept invitations to more performances. Bells of Haven have been performing on the mid North Coast since 2012 and, like the Sublime Chimes, are welcomed by audiences wherever they make an appearance.

Handbell ringing is often classed as a singular instrument, but over the October long weekend, a large crowd gathered in Bonny Hills to play as a team. Sublime Chimes hosted the Handbell Society of Australasia biannual Handbell and Chime Festival from 29 September until 3 October, which I had the honour of opening at the Francis Retreat in Bonny Hills. Local handbell groups—the Sublime Chimes from Port Macquarie and the Bells of Haven from Camden Haven—took part in the event. Bells by the Beach attracted handbell ringers from all over Australia, New Zealand and beyond, including the renowned British-born handbell composer Michael Coe, who visited from France. School-based music teachers were invited to drop in during the festival to discover that when a whole class makes music on one instrument, it can be a wonderful teambuilding exercise where students quickly gain skills that are shown to improve academic achievement.

This year the festival introduced a new workshop for locals with no previous experience playing chimes or handbells to give them the opportunity to get involved in activities. The Handbell Society has a students' music education program in which experienced educators visit a school to hold a workshop with teachers, followed by educational workshops with students. For the past three years the Bells of Haven have also run Bells for Peace on World Peace Day at the request of the United Nations. This is a worldwide event where bells from similar handbell groups ring for peace across the globe on 21 September.

I extend my congratulations to Bells of Haven's ringleader, Gillian Clarke, and members Joan Anderson, Lyn Antill, Desleigh Foley, Elaine Kerr, Joan Peter, Sheila Pierce, Meg Stubbing, Jillian Weir and Milly Jones. I also extend my congratulations to Ruth Bergin, musical director of the Sublime Chimes, and in particular to Gail Perkins for her outstanding efforts in coordinating the Bells by the Beach festival. I also acknowledge Sublime Chimes members Colleen Jackson, Deborah Ringe, Jeanette Schwab, Julie Thompson, Karen Shannon, Kathy Luck, Kathy Walesby, Kim Frumar, Linda Robertson, Liz Cooke, Maddalena Piola, Margaret Halliday, Marj Page, Sheila Schofield, Susie Nichols and Val Griffin. I congratulate everyone involved in this outstanding event for the mid North Coast.

### SYDNEY URBAN PLANNING

**Ms JENNY LEONG (Newtown) (12:35):** Yesterday the front page headline of the *Sydney Morning Herald* decreed, "We're full, says Sydney." It reported that more than two-thirds of people believe Sydney is full and that property development should be pushed to the fringes. As the representative of the electorate of Newtown—an electorate which at the last census had the highest density of any electorate in New South Wales—I believe that we are not full; we are being failed. There is a big difference between those two things. We may have the highest density of any electorate in New South Wales, but this is far from a bad thing. The neighbourhoods that make up the electorate of Newtown—like much of Sydney—are vibrant, bustling places and that is what we love about living in our city.

To the two-thirds of people who say that Sydney is full, I say that it only feels full. It feels full because the Government is failing to address the things our community needs to make our cities work and thrive. Yes, our trains are crowded, our roads are congested, our classrooms are full, our hospital waiting lists are dismal, our green spaces are shrinking and we need more recreational places, but that does not mean that we are full. It means that Premier Gladys Berejiklian, the Liberal Government and previous governments have let Sydney become a playground for property developers. Let us be real about the reason Sydney feels full. It feels full not because of the people who live in our community, but because successive State governments have failed to invest in the services and infrastructure that we need for our city to thrive.

I have been to countless community consultations since being elected and not once have I heard someone say, "We are full. Shut the doors. Put up the sign. We are closed." Instead I hear people say, "Where will those new 7,000 people send their kids to school? How will they get on the train in the morning given that we already cannot get on the train?" People say, "Where will they ride their bike or park their car? How will they enjoy a picnic in the park when the proposed green space in this urban growth design is already a block of flats?" These are the sorts of questions they ask. At that point the public relations consultant will usually say, "That is outside the scope of this project", "That is a responsibility of the Minister for Education," or, "That is something that the Department of Roads looks at." They then move on to discuss how many new dwellings they are going to put in place.

Let us seize the moment here and call out the real culprits—the Liberal Government and its failure to put our community's needs first. This is not about wanting to shut down Sydney's borders and decide who should and should not get to live here. One does not have to dig very deep to find the anti-immigration undertones that allow people to whip up fear in this debate and all of a sudden claim that refugees are causing the traffic congestion or Chinese investors are causing the housing affordability crisis. The cause of these issues is the failure of successive governments—both Liberal and Labor governments—to address the community's needs and enable us to deliver the services, infrastructure and other things that we need to make our vibrant cities thrive.

Before anyone starts to think that I have drunk the developer Kool Aid, or that I am advocating a process that would not allow sustainability in our cities, let me be clear: We need to see community-led development. We need to recognise that people who live in the city like living in densely populated areas, but they like doing this only if the Government provides the services and other things that are needed. So the Newtown community will continue to object to overdevelopment when it is about maximising development for profit or about building ugly and unsustainable developments that block out sunlight and do not provide for any new, affordable dwellings or public housing, as has been suggested in certain parts of Redfern and Waterloo.

The community of Newtown will continue to object to new developments that involve the privatisation of public lands, as we have seen at the Australian Technology Park site. The money from that sell-off was supposed to provide for a lift upgrade at Redfern station, but that still has not been realised. The community will continue to object to new developments which simply involve increased numbers of dwellings without the associated connection with services and other community needs.

There has been an announcement about the Parramatta Road corridor, which would see huge increases in residential density but no additional land for schools and parks, no transport strategy, and no new libraries or childcare places. At Taverners Hill the Government is proposing an increase in the number of residences from

700 to 3,000, but only one new, tiny pocket park and no new libraries or schools. As someone once said to me, "If you are having a party and inviting 100 people you do not wait for them to arrive at your house before you decide what you are going to feed them." The area is not full; it is just growing. We need to make sure that the infrastructure keeps up.

### ART FROM THE HEART EXHIBITION

**Mr JAMES GRIFFIN (Manly) (12:41):** I wish to update the House on a wonderful event held for carers in my electorate. At the Bella Vista Café at beautiful North Head Sanctuary I had the great pleasure of opening Art from the Heart, an art exhibition by the incredible carers from Art Wednesdays, a creative escape and respite for carers that is now in its sixth year. Supported by One Door Mental Health and sponsored by the fantastic team at Your Northside, the exhibition was held in recognition of Carers Week and Mental Health Month, which I strongly urge all members to support both here in the House and in our electorates. The café was covered in paintings of wildlife, birds, and famous landscapes and seascapes. I was grateful to receive the invitation to open the exhibition. Having had the opportunity to see the artwork and to meet some participants of the program, it was abundantly obvious to me that art has a powerful healing ability for carers.

Carers are the unsung heroes of our communities. They contribute hours and hours in what is often a full-time role to support their loved ones. In many circumstances they do this at great personal expense, demonstrating unconditional love. The emotion, time and care put into the creation of the many artworks was evident. The care taken in producing the artwork is reflective of the way these carers support people—often close family members and loved ones—to help them lead independent lives, to remain in their homes and to be part of their communities. The role carers perform is fundamental to family life and to community wellbeing. As members of a community—a society—we are rightly judged by how well we care for and treat those less fortunate than us. Art Wednesdays is supported by local artist and teacher Heidi Lee Warta, and the respite provides much-needed companionship and time out for carers who simply give their all for their community and loved ones.

In opening the exhibition I reflected on an important point that I wish to share with the Chamber today—that is, there is one universal language: art. Whilst many of us, including me, do not have the technical ability to write a ballad or paint a self-portrait, we can all use our senses to connect with the emotion within us to create our own art. Each of us knows a song that reminds us of our childhood, or an image that provokes happiness or sadness. Despite our varied skills and gifts we are all connected through art.

I specifically thank Sue Cox and Katherine Owen who, together with the staff at One Door Mental Health, coordinate Art Wednesdays and the other services at One Door, including the Sanctuary Respite Centre, which provides residential respite for both carers and their families affected by mental illness; a men's group designed to increase social interaction and to encourage balanced, healthy lifestyles; and support workers who provide direct support in people's homes. It is my great privilege to commend the program, the exhibition and its artists to the House.

### M5 TOLL

**Ms TANIA MIHAILUK (Bankstown) (12:44):** Like many Bankstown residents, I was appalled by the admission made by this Government during recent budget estimates hearings that it has entered into discussions to extend the toll on the M5 motorway until the year 2060. In responding to a question from the New South Wales Opposition regarding the sale of the toll concession for the M5 as part of the overall sale of the Sydney Motorway Corporation, the Hon. Stuart Ayres, the Minister for Western Sydney, and Minister for WestConnex, replied:

That will be part of the commercial negotiations of the sale of the Sydney Motorway Corporation ... It is a commercial option for the Government.

At present only one section of the M5 motorway is subject to a toll: the 22 kilometres referred to as "M5 South-West", stretching from King Georges Road at Beverley Hills to the Hume Highway near Prestons. The section of the M5 motorway referred to as M5 East—the 10-kilometre section between Sydney Airport-Port Botany to King Georges Road—is at present an un-tolled road.

There is no doubt that the duplication of the M5 East is a long-overdue and essential infrastructure project that must be undertaken to expand existing capacity and to alleviate chronic congestion. I can proudly state that I have championed this cause throughout my time as an elected public official. In October 2010, in my then capacity as the Mayor of Bankstown, I was able to form and chair the M5 East Local Government Task Force—a non-partisan coalition of local government representatives stretching from Botany Bay Council to Camden Council at that time. One of the goals of this task force was to seek a timing commitment from the New South Wales Government for the coordinated expansion of the entire M5 corridor.

I note that some of my parliamentary colleagues were also members of that task force, including the members representing the electorates of Camden, Heffron and Macquarie Fields. Like almost all constituents in

Bankstown, I know just how frustrating it can be to be trapped in gridlocked traffic inside the M5 East tunnel while heading to and from work. While I am aware that a duplication of the M5 East tunnel between King Georges Road and St Peters is part of the WestConnex project, to my understanding the New South Wales Government has not made any commitment to upgrade the M5 South-West between 2026 and 2060.

This is where the Government's scheme to bundle up the right to toll the M5 South-West with the sale of 51 per cent of the WestConnex Corporation to the private sector utterly fails the fairness test. The toll on the M5 South-West was initially due to expire in 2023. However, the tolling period was extended until 10 December 2026 following the construction of additional lanes. Our community understands the need to increase the tolling period by an additional three years, given that the M5 South-West was widened to increase capacity. Yet it is abundantly clear that the New South Wales Government does not intend to make any upgrades at all to the M5 South-West motorway to justify extending the toll period until 2060.

In August this year the New South Wales Government reintroduced the toll on the M4 motorway after a seven-year hiatus with this toll in place for the next 43 years and rising by 4 per cent or at the rate of inflation every year. We can assume only that the same harsh and unfair conditions will also be imposed upon the motorists of south-western Sydney. Motorists from the Bankstown electorate are already tolled at all three entry points: Fairford Road, the River Road and Henry Lawson Drive. For the first time a toll will be introduced at King Georges Road in each direction.

A driver using the M5 to get to and from work every day will pay at least \$2,208 in tolls per year. Why should the hardworking families and businesses of south-western Sydney be sluggish with paying this toll for an additional 40 years if the M5 South-West motorway will not be widened? What exactly will we be paying for? My community in Bankstown—indeed, the residents living in all the electorates along the M5 corridor—should not be forced to pay this toll simply to fatten up the pig for the WestConnex sale and the cost blow-out for this Premier's pet projects on the North Shore. It is clear that this proposal is nothing but an unfair cash grab by a desperate government that wants to tax families living in south-western Sydney to pay for cost blowouts on the WestConnex and to pork barrel projects elsewhere.

**Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (12:49):** In response to the private member's statement made by the member for Bankstown, first, I assure the member for Bankstown and all members of her community as well as those who live along the M5 corridor that the Government has absolutely no intention of removing the cashback system that operates on that road. No matter what takes place with the inclusion of the M5 West toll in the WestConnex project, I can say to the member for Bankstown that those who currently have access to cashback will continue to have access to cashback. Secondly, I categorically reject that the funding model for WestConnex has a bearing on infrastructure delivered in other parts of the State. It has absolutely no bearing—unless you want to remove the value of the M5 West toll, therefore lifting the M5 tunnel toll. The only way to avoid that is by taking money away from other parts of the budget.

#### **EAST HILLS ELECTORATE SPORTSPEOPLE**

**Mr GLENN BROOKES (East Hills) (12:50):** East Hills has a long history of producing talented sportsmen and sportswomen who have gone all the way to represent their State and the nation at the highest sporting level. From the Waugh boys to Ian Thorpe they have donned the green and gold and done our nation proud. Today I inform the House of another local East Hills resident who will represent our nation. William Derederenalagi, who is an able-bodied athlete, represented Australia in the Wheelchair Rugby World Cup, which was hosted in France earlier this year. Wheelchair rugby is the only wheelchair sport that allows able-bodied participants to compete. A maximum of two able-bodied players is allowed on the field at any one time. The Wheelaroos, as they are known, defeated Italy in the bronze medal match—the score was 54 to 42—with William playing a significant role in scoring two tries.

William stated that the highlight of the experience was the teammates he played alongside. He mentioned that wheelchair rugby highlights that in life there are truly no barriers and opportunities are endless, if you put your mind to it. William believes that the determination shown by his teammates, despite the adversities they face, is a real inspiration to all—a sentiment with which I could not agree more. William's efforts were so outstanding that he has been selected in the Australian team for World Wheelchair Rugby. He will be joined by a fellow East Hills local, Diab Karim from Panania, on the international stage. We wish William, who is a local boy from East Hills, all the best as he continues to pursue this endeavour on the global stage. We also encourage all people in our local community to continue with the sports they are passionate about. One day they too could represent our country, like many local sports stars before them.

### GETTING AHEAD IN A JUST-GETTIN'-BY WORLD PROGRAM

**Mr EDMOND ATALLA (Mount Druitt) (12:52):** It is with great pleasure that I draw to the attention of the House the program Getting Ahead in a Just-Gettin'-By World that is run by the Bidwill Uniting Church, which is one of the first organisations in Australia to run this innovative program. Last year the Bidwill Uniting Church completed its pilot program, with encouraging results. The Getting Ahead program comes from the broader framework of Bridges Out of Poverty, which is based on the work of Dr Ruby K. Payne and Philip E. DeVol from the United States. The program is aimed at helping people to move out of generational poverty, which is poverty that has been present in a family for two or more generations.

The Getting Ahead program helps people to identify and develop the material and non-material resources they need to move themselves and their communities out of poverty. In April I attended a graduation celebration for the participants who completed the pilot program. I was very impressed with the way the graduates spoke about their experience with the program. There is exciting news. Bidwill Uniting has secured funding to run this program for the next five years and has engaged Associate Professor Margaret Rawsthorne from the University of Sydney to conduct a longitudinal study of the program outcomes. This partnership with the University of Sydney will provide solid long-term data on the effectiveness of the Getting Ahead program and the progress of the investigators once they finish the program.

Getting Ahead calls the participants "investigators", empowering them to explore the causes of poverty in their own lives and the broader community. Investigators discover that there is a range of causes of poverty, and many systematic and structural barriers to moving out of poverty. The learning and development of resources gives investigators the confidence they need to see a brighter future for themselves and their families, and to explore what is needed to move towards that future. Investigators also explore important knowledge about the hidden rules of different groups in society: the way language is used, how our families influence us and how we need to operate differently in different settings where there are different expectations. Bidwill Uniting is excited to offer this program on a long-term basis and looks forward to seeing further positive outcomes for the Bidwill community.

### GOULBURN ELECTORATE EVENTS

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (12:55):** It is a pleasure to inform the House about a number of wonderful events held in my electorate recently. The first is Buskout, which is a unique youth busking competition for children aged between five and 18. I had the pleasure of presenting the winners with their awards, as I have done for the past few years. The event is organised by the Goulburn Regional Conservatorium. Third place was awarded to a brilliant young baroque recordist, Alexei Caulfield. Second place was awarded to a first-time competitor, 10-year-old Lilliana Hazleton.

The winners, for the second year running, were the Bensley brothers, Tom and Lachlan, who won a recording session at the Rock Con Recording Studios. Every participant was a winner on the day through improved performance skills and confidence, and many new fans. I congratulate Paul Scott Williams and Keva Abotomey on another well-organised Buskout festival, which provided an opportunity for many young children. Goulburn's Auburn Street came alive with these young musicians. It was a pleasure to attend and speak at the Southern Highlands Domestic Violence Ball, which was organised and hosted by Linda Alexander and Charlie Fenton. I am passionate about the cause. All funds raised go towards Highlands-based domestic violence support services. Congratulations to Linda and Charlie on a successful event that raised \$35,000. I look forward to next year's ball.

I had the pleasure to attend the opening of the latest exhibition of rare artefacts at Goulburn's Rocky Hill Museum, where the volunteers have once again excelled. The rarest item in the exhibition is the German infantry assembly tape collected by the great historian Charles Bean. Also exhibited was an Australian-invented jam tin bomb launcher and an air raid siren. It was a thrill to see all of the exhibits; I could not stop posting pictures on Facebook. Ken Kenchington's marvellous paintings adorned the walls. I congratulate the museum's coordinator, Claire Baddeley, and volunteers Carolyn and Ken Olsen, Ken Kenchington, Jenny Sullivan, Judy Fowler, Peter Redman, Peter Winterton, Gwen Dries, Bob Saunders and Warren Robson.

I spent an evening with Boorowa Landcare following its hard day out planting with its city partners, North Sydney Landcare. This remarkable city-country partnership is transforming eroded gullies and windswept treeless planes. I congratulate Boorowa coordinators Linda Cavanagh and Kathryn McGuirk and North Sydney coordinators Andrew Scott and Gareth Debney. I acknowledge the recent opening of the Woodlawn Mechanical and Biological Treatment Facility near Tarago in my electorate. Since the Woodlawn mine was decommissioned in 1998 it has been in need of significant remediation, as one would anticipate. In 2004 Veolia took on the challenge of rehabilitating the 500-hectare contaminated land site.

The introduction of this mechanical and biological treatment [MBT] facility will be a game changer for the future of this site and the way waste is managed in New South Wales. This is the first time Veolia has brought this technology to Australia, and we are very proud to be blazing this trail in New South Wales and the Goulburn electorate for the benefit of all. The system extracts any metal for recycling and converts the organic waste into compost which is used to rehabilitate the Woodlawn mine site and to bring this area back to health. The remainder of the waste at Woodlawn is put to good use in the bioreactor—powering over 30,000 homes with green energy. I congratulate Veolia on this major milestone; the project has taken years of planning and attention to detail. Almost half of all household waste is food or garden organic waste, and Veolia and the MBT facility at Woodlawn are playing a big part in reducing the amount of organic waste that goes to landfill.

Irish Woolfest is Boorowa's biggest event of the year, and once again it did not disappoint. Thousands of people gather in Boorowa to experience the many events that are held over the weekend. The main event is the running of some dear sheep, followed by a street parade down the main street with 36 fantastic floats. The Running of the Sheep is not quite as dangerous as the Running of the Bulls at Pamplona, but it is still fascinating to watch. Irish Woolfest showcases our fine wool industry and Boorowa's strong Irish connection. Congratulations to the organising committee behind Irish Woolfest.

Lastly, I would like to acknowledge Goulburn's Lilac City Festival. We experienced unseasonably beautiful weather for the festival, and many turned out to celebrate the events held over the weekend. I congratulate the winners of the garden competition: K. Walcott, M. Buckley, Lorna Cody, Mary Buckley, G. and K. Jenkins, Leonie Cowley, W. and D. Jarrett, Doug Rawlinson, Goulburn Community Gardens, The Willows Motel, Goulburn Historic Waterworks, Riversdale National Trust, St Clair, Gerard and Jane Reardon, and Barry Thompson. I make special mention of the winner of the Betty-Jane May Memorial Trophy, which was Riversdale, a National Trust property, and for best overall garden the Zantis Trophy went to Doug Rawlinson. Congratulations to the committee on a huge effort.

#### WARNERVALE DEVELOPMENT

**Mr DAVID HARRIS (Wyong) (13:01):** I bring to the attention of the House a topic that I have raised many times in this place, that is, development in Warnervale in my electorate of Wyong. I received an email on this topic from a constituent that encapsulates what many residents of the area feel about this development. It reads:

Hi David,

My name is Phil King, & together with my elderly father Ron, are Warnervale residents of almost 10 years.

I write to you now after receiving yet another development application notice in Warnervale. It's starting to get crazy around here.

My concern is the lack of infrastructure/town planning happening to support the hundreds of new homes being built here in such a short space of time.

The roads are still rural, the amenities are very thin on the ground, & things are getting a little dangerous as we navigate our way around the suburb (with all the extra building & construction traffic).

Council is almost invisible, but so is the State government which allows & encourages so much of the development happening here.

Yet as residents, we are being asked to pay a big price for all this ... the deterioration of our existing infrastructure, as they put more & more homes in (with 2 car garages) & funnel them in & out of the same narrow roads.

Governments need a much better plan for this area, & need to be developing this plan at the same time as all these homes go in. We'll need much better (& wider) roads, curb & guttering, duplication of Sparks Road, better train station & services & parking, community hubs, schools, sheltered bus stops (with buses) ... right now the whole thing is a dog's breakfast.

Existing residents off Nikko Road can't even get the NBN OR natural gas (even though the availability is right at our doorstep).

Take a drive down Warnervale Road (even better, at night) & see what we're faced with. And all new residents are going to be facing the same thing, except busier.

It's about time Governments started stepping up to the plate to create suburbs & communities to be proud of. Right now Warnervale & surrounds are becoming a joke.

Can you help David? Can you bring this to the attention of people of power, to get them to act, do their jobs, treat people with respect, by not always pushing for the biggest financial returns to government for the least amount of outlay. We deserve better! From ALL levels of government.

I attach a flyer I distributed to all my neighbours off Nikko Road in Warnervale. I am trying to inspire action through awareness. I hope it happens soon. ...

Thanks for your ear, I hope you can help. Feel free to share this ... I certainly have shared Mr King's letter. I have raised this issue in this place for a number of years, including when Labor was in government. Development in the Warnervale area has really taken off since 2012, after this Government came to power, but there is no coordinated planning. Labor pushed hard for a new and improved railway station at North Warnervale and brochures about construction of the new station were printed. It would not be surprising for members to hear that when the government changed in 2011 those brochures were pulped.

A town centre was promised as well as other projects that I have spoken about in this House on numerous occasions. I have called a community meeting on Thursday 9 November at 7.00 p.m. to talk about local infrastructure in our growing area. I am inviting to the meeting the Parliamentary Secretary for Planning, Scot MacDonald; the local council; and Woolworths, which owns the land where the town centre should be. The idea is not to be adversarial but to be cooperative and to let residents know what is happening. People have fears. If drivers do not disappear down a pothole on Warnervale Road they are doing well.

**Mr John Sidoti:** Is it a Labor council?

**Mr DAVID HARRIS:** No, it is not a Labor council. It has an Independent mayor backed by conservatives from the Liberal Party. The council must do more and include the community when planning what needs to be done. Four thousand new blocks have been approved, but there has been no announcement about the town centre, the railway station, road upgrades or better public transport to the area. However, the Government has announced a new school, which is great news. It promised a meeting with the community after the budget, but we have not heard any more from it. We do not know what type of school is to be built or where it is to be built. There is a lot of work to do and our residents deserve answers.

#### VINNIES WESTERN SYDNEY

**Mr MARK TAYLOR (Seven Hills) (13:06):** I want to talk about the incredible work of the St Vincent de Paul Society and a grant that I was fortunate to present to Vinnies. The St Vincent de Paul Society NSW is a volunteer-led, community-based organisation and its aim is to address vital issues such as poverty and disadvantage in our communities. In this State, the organisation has an incredible 26,000 members and volunteers and a total of 1,500 staff across 10 central councils. Each year, Vinnies aids more than 474,000 people in New South Wales through its support services and volunteer visitation programs which aim to create a more compassionate and just society.

In particular, I acknowledge the Parramatta Central Council arm of the organisation, known locally as Vinnies Western Sydney. This arm of the society spans across seven local government areas in Western Sydney, including Blacktown, Parramatta, Cumberland, The Hills, Hawkesbury, Penrith and the Blue Mountains. The society's Parramatta Central Council operates with a small team of dedicated staff and boasts 2,000 volunteers that raise funds to ensure the continuation of services and programs that are offered to local community members who often struggle to make ends meet.

Vinnies Western Sydney provides programs that are aimed to support those experiencing a range of trying circumstances such as homelessness, family violence, financial stress, mental health issues, or addiction. Such programs include: access to emergency relief such as food, clothing and furniture; assistance with a one-off bill payment and no interest loan schemes; social work and counselling services; home visitations by supportive volunteers who assess and, importantly, assist; refuge for women suffering from domestic violence; community service order placements; opportunities for primary and secondary school students to become involved in social justice issues; and, importantly, advocacy to change the drivers of disadvantage.

Last week, I was delighted to join the Minister for Multiculturalism, the Hon. Ray Williams, and the Hon. Natasha Maclaren-Jones at Vinnies Wentworthville to bestow on Vinnies Western Sydney a grant of \$20,000 from the Premier's Fund for Social Cohesion. Also in attendance was the society's New South Wales chief executive officer [CEO] Jack de Groot and President Denis Walsh. Mr de Groot has extensive experience in not-for-profit industry and previously worked for St Vincent's Health Australia and as the CEO of Caritas Australia. Mr Walsh holds a depth of experience with Vinnies, having been a conference secretary and president and New South Wales regional president. He also sits on the governance committee as a former associate of the Insurance Institute of Australia.

The Premier's Fund for Social Cohesion is a \$2 million program over four years that funds small grants that support community events and activities to bring together our multicultural community and develop a union of strength and resilience, particularly for young people. This grant will fund the Druitt Summit, which will be a collaboration between the Museum of Contemporary Art program, C3West, and two contemporary artists who will undertake residencies in the Mount Druitt area. Since its establishment a decade ago C3West has delivered 16 socially engaging art projects across Western Sydney. C3West will collaborate with and co-invest in the Mount Druitt community by creating another project where artists will use their skills to tackle social issues in Western Sydney.

Two C3West artists will work with local people identified by Vinnies, aged 12 to 25 and from culturally and religiously diverse backgrounds, to create a project which will explore diversity and facilitate a dialogue between people of differing backgrounds and ages. The artists will spend two week-long residencies in the Mount Druitt community conducting activities such as art-making workshops, public discussion events, group

consultations and performances. The artists' outcomes will be presented on Harmony Day next March. I acknowledge the fantastic work of Vinnies Western Sydney in helping to create a compassionate community, and I look forward to seeing many successful outcomes of its work. I also commend and thank the many great volunteers in the Seven Hills electorate who put their time and effort into such community groups as Vinnies.

### **LILLI PILLI LADIES AFTERNOON TEA**

**Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (13:10):** On Saturday it was my pleasure to attend the second annual afternoon tea of the Lilli Pilli Ladies in Sherwood, west of Kempsey. It was a magnificent celebration by committed and passionate Macleay Valley community members who came together for the betterment of the whole district. The Lilli Pilli Ladies are focused on their goal of helping to purchase a refrigerated centrifuge machine for the Mid North Coast Cancer Institute. This will assist residents in many communities in my electorate of Oxley, including Kempsey and Wauchope. Communities are fundraising for equipment that will be at the Cancer Institute in Port Macquarie. This shows the sensible nature of the people of my electorate, who are prepared to help fund equipment outside their communities because they know others will benefit from important infrastructure.

The Kempsey committee is aiming to help purchase the refrigerated centrifuge machine because it is the best way of blood being collected and separated. Tests can then be done on blood cells, enabling clinical staff to efficiently research, test and accurately diagnose which cancers and treatments are required by local patients. It is hoped that this machine can be used in clinical trials, assisting many future communities in the battle against cancer. The people of regional New South Wales have not had much access to clinical trials. They are often held in the city but it is difficult for country people to participate in them, although the Government has increased access to cancer therapy and services in regional areas. Twenty years ago we did not even have radiotherapy services; now 95 per cent of the State's population live within 100 kilometres of extensive radiotherapy and chemotherapy services. That is testament to technology and to the Government's commitment to improve outcomes for regional cancer patients.

There is potential for the centrifuge to allow for clinical trials in a regional location, which is important for communities such as Kempsey and Port Macquarie. If we all help, everyone will win. The Lilli Pilli Ladies had a goal to raise \$10,000. They have exceeded that significantly, raising more than \$15,000 overall, with \$5,382 raised at the afternoon tea held at Sherwood Hall—a very positive outcome. All the ladies looked absolutely gorgeous. Major sponsors included Coastline Credit Union, which donated \$2,000; local honey producer Kevin Brenton, who donated \$1,000; and O'Donnell and Hanlon, a wonderful company with great contracts throughout the North Coast and the north-west, which donated \$500. The rest of the money came from fundraising.

I pay tribute to Judy Saul and her team of ladies in the kitchen including Lyn Gleeson, Stephanie Scott, Jenny Gee, Kathy Latham, and Christine De Bono. They got the food ready and organised beautiful plates and crockery resplendent with flowers so we could enjoy and appreciate the beauty of Sherwood Hall as well as the beauty within the community. My very difficult task was to decide the award for best dressed. As a local member that really is not good because you make one person happy and offend the rest of the people in the room. The award was given to Pauline Davis and Jenny Haberfield. Pauline works in child welfare and child services within Kempsey hospital and she looked just gorgeous. Pauline and Jenny arrived together wearing beautiful hats and outfits.

On Saturday I also attended the Stuarts Point and Districts Community Organisation meeting. Des Breust has again been given the role of chair of this great group and he deserves it. On the day we were given a good outline of what is happening with the sewerage system at Stuarts Point. The community cannot believe it is really happening. A lot of negotiations are underway about the location of the pipes. We also received an excellent briefing from the Rural Fire Service, which is alerting people to fire safety because we might have a very difficult fire season on the mid North Coast. It was a great meeting and I appreciated the contribution of the Rural Fire Service.

**TEMPORARY SPEAKER (Ms Anna Watson):** I shall now leave the chair. The House will resume at 2.15 p.m.

*Visitors*

### **VISITORS**

**The SPEAKER:** Welcome to our guests in the gallery. We hope you enjoy question time. In particular I extend a warm welcome to the students and teachers from Holsworthy Public School, guests of the Deputy Government Whip and member for Holsworthy. I welcome also year 10 commerce students from Georges River College—Hurstville Boys Campus, accompanied by their teacher, guests of the Parliamentary Secretary for Transport and Infrastructure, and member for Oatley.



*Announcements***BIRTH OF HARRIET LUCY PERROTTET**

**The SPEAKER:** I bring to the attention of the House that yesterday evening the Treasurer and his wife, Helen, welcomed the healthy arrival of their daughter, Harriet Lucy Perrottet. Both mother and baby are doing very well, as is the Treasurer; however, I am informed his youngest son, William, has expressed some displeasure at being usurped as the baby of the family and is working hard to shore up his numbers.

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

**The SPEAKER (14:20):** One hundred and seventy thousand Australian troops returned home wounded or sick from the battlefields of the First World War. Some had physical injuries: bullet wounds, missing limbs or lungs affected by gas. Others were afflicted with diseases such as influenza and typhus. Many suffered from mental trauma, referred to at the time as "shell shock". Previously, wounded veterans had been cared for by their families, assisted by their local community and benevolent societies. However, the sheer number of the injured and sick returning from the First World War was overwhelming. The Government introduced pensions for veterans and war widows, but financial aid proved inadequate.

A century ago this month, the newly created Repatriation Department assumed administration of the pension scheme, and established programs to provide suitable employment or vocational training for disabled veterans, accommodation and treatment for incapacitated soldiers, and education for the children of returned servicemen who were unable to work. The operations of the Repatriation Department continued long after the end of the war. Many relied on its support for years; some for the rest of their lives. On the eve of the Second World War, there were 77,000 incapacitated veterans of the Great War still dependent on the pensions and schemes administered by the Repatriation Department. In the 1970s, the Repatriation Department became the Department of Veterans' Affairs. A legacy of our involvement in the First World War, it continues to deliver programs today in support of the veterans and personnel of Australia's defence forces and the Australian Federal Police. Lest we forget.

*Members***REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS**

**Ms GLADYS BEREJIKLIAN:** Today the Minister for Finance, Services and Property will be answering questions in the absence of the Treasurer, and Minister for Industrial Relations.

*Announcements***DEATH OF BRIAN JOSEPH BANNON, FORMER MEMBER FOR ROCKDALE**

**The SPEAKER:** It is with regret that I announce to the House the death, on 6 October 2017, of Brian Joseph Bannon, a former member of the Legislative Assembly, who served as the member for Rockdale from 27 March 1959 to 3 July 1986. On behalf of the House, I extend to the family the deepest sympathy of the Legislative Assembly in the loss sustained.

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

*Governor***ADMINISTRATION OF THE GOVERNMENT**

**The SPEAKER:** I report receipt of the following message from the Administrator:

M J BEAZLEY  
Administrator

GOVERNMENT HOUSE  
SYDNEY

The Honourable Justice Margaret Joan Beazley AO, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, His Excellency General The Honourable David Hurley AC DSC (Ret'd), being absent from the State, she has assumed the administration of the Government of the State.

23 September 2017

*Bills*

**JUSTICE LEGISLATION AMENDMENT BILL (NO 2) 2017**  
**RETAIL TRADING AMENDMENT (BOXING DAY) BILL 2017**

**Assent**

**The SPEAKER:** I report receipt of messages from the Administrator notifying her assent to the abovementioned bills.

*Governor***ADMINISTRATION OF THE GOVERNMENT**

**The SPEAKER:** I report receipt of the following message from the Governor:

DAVID HURLEY  
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 re-assumed the administration of the Government of the State.

30 September 2017

**ADMINISTRATION OF THE GOVERNMENT**

**The SPEAKER:** I report receipt of the following message from the Administrator:

M J BEAZLEY  
Administrator

GOVERNMENT HOUSE  
SYDNEY

The Honourable Justice Margaret Joan Beazley AO, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, His Excellency General The Honourable David Hurley AC DSC (Ret'd), being absent from the State, she has assumed the administration of the Government of the State.

Sydney, 2 October 2017

*Members***ELECTORAL DISTRICT OF BLACKTOWN****Issue of Writ**

**The SPEAKER:** I inform the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, I issued a writ on 25 September 2017 for the election of a member to serve in place of John Cameron Robertson, resigned.

Nomination day	Thursday 28 September 2017
Polling day	Saturday 14 October 2017
Return of Writs	Friday 24 November 2017

**ELECTORAL DISTRICT OF COOTAMUNDRA****Issue of Writ**

**The SPEAKER:** I inform the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, I issued a writ on 25 September 2017 for the election of a member to serve in place of Katrina Ann Hodgkinson, resigned.

Nomination day	Thursday 28 September 2017
Polling day	Saturday 14 October 2017
Return of Writs	Friday 24 November 2017

**ELECTORAL DISTRICT OF MURRAY****Issue of Writ**

**The SPEAKER:** I inform the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, I issued a writ on 25 September 2017 for the election of a member to serve in place of Adrian Piccoli, resigned.

Nomination day	Thursday 28 September 2017
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Polling day                      Saturday 14 October 2017

Return of Writs                Friday 24 November 2017

*Notices*

**PRESENTATION**

*[During the giving of notices of motions]*

**The SPEAKER:** Order! I call the member for Kiama to order for the first time. I call the member for Kiama to order for the second time.

*Question Time*

**ELECTRICITY PRICES**

**Mr LUKE FOLEY (Auburn) (14:27):** I direct my question to the Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business, and Leader of The Nationals. Given that The Nationals candidate for Cootamundra said last week of the Australian Energy Regulator's determination to cut electricity, "Our Government fought that and, yes, electricity prices are higher now because we fought that and successfully won," why are The Nationals fighting for higher electricity prices for everyone in regional New South Wales?

**The SPEAKER:** The question is questionable.

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:28):** I thank the Leader of the Opposition for his fantastic question, which allows me to talk about energy prices and energy in this State. In his speech in reply to the budget, he referred to putting it on the Snowy Hydro credit card off the back of a possible future sale. He talked about more money being spent on renewables and more subsidies, which we all know cause price increases.

Leading into the 2015 campaign, it was the NSW Nationals that were able to carve out Essential Energy from the leasing of poles and wires in New South Wales. It was The Nationals standing up for regional New South Wales. It was The Nationals standing up for lower electricity prices here in New South Wales. It was The Nationals that wanted to end the gold plating by those opposite because we knew that that cost was being passed on to consumers in this State.

**The SPEAKER:** Order! I call the member for Campbelltown to order for the first time.

**Mr JOHN BARILARO:** When those opposite were in government up until 2011 we saw some of the highest price rises in electricity in this State.

**The SPEAKER:** Order! I call the member for Rockdale to order for the first time.

**Mr JOHN BARILARO:** When you look at what we have done with the leasing of poles and wires—it is actually the networks; we are talking about the poles and wires being the distribution—we have seen downward pressure on network and distribution costs.

**The SPEAKER:** Order! I call the member for Rockdale to order for the second time. The member will cease shouting.

**Mr JOHN BARILARO:** It is those guys who sold the generators. It is those guys who did the gen trader deal. Remember the gen trader deal? At a quarter to midnight they sacked the boards, appointed their own Labor mates and then they prorogued Parliament. They did not want to have a debate about the issue because they knew what they did in relation to the generators during the gen trader deal—

**The SPEAKER:** Order! I call the member for Prospect to order for the first time.

**Mr JOHN BARILARO:** —that saw prices in this State go through the roof. The Leader of the Opposition has a hide to come into this House and question the integrity of the National Party—

**The SPEAKER:** Order! I call the member for Prospect to order for the second time.

**Mr JOHN BARILARO:** —in fighting for lower electricity prices. It is through Labor's failed policies over a very long period of time that we have seen the failure in the energy market. We accept that we are part of the national energy market. The Australian Energy Regulator [AER] determination is what has set the new world—

**Mr Stephen Kamper:** Point of order: It is relevance.

**The SPEAKER:** Order! There is no point of order. The member will resume his seat.

**Mr JOHN BARILARO:** We know what has happened since 2015. We know there has been downward pressure on network prices and distribution costs because of the leasing of poles and wires. We said we would bring in competition, and we have seen that. The candidate that we have in Cootamundra, Steph Cooke, is someone who has run businesses and been a fantastic businesswoman—a florist with three businesses across her electorate. There is no-one who understands more the impost of costs of living on businesses or families. I would rather have Steph Cooke in this place on our side working with the Government to deliver downward pressure on electricity prices in this State. Because of the fiscal responsibility of this side of the House, earlier this year we announced the rebates to bring about downward pressure by helping the most vulnerable, such as pensioners in our community, in relation to skyrocketing electricity prices.

**The SPEAKER:** Order! I call the member for Cessnock to order for the first time. I call the member for Maitland to order for the first time.

**Mr JOHN BARILARO:** I would have Steph Cooke here any day of the week. When we announced some of the rebates available for small businesses to put in place efficient appliances, I had Steph Cooke with me in Junee at a local butcher, and I can tell you this: Steph Cooke has forgotten more about business and the importance of business than those opposite know about small business. We know no-one on that side has come from a small business background. Their path has always been through the unions and the Labor Party. As I started, I will finish: The Leader of the Opposition has a hide to come into this place when he was a Minister in the former Keneally Labor Government that saw the highest electricity price rises in this State. I will never be lectured by him.

**The SPEAKER:** Order! I warn members of the Opposition they will be removed from the Chamber due to the level of interjections and shouting. The House will come to order.

#### OPAL CARD

**Mr CHRIS PATTERSON (Camden) (14:33):** My question is addressed to the Premier. How are the recent changes to the Opal card delivering big savings for New South Wales commuters?

**Ms Jodi McKay:** They're not.

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:34):** Who said that? The shadow Minister needs to do a bit more homework. She always gets it wrong. I would like to thank the member for Camden for his question because his constituents as well as many others are making great savings because of the Opal system. Today is an important anniversary. It is the first anniversary of a completely ticketless system. It is also the first anniversary of when the Minister for Transport and Infrastructure took the initiative to get rid of the fare imposition—the \$2—

**The SPEAKER:** Order! I call the member for Swansea and the member for Strathfield to order for the first time. I call the member for Swansea to order for the second time.

**Ms GLADYS BEREJIKLIAN:** They can't handle the truth.

**The SPEAKER:** Order! I warn the member for Swansea.

**Ms GLADYS BEREJIKLIAN:** The member for Swansea has a problem. Her party spent 20 years delivering the T-card, which failed—\$100 million down the drain. The shadow Treasurer was the deputy director-general of the transport department at the time. Transport Minister after transport Minister said we would have electronic ticketing for the Olympic Games in the year 2000, and they have the hide to interject on this one. But I digress. A year ago the Minister for Transport and Infrastructure made the important decision to say we should not penalise people if they are switching from buses to trains, trains to buses or other modes of transport—a great decision, because in one year alone Opal customers have saved \$120 million. That is just in one year. Not only did we do in three years what they could not do in two decades in introducing electronic ticketing, we are also seeing real benefits for customers.

I am so pleased to say that there are about five million Opal cards in operation and customers are benefitting day in and day out. Not only is this the first anniversary of the completely ticketless system and not only do we recognise that in the first 12 months of implementation \$120 million has been saved from customers taking the opportunity to change modes of transport, but it is also reassuring to note that all the other discounts mean that on top of the \$120 million customers are saving \$130 million worth on the other discounts available after eight trips. So in total customers are saving about a quarter of a billion dollars. That is the figure across the year, but we know that day in and day out customers are saving money.

I note that the member for Camden asked me the question. It is very interesting to note the communities that are getting particularly great benefit from the Opal system. The big winners in terms of the discounts are the greater Parramatta region, Western Sydney, south-west Sydney and the Shire. In fact, almost one in two commuters who travel from The Ponds—and the member for Riverstone would know about The Ponds—are saving through the transfer discount. It is important to know that those who are living further out are benefiting from the discount. Particular communities in Homebush Bay, Rydalmere and Camden have seen big jumps of more than 20 per cent in those who are benefiting from these savings. Other Sydney suburbs are also sharing in the benefits, including West Pennant Hills, the North Shore in Roseville, and also Caringbah—the good old Shire as well. It is good to know that these savings are coming at a time when the Government is investing more than ever in public transport.

We know that those opposite failed to deliver on infrastructure as well as service delivery. Not only are we the party of the worker; we are the party of the customer. We are the party of the transport worker and the transport user. Let's not forget their record. When it was quite obvious that the Opal system was working and millions of people were taking up the opportunity—we know pensioners and seniors love the Gold Opal card and that \$2.50 fare—those opposite were still whingeing and whining about how the system would fail. Shame on them. As late as August last year the Leader of the Opposition was saying how bad the system was. The member for Strathfield was talking about how phasing out paper tickets was going to be the end of the world. The member for Keira, the person who was deputy director-general in the Ministry of Transport, also said that this system was not working. [*Extension of time*]

The Opal system demonstrates the difference between those of us on this side of the House and those opposite. The Opposition talks about something for years and years, but it cannot deliver. They waste taxpayer dollars and what is worse is that the Opposition lets commuters down. I am pleased that no longer do our commuters have to wait in queues on Monday morning to buy their paper tickets.

**The SPEAKER:** Order! I call the member for Swansea to order for the third time.

**Ms GLADYS BEREJIKLIAN:** No longer do customers have to put up with an old-fashioned transport system. The work the Government has done to modernise our public transport system has no comparison in any other era in the history of New South Wales. Let us congratulate the Minister for Transport on his efforts. He does an outstanding job. The Opal card is a constant reminder of that. I used mine this morning. When did the member for Keira last use his Opal card?

**Mr Ryan Park:** Yesterday.

**Ms GLADYS BEREJIKLIAN:** The shadow Treasurer uses the Opal card, it must be a great system. Not only are we the party of the worker, we are the party of the transport user, we are the party of the commuter, we are the party for rural and regional New South Wales, and we are the party for improving the quality of life for citizens of New South Wales.

#### WILLIAMTOWN LAND CONTAMINATION

**Ms KATE WASHINGTON (Port Stephens) (14:40):** My question is directed to the Minister for the Environment. Given that the toxic contamination from Williamtown RAAF base is one of Australia's worst environmental disasters, why has the Minister not met with any of the affected residents and will she now visit my electorate and hear directly from them?

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (14:41):** This is a serious matter, as I said in the House last time this was mentioned. This Government has done many things. This is Department of Defence land; the Department of Defence is the polluter.

**The SPEAKER:** Order! Member for Port Stephens, it is not a debate. I call the member for Cessnock to order for the second time. I call the member for Cessnock to order for the third time.

**Ms GABRIELLE UPTON:** Setting that to one side, in the spirit of this being a community matter which requires the full support of this Government, it is quite clear that the Government has undertaken a number of measures to support the member for Port Stephens' local community. We have a community reference group that meets to discuss these matters to make sure that the community has the information that they need to make good decisions.

**The SPEAKER:** Order! Members will come to order. The Minister is not assisted by interjections from the member for Gosford.

**Ms GABRIELLE UPTON:** We have set up an expert reference group headed by the Chief Scientist, with the best technical information that can be provided to make sound decisions. We have provided town water to the affected communities. We continue to work with them and call for further testing by the Department of Defence.

**The SPEAKER:** Order! I call the member for Londonderry and the member for Port Stephens to order for the first time. I call the member for Strathfield to order for the second time.

**Ms GABRIELLE UPTON:** I hear the concerns that the member for Port Stephens raises.

**The SPEAKER:** Order! I call the member for Londonderry to order for the second time.

**Ms GABRIELLE UPTON:** I am across those concerns. I am happy to meet with any members of the member for Port Stephens' community, as is the Parliamentary Secretary for the Hunter, who sits on the member's reference committee. As I said, this is a serious matter.

**The SPEAKER:** Order! I call the member for Maitland to order for the second time.

**Ms GABRIELLE UPTON:** It is above politics and I caution the member for Port Stephens to work cooperatively with the New South Wales Government, with me, and with the Environment Protection Authority—

**The SPEAKER:** Order! I call the member for Strathfield to order for the third time. Members will cease interjecting. All members who are on one or two calls are now called to order for the third time.

**Ms GABRIELLE UPTON:** —to ensure that the member for Port Stephens' community gets the proper support in the ways that they deserve.

#### REGIONAL DATA CONNECTIVITY

**Mr KEVIN ANDERSON (Tamworth) (14:44):** My question is addressed to the Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business. How is the Liberal-Nationals Government investing in communities so it can better connect people right across this great State?

**The SPEAKER:** Order! The member for Canterbury and the member for Bankstown are both on three calls to order. If they continue to interject, they will be removed from the Parliament for the rest of the day.

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:45):** I thank the member for Tamworth for a fantastic question. He is a member who understands some of the impediments faced by regional communities, and one of them is around connectivity, mobile black spots, and slow internet and data services right across regional New South Wales. It touches people in so many different ways. We know that technology plays an important part in having a digital footprint. People need to be able to have access to 4G and possibly 5G as well as good internet service if they are going to conduct business.

It is so important for our farmers, with technology changing the way we farm, getting access to markets, and making sure that we have the recent data in relation to what needs to be done on the land. Our emergency services are, of course, great volunteers who work to protect our communities in times of disaster, and they need to be connected to the cities and to their bases to ensure they can continue to do their work. How many of us in the community today would survive without the ability to use our mobile phones? More than likely there is not a person in the gallery who does not have a mobile phone in their pocket. It is taken for granted in Sydney that people can use their mobile phone, can get data, can google, can connect, can run a business, and can do what they need to do and stay connected.

This has been an ongoing issue in regional Australia for a very long time. As the Minister for Regional Development I was proud over the past couple of years that we were able to piggyback off the Federal Government's Mobile Black Spot Program—a \$200 million program across the country. In New South Wales we were able to invest \$39 million of State money. Yes, we are playing in the telecommunications area which traditionally is the responsibility of the Commonwealth, but we believe connectivity and having access to connectivity and technology is just as important as building the rail and the roads that connect us to regional New South Wales.

That is why over the past two years this Government has invested \$39 million off the back of the Federal Government's investment, plus that of the telecommunication companies, with the result being a combined investment of over \$100 million to deal with the State's mobile phone black spot problem. From that commitment we are building 174 towers right across this State. That has included approximately 900 black spot areas covering 14,000 square kilometres, which has dealt with approximately 40 per cent of the black spot areas in this State.

We know the importance of making sure we stay connected and that is why this year in our regional growth fund we allocated \$1.3 billion to work with regional communities, build amenities, build infrastructure, support families, build liveable towns and cities and create jobs. We also announced last week in June that we are going to invest \$50 million to ensure that we continue to work on those mobile black spot areas in regional New South Wales.

It is not just about mobile phones; it is about connectivity, it is about downloads, it is about broadband and it is about data connectivity. We will be working with the big telcos, Vodafone, Optus and Telstra, but what we have also done this time around, which we have not done previously, is work with smaller companies that are able to find local solutions at a granular level. We know councils have been able to deliver wi-fi or connectivity in different forms at a very local level. What we want to do with the next \$50 million is to work with those new companies in delivering the opportunity for regional communities.

Yesterday, I was at Griffith Primary School with the Assistant Minister for Education. We must acknowledge the Minister for Education's commitment to regional and rural communities in respect of wi-fi. In this budget the Government allocated \$46 million to get wi-fi right across regional and rural schools. Some may not know that in many areas of regional New South Wales school parents and citizens organisations, or P and Cs, have raised money to get wi-fi for their schools. Griffith Public School P and C is no different, but that school has welcomed the initiative of the New South Wales Government to invest \$46 million in about 900 schools across regional New South Wales. Now regional and rural kids will have same opportunities that we take for granted in metropolitan Sydney. When it comes to technology and investing in infrastructure that will make a difference for today and the future, the New South Wales Liberal and Nationals members have a plan. Our track record clearly shows what we have done in the past and what we are committed to doing. *[Extension of time]*

The Government is committed to making sure that regional New South Wales is a great place to raise a family and run a business, where people have the ability to participate in the community and be part of the economy. I refer again to emergency services personnel. The Government is making sure that they have the equipment to connect at times of disaster. In this State we have seen fires and it looks as if a very hot summer is approaching. There have been floods, especially on the North Coast, and the Government wants to make sure that emergency services personnel have the right equipment and the ability to do their job. That is why it is important that we continue to build infrastructure across regional New South Wales and that we have a network in place—not just for today but for the future. When I was in June I had the opportunity to meet a local farmer, Tony Clough, who was, more importantly, a NSW Rural Fire Service officer. He was absolutely thrilled at the announcement by the New South Wales Government about the Connecting Country Communities initiative. Tony said:

I think this is great. The farmers out there are running a business, just like anyone else. We need to be looking at all sorts of markets, stock markets, share markets and online banking. Businesses today are expecting us to download statements and send us invoices by email. We all talk about megabits per second, I talk about kilobits per second. Everyone else is getting megabits per second. We don't get anywhere near that, so you can imagine me trying to download a statement. It is absolutely crazy. It takes forever.

This is a clear investment by the New South Wales Government to make sure that we build the infrastructure that changes the way we live, the way we raise families and the way we run businesses in regional New South Wales. This is all part of the regional growth fund of \$1.3 billion, which is changing the landscape for regional New South Wales and showing a commitment by the Liberals and Nationals.

**The SPEAKER:** Order! The member for Cessnock will come to order.

#### **WILLIAMTOWN LAND CONTAMINATION**

**Ms KATE WASHINGTON (Port Stephens) (14:52):** My question is directed to the Minister for the Environment. What does the Minister say to members of the Butler family, who were told by the Environment Protection Authority [EPA] that it was safe to use their water and eat their vegetables, and who now have elevated levels of cancer-causing toxins in their blood?

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (14:52):** I extend my wishes of support for that family. A number of us watched the *Four Corners* program last night. It is a Department of Defence property. I have made that point in this Chamber on three occasions now.

**The SPEAKER:** Order! I remind the member for Port Stephens that this is not a debate. I call the member for Port Stephens to order for the second time.

**Ms GABRIELLE UPTON:** It is a Defence property, which, therefore, is the polluter and which owns the solution for that property.

**The SPEAKER:** Order! The member for Gosford will come to order. The member for Port Stephens is on three calls to order.

**Ms GABRIELLE UPTON:** The Environment Protection Authority has provided the support that I enumerated in my answer to the member for Port Stephens earlier. It is a serious matter. It is beyond politics, and that is why I am working with the member for Port Stephens.

**The SPEAKER:** Order! The member for Shellharbour and the member for Gosford will cease interjecting.

**Ms GABRIELLE UPTON:** I will respond to the member's very recent request and meet with some of the members of that community.

### COUNTERTERRORISM

**Mr ALISTER HENSKENS (Ku-ring-gai) (14:53):** My question is addressed to the Attorney General. What measures has the New South Wales Government implemented to protect the community from terrorism?

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (14:54):** I thank the member for Ku-ring-gai for his strong advocacy for the rule of law and for adapting the law when necessary to meet changing circumstances to protect community safety. Terrorism is a threat we cannot afford to underestimate. The Australian Federal Police rank the current threat level as probable. Following tragic events like those at the Lindt Cafe in 2014 and Parramatta in 2015, and recent events interstate and overseas, it is clear that the threat we face has become more complex, more fragmented and more hidden, especially online. As that threat evolves, the Government has to recognise that our counterterrorism strategy has to be one step ahead.

This is a strategy and approach that runs the gamut of government. Our police are particularly adept at disrupting potential terrorism threats, with a number of potential terrorist incidents being thwarted by the Joint Terrorism Task Force. But it is not just police; it is corrections, transport, education, and multiculturalism, right across government. In legal terms, my job as Attorney General—and the whole Government's job—is to make sure that we do not leave a stone unturned in fighting terrorism. As a State, New South Wales has led the pack on these measures across the country, and we now have the strongest antiterrorism laws in the country.

Recently the Government has moved quickly to clarify police powers at the time of a terrorist incident. The Government has moved quickly to tighten pre-charge investigative detention and to tighten bail laws and parole laws. Now the Government is tightening post-sentence detention and supervision. The Government has clarified police powers at the time of a terrorist incident by introducing the shoot-to-kill reforms to give legal protections to police officers who need to use lethal force against terrorists during an incident.

The Government has tightened pre-charge investigative detention by extending the maximum to 14 days for people suspected to have been involved in an act of terror—either in the past or in planning—and has given the police sufficient time to build a brief of evidence and question the suspected individual. The Government has tightened bail laws to make it clear that an alleged terrorism-related offender gets bail only in exceptional circumstances. The Government has tightened parole laws to make it clear that terrorism-related offenders and offenders who have links to terrorism will not get parole unless the State Parole Authority is satisfied that they will not engage in terrorist acts or incite terrorist acts.

Last week, ahead of a special Council of Australian Governments meeting on counterterrorism, the Government announced that New South Wales is closing the loop in post-sentence detention and supervision laws to make it clear that no matter what offence an individual might be in jail for, if that individual poses an unacceptable risk of terrorism in the community the Supreme Court can order the person's detention or supervision. The consequences of releasing a terrorist or a still-radicalised offender from jail can be extremely serious. If that offender poses an unacceptable risk of committing a terrorist offence and remains determined to disrupt our way of life, or if the offender is intent on causing widespread destruction, the Government wants to stop that offender getting out of jail. Under this new post-sentence detention and supervision framework, preventative action such as continued detention can be taken against an offender who poses an unacceptable risk of committing a terrorist offence at the end of their sentence.

The new laws will be modelled on our existing post-sentence scheme for high-risk, violent and sex offenders. Under that scheme for high-risk, violent and sex offenders, post-sentence orders like continued detention orders and extended supervision orders can be made by the Supreme Court on the application of the State. Let us be clear, there are very important safeguards in these laws. A high degree of probability of an unacceptable risk has to be demonstrated, and there is judicial oversight before an order is made. Under the new scheme the State will consider a full brief of evidence before making an application. That will include affiliations with terrorist groups and other individuals involved in terrorism, potential radicalisation in jail, reports from



Corrective Services, the intelligence agency, the police and any evidence that can assist the State and the Supreme Court to understand the risk that is posed by the offender.

The Government is intent on putting community safety first. Time and time again the Government has shown that this is our intention. Traditionally, an individual is held in jail for what that person has done—not for who the person is, or what the person could do or is likely to do. Holding an inmate beyond the term of their sentence is not to be taken lightly, but in this age when the threat of terrorism is real and pervasive community safety trumps some incursion on the civil liberties of those found to be an unacceptable risk to community safety. *[Extension of time]*

The greatest civil liberty is life itself. This is a measured but strong response with appropriate safeguards—in particular, judicial oversight. The Leader of the Opposition commented that if this is simply an announcement for the sake of public relations rather than dealing with the real problem, there will not be much to go on. I say to the Leader of the Opposition that there is a real problem to deal with. There is a gap in our current post-sentencing detention and supervision scheme that potentially puts our community safety at risk. The current scheme does not capture offenders who are convicted of New South Wales terrorism charges, or are convicted of terrorism-related offences—for example, a firearms offence—or who may have become radicalised in jail. This Government is putting community safety first by proactively filling this gap.

No member of Parliament, no Premier, no Attorney General, and no Leader of the Opposition would want to look back after an incident and say, "We could have or should have done more." This Government will not expose the people of New South Wales to unacceptable risks and will continue to work proactively with our Commonwealth counterparts and all security agencies by providing the legal framework to disrupt any potential threat of terrorism in New South Wales. When it comes to community safety, this is a Government that will leave no stone unturned.

#### WILLIAMTOWN LAND CONTAMINATION

**Ms KATE WASHINGTON (Port Stephens) (15:00):** My question is directed to the Minister for the Environment.

**Mr John Barilaro:** Oh, really?

**Ms KATE WASHINGTON:** I cannot think of a more important issue. Will the New South Wales Government apologise to Williamtown families for keeping secret for three years the fact that their drinking water was toxic?

**Mr Brad Hazzard:** Your Labor Government did bugger-all.

**The SPEAKER:** Order! Let us not start an argument across the table. The Minister for the Environment has the call.

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (15:01):** It looks like the member for Port Stephens is trying to play politics on this matter, which is grossly disappointing.

**The SPEAKER:** Order! Many Opposition members are on three calls to order, including the member for Prospect.

**Ms GABRIELLE UPTON:** It is disappointing that in relation to a serious issue like this, where the State Government has provided assistance to local communities and continues to do more as well as work with the member for Port Stephens, that the member still asks me a third question in order to make highly political statements.

**Ms Jenny Aitchison:** Point of order: My point of order relates to Standing Order 73. The Minister is impugning the motives of the member for Port Stephens.

**The SPEAKER:** Order! There is no point of order. The member will resume her seat.

**Ms GABRIELLE UPTON:** I remind the member for Port Stephens that this is a serious matter and I have told her what the Government has done and will continue to do. The Government will work with the member for Port Stephens and will work with the community. This is Commonwealth land and it involves Defence, but the Government is doing and will continue to do everything it can to work with the community of the member for Port Stephens and to work with her.

**ENERGY SECURITY**

**Mr MICHAEL JOHNSEN (Upper Hunter) (15:02):** My question is addressed to the Minister for Planning, Minister for Housing, and Special Minister of State. Will the Minister update the House on what the Government is doing to ensure energy supply and regional jobs? Are there any other related matters?

**The SPEAKER:** Order! I remind the member for Strathfield that she is already on three calls to order. If the member for Strathfield is called to order again, she will be removed from the Chamber.

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (15:03):** I thank the member for Upper Hunter for his question and for his strong support for the mining industry and mining communities not just in his electorate but also in electorates across the State. Coal, this amazing piece of black rock I have with me, is beautiful. It keeps us cool in summer, warm in winter, produces energy to power electric motor vehicles and indeed lights our schools and our police stations. In fact, in every minute of every day, it is saving people's lives in hospitals. I say this: If you want a friend, get yourself a bit of coal.

**Mr Brad Hazzard:** Is that how you get your friends? You must have a lot of friends.

**Mr ANTHONY ROBERTS:** I will give the Minister for Health a piece of coal. Brad has a friend now.

**Mr Gareth Ward:** He now has another friend!

**Mr ANTHONY ROBERTS:** Yes, that is right. Since 1992 the Springvale coalmine has supported the people of Lithgow and its surrounding communities. As the member for Bathurst, and Minister for Lands and Forestry, and Minister for Racing will tell us, the mine has been woven into the fabric of the region over the past 2½ decades and drives the local economy while supporting the energy needs of this great State. When the Baal Bone, Cullen Valley and Invincible mines closed, and Centennial decided in October 2014 to place its adjoining Angus Place mine on care and maintenance, Springvale's role became critical, not just to the region but also to the State. Springvale is now the only local source of coal for the Mount Piper Power Station and provides approximately 11 per cent of the electricity needed in the New South Wales grid, or indeed across the nation, as the member for Monaro will tell us.

**The SPEAKER:** Order! The member for Blue Mountains will cease interjecting.

**Mr ANTHONY ROBERTS:** As the months become warmer in the lead-up to summer, the Australian Energy Market Operator has forecast that approximately 600,000 homes and businesses across New South Wales could lose power if Mount Piper is forced to suspend its operations. Action is required as there are now fewer than 50 days before the commencement of summer, which officially begins on 1 December. In terms of energy security, the message is crystal clear. Without Mount Piper we face almost certain blackouts this summer.

Without swift and decisive intervention by the Berejiklian-Barilaro Government, we are risking the energy security of our State and risking stable prices for its customers. This Government is acting on this issue in two ways: Firstly, the Government intends to amend the Environmental Planning and Assessment Act to clarify that projects in the Sydney drinking water catchment that are seeking to expand must maintain or improve water quality compared with existing levels. That will ensure that the environment is respected and that our drinking water remains world class.

**The SPEAKER:** Order! The member for Blue Mountains will come to order.

**Mr ANTHONY ROBERTS:** Secondly, the Government will validate Springvale mine's State significant consent to secure jobs for Lithgow and surrounding communities. I look forward later today to introducing a bill on behalf of the Government to achieve those objectives. On Monday I was pleasantly surprised to see the Leader of the Opposition issue a press release.

**Mr Luke Foley:** I was at the mine, mate. Where were you?

**Mr ANTHONY ROBERTS:** I will come to that in a minute.

**The SPEAKER:** Order! Members will come to order.

**Mr ANTHONY ROBERTS:** Forget the fact that he bumped poor old Adam Searle to the second page as he came out making a commitment that Labor would support the legislation to ensure the mine remained open, and for a water treatment plant. This Government intends to hold the Leader of the Opposition and Opposition members to account in respect of that commitment. What the Government really wants to know is whether the Leader of the Opposition finally has walked away from the policy he developed with the former member for Blacktown, as revealed by that outstanding former journalist Alicia Wood, that Labor plans to shut down the coal

industry in New South Wales. It is crystal clear that Labor has a plan to shut down coal and, as a result, shut down coal-fired power stations. Labor has a plan to do that.

**The SPEAKER:** Order! I warn the member for Prospect to be careful.

**Mr ANTHONY ROBERTS:** While the Leader of the Opposition carries on about the Government's response, the people of New South Wales want to know what is the response of the Leader of the Opposition.

**The SPEAKER:** Order! The member for Blue Mountains will cease interjecting.

**Mr ANTHONY ROBERTS:** Has a single Opposition member written to the Government calling on it to save Springvale? No, not one. Have Opposition members expressed any outrage? No. Yet indeed there has been outrage on the part of Opposition members.

**The SPEAKER:** Order! The member for Kogarah will come to order.

**Mr ANTHONY ROBERTS:** It gives me no pleasure whatsoever—

**Mr John Sidoti:** Ace, don't lie to us, okay.

**Mr ANTHONY ROBERTS:** Okay, right. [*Extension of time*]

It gives me no pleasure to inform the House that those opposite have joined with environmental extremists in urging me to reject Centennial Coal's application. My response is: No, never; no way. We are going to back this State's energy security and we are not going to put at risk, as they would, 30,000 people on life support. Those people rely on a secure energy network to survive. Those opposite think that if a fridge goes off for two hours, it is an inconvenience; for those 30,000 people it is a matter of life or death. Members opposite stand condemned on this issue. Members on this side of the House will continue to put their communities first and this State first. That means we will ensure that the farming, timber, tourism, manufacturing and mining industries that keep this State ticking will continue—and jails, as suggested.

**The SPEAKER:** Order! I call the member for Blue Mountains to order for the first time.

**Mr ANTHONY ROBERTS:** At the local level, closure of the mine means 400 job losses and up to 600 jobs that could be lost, if we did not have the decisive leadership of this Government. The proposed state-of-the-art water treatment plant will ensure that there will be no mine water discharged directly into the Cocks River.

**The SPEAKER:** Order! I warn the member for Prospect for the last time. I call the member for Blue Mountains to order for the second time.

**Mr ANTHONY ROBERTS:** That means further environmental improvements will result from this legislation. Only under this Government will the commitment to protecting jobs and communities in this State be balanced with our responsibility to respect the environment.

**The SPEAKER:** Order! The member for Balmain will come to order.

**Mr ANTHONY ROBERTS:** The party of the workers is on this side of the House; the party of the shirkers is on the other side of the House. We are going to back the workers every time, even if those opposite do not.

#### RIVER RED GUM FORESTS REVOCATION

**Mr PHILIP DONATO (Orange) (15:10):** My question is directed to the Premier. It is reported that the Premier met with and promised to consider the requests from the river red gum foresters to revoke the national park status of those forests and to reinstate sustainable forestry. Will the Premier now commit to supporting the bill introduced in the other place by my Shooters, Fishers and Farmers Party colleague the Hon. Robert Brown to revoke the national park status of those forests and to reinstate the forestry industry in the river red gum forests? Yes or no?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:11):** I was invited by Austin Evans, The Nationals candidate for the great seat of Murray and a great candidate, on behalf of a number of timber industry representatives in the red gums district of Mathoura, to look at what was happening in the park. I was pleased to go to the park and walk through the bush with them. I also had a meeting and consulted with and listened to stakeholders. Good governments consult and listen and then we take on the concerns and frustrations of community members. Let me make one thing clear: If members of the Shooters, Fishers and Farmers Party think that they control the Government and that they can influence policy, the answer is no, no, no; wrong, wrong, wrong.

**The SPEAKER:** Order! The Labor Opposition will come to order. I call the member Keira to order for the first time.

**Ms GLADYS BEREJIKLIAN:** If The Nationals candidates are successful in the by-elections on Saturday they will have a hotline to the Deputy Premier and to me. The member for Orange does not have a hotline to me; he has never written to me.

**The SPEAKER:** Order! The member for Orange should not be tempted to argue. I call the member for Kogarah to order for the first time.

**Ms GLADYS BEREJIKLIAN:** I think I have never received a request for anything from the member for Orange.

**The SPEAKER:** Order! The member for Rockdale is on his last warning.

**Ms GLADYS BEREJIKLIAN:** What I find very curious is that today this question was supposed to be asked by The Greens, and I do not know how it ended up being a question from the Shooters, Fishers and Farmers Party. It goes to show that members of the Shooters, Fishers and Farmers Party have no morals. This question is about national parks and it was meant to be a question from The Greens.

**The SPEAKER:** Order! Members will come to order. I call the member for Blue Mountains to order for the third time.

**Ms GLADYS BEREJIKLIAN:** In all seriousness, we know the Labor Party will do a deal with the Shooters, Fishers and Farmers Party, will do a deal with The Greens, will do a deal with whoever comes across its bow. The Shooters, Fishers and Farmers Party will swap questions with The Greens and do deals with whoever it likes. The Liberals and Nationals stick to their principles. We deliver good government. We do not do dirty deals. The only people who can represent rural and regional New South Wales are the Liberals and Nationals. We are the real representatives of rural and regional New South Wales—always have been and always will be.

**The SPEAKER:** Order! Members will come to order. I remind members that those who are on one or two calls to order are now deemed to be on three calls to order.

#### CONSUMER PROTECTION

**Mr DAMIEN TUDEHOPE (Epping) (15:15):** My question is addressed to the Minister for Innovation and Better Regulation. How is the Government ensuring that consumers are put first and their rights are protected in the marketplace?

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (15:15):** I thank the member for Epping for his question about putting consumers first, because he is a consumer champion. Every day he stands up for the good people of Epping and other people across New South Wales.

**The SPEAKER:** Order! The member for Bankstown is on three calls to order.

**Mr MATT KEAN:** It is not just the member for Epping who loves to put consumers first; it is every member on this side of the House. Whether it be running out the My Place program to help vulnerable people to deal with scams or taking on the dodgy elements of the retirement village sector to protect our senior citizens, we will put consumers first every day of the week.

**The SPEAKER:** Order! I direct the Deputy Serjeant-at-Arms to remove the member for Rockdale from the Chamber under Standing Order 249. I warn that others will follow if they do not come to order.

*[The member for Rockdale left the Chamber at 15:16 accompanied by the Deputy Serjeant-at-Arms.]*

**Mr MATT KEAN:** We are the party of the individual. We are the party of the worker. We are the party of the people. Every year Fair Trading receives more than 50,000 complaints, and we are listening to those complaints. That is why we will introduce an amendment to the Fair Trading Act that puts consumers first in this State. We will take on the dodgy ticket scalpers, who want to take consumers for a ride and make a quick buck at the expense of genuine fans. We will smash the business model of the dodgy ticket scalpers by taking on ticket bots. We will stop the bots, because I am sick and tired of getting complaints from the member for Heathcote every time he tries to get tickets for the Justin Bieber concert and he is ripped off on Viagogo, having to pay 374 per cent more than the original ticket price.

**The SPEAKER:** Order! There is too much noise in the Chamber.

**Mr MATT KEAN:** This legislation is about putting the consumer first by making sure that genuine fans can access tickets at a reasonable price. We want to make sure that fans get a fair go and that the dodgy ticket scalpers are run out of town.

**The SPEAKER:** Order! The member for Blue Mountains will come to order. This is her last warning.

**Mr MATT KEAN:** We are not only putting consumers first when it comes to dodgy ticket scalpers; we are putting consumers first by extending the expiry dates on gift cards in New South Wales. This is all about putting money back into the hands of New South Wales consumers. Every year \$60 million of hard-earned New South Wales consumers' money is being ripped out of their hands by retailers who want to make profits at the expense of the little guy. It is unacceptable and I will not stand for it. This is about putting money back into the hands of consumers because we think people deserve to get what they pay for. We think that when people use cash to purchase a gift card, they are entitled to receive the goods and services that they wish to receive. This business of retailers putting the money of consumers in their own pockets and not giving goods or service in return is outrageous.

**Mr Rob Stokes:** It's not fair. It's un-Australian.

**Mr MATT KEAN:** It is unfair, it is un-Australian and it is putting consumers last.

**The SPEAKER:** Order! There are too many interjections from Government members. The member for Kiama has been placed on three calls to order. This is his final warning.

**Mr MATT KEAN:** These are some of the ways the Government is putting consumers first. We will smash the business model of dodgy ticket scalpers in this State. We want to make sure that the member for Heathcote can access those Justin Bieber tickets at a fair and reasonable price, and we want to make sure that everybody who loves shopping with a gift card in the lead-up to Christmas is able to get what they pay for. We think it is not right that retailers can pocket the cash of hardworking New South Wales mums and dads, be they in Cootamundra, Murray or anywhere else. We think consumers deserve to get what they pay for, and that is why we will amend the Fair Trading Act to put consumers first.

#### *Documents*

### **REGISTER OF DISCLOSURES**

**The SPEAKER:** In accordance with clause 21 of the Constitution (Disclosures by Members) Regulation 1983, I table the Register of Disclosures by Members of the Legislative Assembly as at 30 June 2017. I order that the document be printed.

### **ATTORNEY GENERAL OF NEW SOUTH WALES**

#### **Reports**

**The CLERK:** In accordance with section 45 of the Surveillance Devices Act 2007, I announce the receipt of a report by the Attorney General of New South Wales pursuant to section 45 of the Surveillance Devices Act 2007 for the period ended 30 June 2017, received on 4 October 2017 and authorised to be printed.

#### *Committees*

### **LEGISLATION REVIEW COMMITTEE**

#### **Report: Legislation Review Digest No. 44/56**

**Mr MICHAEL JOHNSEN:** As Chair, I table the report entitled "Legislation Review Digest No. 44/56", dated 10 October 2017. I move:

That the report be printed.

#### **Motion agreed to.**

**Mr MICHAEL JOHNSEN:** I also table the minutes of the committee meeting regarding Legislation Review Digest No. 43/56, dated 19 September 2017.

#### *Petitions*

### **PETITIONS RECEIVED**

**The CLERK:** I announce that the following petition signed by fewer than 500 persons has been lodged for presentation:

#### **Fernhill Estate Cemetery, Mulgoa**

Petition opposing the development of a cemetery at Fernhill Estate, Mulgoa, received from **Ms Tanya Davies**.

**The CLERK:** I announce that the following petitions signed by more than 500 persons have been lodged for presentation:

**Manilla Rail Viaduct**

Petition requesting the heritage listing of the Manilla rail viaduct remain, received from **Mr Kevin Anderson**.

**Sussex Inlet Community Church**

Petition requesting an investigation into the sale of the Sussex Inlet Community Church and calling for protection of community land used by churches, received from **Mrs Shelley Hancock**.

*Business of the House*

**BUSINESS LAPSED**

**The SPEAKER:** I advise the House that, in accordance with Standing Order 105 (3), General Business Orders of the Day (for Bills) No. 1, Land and Property Information NSW (Authorised Transaction) Repeal Bill, and No. 2, Securing NSW Steel Industry Bill, and General Business Notices of Motions (General Notices) Nos 1819 to 1852, 1854 to 1915, and 1917 to 1937 have lapsed.

*Motions Accorded Priority*

**GUN CONTROL**

**Consideration**

**Mr ALISTER HENSKENS (Ku-ring-gai) (15:23):** My motion should be accorded priority because the highest responsibility of government is to protect the physical safety of its citizens. Without a safe community, all other freedoms become meaningless. When Australia suffered the Port Arthur massacre, John Howard and Tim Fischer showed some of the greatest political leadership in modern times anywhere in the world. They stared down their critics to put in place probably the most effective national gun laws in the world. If any of the many American political leaders since the Port Arthur massacre had shown anything like the leadership of that Federal Liberal-Nationals Government, many more citizens of the United States would be alive today.

It is obscene and grotesque that only a week after the massacre in Las Vegas the Labor Party would do a preference deal with the Shooters, Fishers and Farmers Party, which wants to repeal the Howard national gun controls and weaken the gun laws in this country by legalising the same weapons used in the recent Las Vegas attack. Any weakening of our current laws would mean that innocent people like those in Las Vegas, Port Arthur and the numerous mass shootings that have occurred in the United States could be killed in New South Wales.

The Premier and the Deputy Premier are not shirking their leadership on proper gun controls. They want safe and sensible gun laws. But where is the Leader of the Opposition? In 2011 the member for Auburn described the Shooters, Fishers and Farmers Party as "book burners", "elephant shooters" and an "extreme right" party. In March 2013 the member for Auburn said, "No animal is safe in New South Wales under the Shooters Party". In April 2013 he described the views of the Shooters, Fishers and Farmers Party as "revealing a disturbing extremism". Since then the policies of the Shooters, Fishers and Farmers Party have not improved but have become even worse.

To use the words of the Leader of the Opposition, the Shooters, Fishers and Farmers Party is an extreme right-wing party of elephant hunters and book burners, so why is his Labor Party giving it preferences at the two by-elections in Cootamundra and Murray this weekend? The Leader of the Opposition wants to put political opportunity ahead of public safety. But what does it say about members of the Shooters, Fishers and Farmers Party that they would take preferences from somebody who thinks so little of them? Have they any dignity? The voters of Murray and Cootamundra should not be fooled by either party. This matter should be given priority because Labor will always sell the people of New South Wales down the river as a matter of political expediency—and the Shooters, Fishers and Farmers Party is just the same.

**BLACKTOWN BY-ELECTION**

**Consideration**

**Mr EDMOND ATALLA (Mount Druitt) (15:26):** My motion should be accorded priority because it demonstrates the complete disregard of the New South Wales Government for the people of Blacktown and Western Sydney. The Liberals have demonstrated that they do not care about Blacktown and have no plans or vision for the second largest local government area in New South Wales. Not only have those opposite disregarded the people of Blacktown; they have also disregarded and snubbed their own supporters. At the 2015 New South

Wales State election, 15,547 Australians voted Liberal in the electorate of Blacktown. That means 15,547 Liberal voters have been abandoned and snubbed by those who should seek to represent them. Those opposite are sending a clear message to these Australians: The Liberals neither want their votes nor care about their future. This is not the first time that the Liberals have abandoned Blacktown.

Earlier this year Liberal voters were again discarded when the Liberal Party failed to field a council candidate in the April by-election. In 2012 the people of Blacktown gave the Liberal Party a chance to control council, but it lasted only two years out of a four-year term because the Liberal Party was responsible for removing Indigenous recognition and welcome to country from council meetings. The Liberal Party closed the community pool at Mount Druitt, attempted to close down and sell childcare centres and small parks, and attempted to undermine Blacktown and completely change its name.

The Government clearly believes that areas such as Blacktown are not worthy of Liberal candidacy. This gutless action is an accurate reflection of its apathy towards the residents of Blacktown. A local newspaper has reported that the Liberal Party stated it "does not wish to contest a fight it cannot win". Is this the attitude it wants to pass down to younger generations—to give up before they even start? It is a disgrace to hardworking Australians. What is this Government's response to the thousands of voters that it has snubbed? What are its plans and visions for this great electorate? How can it justify its selfish actions towards thousands of citizens in the Blacktown electorate? [*Time expired.*]

**The DEPUTY SPEAKER:** The question is that the motion moved by the member for Ku-ring-gai be accorded priority.

**The House divided.**

Ayes .....46  
Noes .....37  
Majority.....9

**AYES**

Anderson, Mr K  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Dominello, Mr V  
Fraser, Mr A  
Grant, Mr T  
Hazzard, Mr B  
Johnsen, Mr M  
Maguire, Mr D  
Patterson, Mr C (teller)  
Provest, Mr G  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Elliott, Mr D  
Gibbons, Ms M  
Griffin, Mr J  
Henskens, Mr A  
Kean, Mr M  
Marshall, Mr A  
Pavey, Mrs M  
Roberts, Mr A  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Ayres, Mr S  
Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Ms T  
Evans, Mr L  
Goward, Ms P  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Petinos, Ms E  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

**NOES**

Aitchison, Ms J  
Car, Ms P  
Cotsis, Ms S  
Dib, Mr J  
Finn, Ms J  
Harris, Mr D  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Scully, Mr P  
Warren, Mr G

Atalla, Mr E  
Catley, Ms Y  
Crakanthorp, Mr T  
Donato, Mr P  
Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Smith, Ms T F  
Washington, Ms K

Barr, Mr C  
Chanthivong, Mr A  
Daley, Mr M  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Tesch, Ms L  
Watson, Ms A (teller)

NOES

Zangari, Mr G

**Motion agreed to.****GUN CONTROL****Priority****Mr ALISTER HENSKENS (Ku-ring-gai) (15:35):** I move:

That this House:

- (1) Supports the Howard-Fischer national gun laws.
- (2) Notes the Shooters, Fishers and Farmers Party wants to weaken gun controls.
- (3) Condemns the Labor Party for putting political opportunism over public safety by doing a preference deal with the Shooters, Fishers and Farmers Party.

As I said when I asked for this motion to be accorded priority, a fundamental responsibility of government is to protect its citizens. It is a hallmark of civil society. All modern philosophers, whether it be Locke, Hobbes, Jean-Jacques Rousseau or Sir Thomas More, spoke about the importance of physical safety to the integrity of any legal system. Yet the Shooters, Fishers and Farmers Party, in conjunction with the Labor Party, wants to erode physical safety in our community. The action plan—the official policy of the Shooters, Fishers and Farmers Party—is to repeal the 1996 National Firearms Agreement.

The agreement achieved by the Howard Liberal Coalition Government was complex and detailed in its measures. It included a ban on the importation, ownership, sale, resale, transfer, possession, manufacture or use of all self-loading centre-fire rifles, all self-loading and pump action shotguns and all self-loading rim-fire rifles. The agreement included a comprehensive buyback scheme, the registration of all firearms as part of an integrated shooters licensing system and shooter licensing based on the requirement to prove a genuine need. It was detailed in its measures and since 1996 when those laws were introduced Australia has not had one massacre, such as Port Arthur, involving the use of firearms. By contrast, the United States, which has always squibbed the requirement to have proper gun controls, has been plagued by constant mass shootings in its communities.

It cannot be doubted that this country's firearms legislation has been an overwhelming success. If the Shooters, Fishers and Farmers Party were a responsible party, why would it want to repeal that legislation? Why would the Labor Party support a party that had such a policy? The undeniable conclusion is that it is political expediency of the worst kind. This is straight out of the Graham Richardson "whatever it takes" playbook.

It is alarming that the Shooters, Fishers and Farmers Party's policies include the reintroduction of semiautomatic weapons, the deregistering of silencers, and gun permits being issued to schoolchildren as young as 10 years old. There is no doubt that more guns in the community equals more people being killed or maimed by them. I note the derogatory statements made by the Leader of the Opposition in the past about the Shooters, Fishers and Farmers Party. He has described its members as "book burners", "elephant shooters" and "extreme right wing". Given that, one is left with the conclusion that it is only political expediency rather than principle that has caused preference deals to be done for next weekend's Cootamundra and Murray by-elections.

The Hon. Walt Secord said in November last year after the Orange by-election that "we have the unusual situation of the Labor Party electing Australia's first lower House Shooters, Fishers and Farmers Party member of Parliament." It is not unusual; it is calculated, deliberate and cynical. The people of Murray and Cootamundra should call out the Labor Party and the Shooters, Fishers and Farmers Party for the terrible deal they have done. It is disingenuous and they have no respect for each other. The people of those electorates should understand that if they fall into that trap our community will be less safe, and that is not in the interests of the people of New South Wales.

**Mr CLAYTON BARR (Cessnock) (15:41):** I move:

That the motion be amended by leaving out paragraphs (2) and (3).

This motion is almost identical to the motion moved on 13 September. Readers of *Hansard* can refer to that debate as part one. I was disappointed during that debate that I did not deal with all the issues I wanted to address, but this debate gives me the opportunity to do so. Of course the Labor Party supports the firearms legislation introduced by John Howard. As the member for the electorate with the highest number of licensed firearms owners and the highest number of registered firearms in the State, I am probably well qualified to speak on this issue.



As I said, I support the legislation introduced by John Howard after the terrible massacre committed by Martin Bryant in Tasmania in 1996. Interestingly, at that time Tasmania was one of the only States in the country that had not banned automatic and semiautomatic firearms. If it had moved with the rest of the country, those deaths might have been prevented. In addition, the 1988 election campaign was all about firearms legislation. That was the one occasion on which the Liberal Party won the seat of Cessnock from the Labor Party. Barry Unsworth had introduced strict gun control legislation and the local Labor member was in a difficult position in supporting it. The Liberal Party's policy during the campaign was that it would repeal the legislation which was designed to strengthen firearms controls.

We are having this debate today, but we do not need to go back to 1988 or to 1996 to appreciate the quandary in which we find ourselves. We need go back only a few short weeks to understand the complexity of this issue. The Deputy Premier and Leader of The Nationals was in Albury last month talking to some victims of crime and was told about a man who had used an unloaded firearm as a prop to try to remove people from his home. He was ultimately charged, as he should have been. However, the Deputy Premier said that the legislation dealing with people using firearms to defend their home needed to be examined. He said, "We would hope in the privacy of our own home, in the safety of our own home, that we have the right to defend our home, our family and our children." However, last year the then Minister for Police went to a Council of Australian Governments meeting proposing that the Adler shotgun be listed as a category B firearm instead of a category D firearm, which was its ultimate classification. The past two leaders of The Nationals have used their own nuanced language to "water down" our firearms legislation. I do not want to use that term, although it has been used by others.

I have said time and again in this Chamber that the bulk of firearms in this country are owned by licensed, law-abiding citizens. Those firearms do not cause any problems until they are stolen and put on the black market. The bulk of the problems in this country are with unlicensed and unregistered firearms. Paragraph (3) of the member for Ku-ring-gai's motion condemns the Labor Party for doing a preference deal with the Shooters, Fishers and Farmers Party, and I have moved an amendment to remove that paragraph. In politics we do not always agree with our own party's views, never mind those of other parties. I know that Liberals and Nationals members do not agree with every policy proposed by their parties. I do agree with some of the Shooters, Fishers and Farmers Party's policies, such as rescuing and saving TAFE, providing more police and so on. However, there are some policies with which I do not agree. The Labor Party opposes this motion—*[Time expired.]*

**Mr ADAM CROUCH (Terrigal) (15:47):** This country experienced three dark days in December 1987, August 1991 and April 1996. On those three days, 51 people lost their lives in cowardly attacks by perpetrators who used automatic weapons. As the member for Ku-ring-gai said, the Howard-Fischer Federal Government took brave steps to introduce some of the toughest firearms legislation in the world, and since then we have experienced dramatic reductions in gun crime. As the member for Ku-ring-gai also said, if other nations had adopted similar legislation, gun-related deaths around the world might have been reduced. It is incredible that three days after a gutless attack in Las Vegas on 1 October the Shooters, Fishers and Farmers Party called for the repeal of legislation banning semiautomatic weapons. It defies belief that a political party could be so insensitive to the feelings of the rest of the country.

I am aware of 1,700 licensed firearms owners on the Central Coast, and they are all good and law-abiding. I have no doubt they would be shocked and appalled by that proposal. The fact that the Labor Party is doing a preference deal with people the Leader of the Opposition—who is not in the Chamber—called "book burners and elephant hunters" demonstrates political expediency. It is staggering that Labor can side up to the Shooters, Fishers and Farmers Party for political expediency in Cootamundra and Murray. The Leader of the Opposition himself called these people political extremists, book burners and elephant shooters. They want to reverse the gun laws that since 1996 have kept this country safe. For Labor to side up to them and do a preference deal to try to dislodge two seats from the Government is shameful in the extreme.

I commend the member for Ku-ring-gai for moving this motion. Those opposite are now seeking to amend the motion by deleting paragraphs (2) and (3), which are directly related. The Shooters, Fishers and Farmers Party wants to walk away from and weaken our national gun laws and gun controls. That is why the motion of the member for Ku-ring-gai is appropriate and should stand as is. If those opposite feel so strongly about gun control, they should walk away from the dodgy preference deal they have done with the Shooters, Fishers and Farmers Party, stand up for the people of this country and keep those strong gun laws in place.

**Mr RON HOENIG (Heffron) (15:50):** I note the hypocrisy of the Coalition in seeking to condemn and criticise Labor for the way in which it distributes its preferences and complaining bitterly that in Cootamundra and Murray they will be directed to the Shooters, Fishers and Farmers Party, as if doing so is a great sin. We only have to examine the Coalition's Senate voting information paper for the last Federal election. Would you believe it? The Coalition's "how to vote" information for New South Wales states: vote 1 Liberal-Nationals; vote 2 Christian Democrats; and vote 3—guess what it is—Shooters, Fishers and Farmers.

Since the last Federal election the National Party has had an epiphany and no longer supports that extreme right-wing organisation. There is a reason Labor gives preferences to the Shooters, Fishers and Farmers, and that is that they are left of the National Party. The National Party is no longer the National Party that this State and this nation has come to expect. It is no longer the party that looks after regional and rural New South Wales. It is no longer the party of "Black Jack" McEwan, Doug Anthony or Ian Sinclair. It is no longer even the party of Adrian Piccoli, Katrina Hodgkinson, Tommy George or Andrew Fraser. It is no longer the sort of party that looks after regional New South Wales.

**Mr Andrew Fraser:** Point of order: I state very clearly in this House that I am a member of the National Party, a party that I am proud of. Maybe the member for Heffron should take note of our policy documents.

**The DEPUTY SPEAKER:** Order! There is no point of order.

**Mr RON HOENIG:** I endorse the remarks of the current leader of the National Party, as he flails around regional New South Wales hoping to garner support in order to avoid embarrassment. It was reported on 1 October that he said, "Trust me or boot us out". He is fighting cuts to health, police station mergers, rising power bills, water sharing issues and job losses in the forestry industry and he is expecting to cop a battering, and so he should. If those in the National Party were representing the interests of people in regional New South Wales, preferences from Labor would make no difference to what should be a blue ribbon seat. They are hypocrites.

**Mr ALISTER HENSKENS (Ku-ring-gai) (15:53):** In reply: It should be noted and recorded in *Hansard* that the member for Orange has not participated in this debate and he has not even been in the Chamber during the debate. He apparently has no interest in the subject matter of this debate. I thank the member for Cessnock, the member for Terrigal and the member for Heffron for their contributions to the debate. The member for Heffron is a very honourable man. He is so honourable that he did not say one word in his contribution to try to defend the grubby preference deal, which is the subject of this motion. He deflected, he dissembled, he avoided. He did everything but actually deal with the issue because he knows it is a grubby preference deal. He knows it is straight out of the annals of Graham Richardson. He knows there is no principle involved.

Of all people, the member for Heffron, who has dealt in criminal law for much of his life, knows the danger and the horrible consequences of guns if they are not properly controlled in the community. He wants the safety of our community but, frankly, he is a sufficiently honourable man to be embarrassed by the deal his party has done. He knows that the words of his leader are true. He knows that the criticism of the Shooters, Fishers and Farmers Party made by the member for Auburn is true. Yet he has not used one iota of breath in his body to try to defend a scintilla of the deal. He will not defend it because he knows it is wrong.

The member for Cessnock tried a similar deflection tactic and moved an amendment to the motion. Why? He did so because he does not want to try to defend the Shooters, Fishers and Farmers Party's attempts to weaken the national gun laws, as stated in paragraph (2) of the motion. He tried to avoid the issue because he knows it is unjustifiable and indefensible. In this debate, we have seen the complete abandonment of the Labor leadership by two Labor members. They are completely unable to defend the dirty deals of Sussex Street and the pathetic leadership of the member for Auburn, because they are indefensible. Neither one of the members used one breath of their body to defend their leader because they know he is wrong on this matter.

**The DEPUTY SPEAKER:** The original question is that the motion as moved by the member for Ku-ring-gai be agreed to, upon which the member for Cessnock has moved that the question be amended by leaving out paragraphs (2) and (3). The question now is that the words stand.

**Motion agreed to.**

**The DEPUTY SPEAKER:** The question is that the motion as moved by the member for Ku-ring-gai be agreed to.

**Motion agreed to.**

#### *Private Members' Statements*

#### **MATER DEI CAMDEN**

**Mr CHRIS PATTERSON (Camden) (15:59):** By leave: I speak today about Mater Dei Camden, a school within my electorate that is attended by a number of outstanding young men and women. It is a school for children with special needs. Recently I attended the school's annual fundraising dinner, which is well supported by the Macarthur community. On this night alone, the school raised well over \$200,000, and over the years it has raised more than \$2 million through these dinners.

Tony Fitzgerald and his outstanding staff at Mater Dei do a remarkable job. Mater Dei is held in the highest regard within the community. The member for Campbelltown and his wife, Simone, my wife, Vicki, and

I, the member for Macquarie Fields, and a number of Federal members were there, as well as Camden mayor Lara Symkowiak, Wollondilly mayor Judy Hannon, and Campbelltown mayor George Bricevic. That shows the high esteem in which Mater Dei is held within our community—three levels of government supporting this wonderful school. Steve Edge, a former Australian rugby league captain, who played for Parramatta and St George, was the emcee. He actually beat Parramatta in 1977 when he played for the Dragons and then came back in 1979 and lost.

**Mr Clayton Barr:** Was that the year there was a replay?

**Mr CHRIS PATTERSON:** In 1977 it was a nine-all draw; absolutely there was a replay. In 1978 there was a replay as well, Cronulla versus Manly. I listened to it.

**Mr Clayton Barr:** How old were you?

**Mr CHRIS PATTERSON:** In 1978 I was six, and I was on the bus. How irresponsible were my parents—sending me home from St Monica's North Parramatta on the bus when I was in kindy. The date, you may have to correct me, was mid-week. The grand final replay was played on a Wednesday.

**Mr Clayton Barr:** Kick-off was 5.30 p.m. though; you would not have been on the school bus.

**Mr CHRIS PATTERSON:** No, it must have been three o'clock. You are thinking of the Amco Cup, or whatever it was. If I could return to my private member's statement, I would appreciate it. Steve Edge was the fantastic master of ceremonies. He is a great friend of the chairman of the committee, Jim Marsden. Jim has done an outstanding job raising millions of dollars for the school through these dinners. Jim and Steve go back a long way and Steve always gives his time to these events. Every year fantastic entertainment is provided by entertainers like Jimmy Barnes. This year it was Marina Prior, and she was sensational.

**Mr Clayton Barr:** What did she sing?

**Mr CHRIS PATTERSON:** She started off singing as Christine from the *Phantom of the Opera*. They have had Glenn Shorrock, Jimmy Barnes and the Tin Lids—he has a hundred kids and grandkids—and Daryl Braithwaite. But every year the ball starts and finishes with singing by the Mater Dei choir.

**Ms Felicity Wilson:** That is lovely.

**Mr CHRIS PATTERSON:** It is, there is not a dry eye in the house. To Tony Fitzgerald, all of the teachers, the Mater Dei community, and Jim Marsden, I say well done on a wonderful effort.

**Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (16:04):** I acknowledge the member for Camden for his outstanding service to his community and his support of all those organisations that provide so much—in this case, the wonderful people at Mater Dei Camden. As a Minister of the Crown, it is one of the highlights of my calendar when I visit the Camden electorate because this member is in tune with the needs of his electorate. He provides his constituents with quality and professional services and represents them with vigour and, most of all, compassion. He is one of the most compassionate local members that I have witnessed across New South Wales. He is held in the highest regard by the New South Wales police and emergency services within his electorate—as I am told when I regularly visit the Camden electorate fire and police stations. On behalf of the Government, I commend the member for Camden for informing the House about supporting this organisation and for his work throughout his entire electorate.

#### *Bills*

### **ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (SYDNEY DRINKING WATER CATCHMENT) BILL 2017**

#### **First Reading**

**Bill introduced on motion by Mr Anthony Roberts, read a first time and printed.**

#### **Second Reading**

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (16:06):** I move:

That this bill be now read a second time.

I am pleased to introduce the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. This bill will clarify how water quality impacts are assessed for ongoing development in the Sydney drinking water catchment. The bill also validates the State significant development consent for the Springvale mine extension. As members of the House would be aware, ensuring steady power supply underpins the energy security of this great State. By making this amendment, this Government is ensuring the continued

supply of coal to the Mount Piper Power Station, which is critical to local jobs, energy affordability and security for the people of New South Wales.

When the Baal Bone, Cullen Valley and Invincible mines closed and Centennial decided in October 2014 to place its adjoining Angus Place mine on care and maintenance, Springvale's role became critical to the region. In the last financial year, the Springvale mine sent around 87 per cent of its coal to the nearby Mount Piper Power Station. As Mount Piper Power Station is 100 per cent dependent on the coal supplied by the Springvale mine, the supply of power from Springvale coalmine is critical to the ongoing operation of Mount Piper Power Station. Mount Piper's existence is also essential to this equation as it contributes to around 11 per cent of the New South Wales electricity on the grid.

As the months get warmer in the lead-up to summer, the Australian Energy Market Operator projects risks of load shedding which may affect more than 400,000 households across the grid. In terms of energy security, the message is crystal clear—without Mount Piper we face almost certain blackouts this coming summer. Even if the court delays its orders until after this summer, the threat to power supplies will only be deferred. At the local level, closure of the mine would most likely have serious implications for the nearly 400 people employed by the Springvale mine. In addition, if the Mount Piper Power Station has to reduce its operations, or even possibly close, a further 197 local jobs would be at risk, as would the jobs of up to 80 contractors who are based predominantly at the power station. This could mean the loss of more than 600 jobs for the community should the mine close and Mount Piper subsequently shut down. Those jobs are critical to the communities surrounding the mine and are a driver of the local economy.

In 1992 the then Minister for Planning approved underground long-wall coalmining at Springvale, north-west of Lithgow. Mining operations began in 1995 and were allowed to continue until 30 September 2015. On 21 September 2015, the independent Planning Assessment Commission approved a State significant development application to extend the existing mine, including allowing it to continue operations until December 2028. The commission's decision followed two thorough reviews and public hearings. The assessment of the proposal by the Department of Planning and Environment gave detailed consideration to the water quality impacts and required a significant reduction in water pollution limits when compared with the discharge allowed under the existing approval.

The commission's decision was challenged on the basis that it could not have been satisfied that the Springvale extension would have a neutral or beneficial effect on water quality. The department argued that that test should be based on the levels of discharge that were allowed under the existing mine approvals. The Land and Environment Court agreed with the department's approach and dismissed the challenge. The Land and Environment Court's decision was then taken to the Court of Appeal. On 2 August 2017, the Court of Appeal overturned the Land and Environment Court's decision and held that the approach to applying the water quality test was incorrect. The court observed that the basis for the water quality test must be the actual water quality before and after the proposed development, and that the actual water quality would not include the current mining activities, which were due to cease under the existing approvals.

In the Court of Appeal's view the commission needed to consider what would happen at the Springvale mine if the proposal was refused. Unusually, in this case the Court of Appeal did not declare the development consent to be invalid. Given the potential adverse consequences for the current mine operations and users of the coal supplied to the mine, the court instead gave the final orders back to the Land and Environment Court. The Land and Environment Court is due to hear submissions from 16 October this year.

I turn now to the amendments in the bill. The bill principally clarifies the application of the water quality test for development that is extended or expanded, like mining and other resource projects. It does this by allowing a State environmental planning policy [SEPP] to deal with the application of the test to continuing development. Continuing development is development that is limited by time, area or intensity, but that is likely to be extended or expanded in the future. Mining projects are one example of continuing development. The bill then clarifies how the water quality test is to be undertaken for this type of development by amending the existing SEPP for the drinking water catchment. For continuing development the basis for determining the effect on water quality should be the new development—that is, the extended or expanded part of the proposal and not the development that is already authorised by an existing approval—even if it is time limited.

The existing impacts form part of the current water quality levels that will need to be compared. This is how the water quality test was understood to operate prior to the Court of Appeal's decision and is consistent with the interpretations of the independent Planning Assessment Commission and the Land and Environment Court of New South Wales. Importantly, nothing in the bill will result in a reduction in the level of water quality currently required by the planning legislation or development consents. Development in the Sydney drinking water catchment will still need to have a neutral or beneficial impact on water quality in order to be approved. This

reflects the department's longstanding practice of comprehensively assessing the water quality impacts of significant developments like coalmines.

Finally, the bill will validate the SSD concept consent for the Springvale mine extension project and ensure the clarified water quality test applies to previously approved projects. This will allow the mine to continue operations subject to the strict conditions set by the independent Planning Assessment Commission. There are fewer than 50 days to go until the start of the summer season. We need to act now. This bill provides assurance to all parties and will remove significant uncertainty hanging over the electricity market. It will provide a clear signal that this Government is removing risks to electricity security this summer. By introducing this bill, the Government has acted swiftly to address job uncertainty and to secure the coal supply to the Mount Piper power station. I strongly commend the bill to the House.

**Mr MICHAEL DALEY (Maroubra) (16:14):** If one wanted to discover the political motivations for the Government's bringing the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017 to the House today and in this manner—a suspension motion has been agreed to to allow it to pass through all stages—one needed only to look at the conduct of the Minister for Planning in question time today. When answering a question about the introduction of this bill the Minister leant on a lump of coal which he had brought into the Chamber and said, "You'll find no better friend than a lump of coal." It was a bad impersonation of Federal Treasurer Scott Morrison and it was a bad channelling of the Minister's hero, Tony Abbott. The fact is that it was not necessary to bring this bill into this House today and in this way.

I will go through the history of this matter to explain why we are here. The Minister gave some explanation, but not in any great or particular detail. Springvale mine is 15 kilometres north-west of Lithgow in the Blue Mountains. It operates under a consent that was granted in 1992. It mines about 4.5 million tonnes of coal per year, using the long-wall coalmining technique, and supplies coal to the Mount Piper power station. Indeed, as the Minister said, it is the only source of coal, at this time, for the Mount Piper power station. The mine also exports some coal, principally through Port Kembla. It should be noted that Springvale, along with Mount Piper, is the largest employer in that region.

Today in question time the Government sought to extract confirmation from the Opposition that it would respect the jobs that this mine and the Mount Piper power station underpin. The Opposition does not need to give that undertaking here today because the Leader of the Opposition and the Hon. Adam Searle, from the other place, did that in front of about 400 people in Lithgow yesterday. I surmise that, given the 10 weeks of complete and utter inaction on this matter since the judgement of the Court of Appeal was handed down, it was only the announcement on Friday that the Opposition Leader was going to Lithgow to meet with the families—and his arrival there yesterday—that stung this Government into action.

I will explain in a moment why there was no need to introduce this bill in this Chamber today. First, there was no prospect whatsoever of the Opposition playing games with the bill to put in jeopardy either the supply of coal, or the amount of the supply, to Mount Piper. The Opposition knows, in the context of the difficulties in the Australian energy market at the moment, that to have done so with the summer approaching—to have put in jeopardy the supply of coal or the amount of that supply—would have impacted the wholesale price on the National Electricity Market [NEM], and that would have been irresponsible. It was always the intention of the Opposition to work with the Government and the industries affected to make sure that that coal supply was not impinged upon in any way. The Opposition will do that today by voting for this legislation, but before the Opposition gets to that point, we will move amendments that seek to rectify some of the excesses of this legislation.

Secondly, it was not only our express commitment and intention from the beginning of the emergence of this issue as a problem to look after the coal supply to Mount Piper but also our intention always to make sure that the 600 direct jobs in the region and the thousands of consequential jobs that rely on those jobs also were protected. Why? Because that is what the Labor Party was conceived for in the 1890s and that will always be Labor's primary mission in this House.

We know that pursuant to the 1992 consent Springvale has been licensed to discharge water into the Cocks River, which is one of the largest tributaries into Warragamba Dam. The water comes from the coal seams that are mined. It is principally saline but also contains heavy metals. The July 1992 consent was expressed to expire on 30 September 2015, so in April 2014 the applicant coal owners and mining company sought consent to expand the operations of the coalmine to the east and to the south-east. It was declared a State significant development and therefore the Minister for Planning and Environment was the consent authority. The Minister then delegated those consent authority responsibilities to the Planning Assessment Commission. On 21 September 2015 consent was granted.

Because of its location within the Sydney drinking water catchment area, the mine was then subject to a legislative trigger that was contained in the Environmental Planning and Assessment Act and also in State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, which is called in some instances the catchment SEPP, and which prohibits the granting of development consent unless the consent authority is satisfied that the proposed development will have a mutual or beneficial effect on water quality. The consent was then appealed to the Land and Environment Court, which dismissed the appeal. I turn now to the judgement of the Court of Appeal, which states:

On 18 December 2015 the appellant, 4nature Incorporated, commenced proceedings in the Land and Environment Court challenging the validity of the consent. The appellant alleged, first, that the Commission—

that is the Planning Assessment Commission—

had not been satisfied that "the carrying out of the proposed development would have a neutral or beneficial effect on water quality". As the proposal involved the discharge of water within the Sydney drinking water catchment, this state of satisfaction was an essential precondition to the granting of consent imposed by cl 10 (1) of the State Environment Planning Policy (Sydney Drinking Water Catchment) 2011 (NSW) ("Catchment SEPP"). Clause 10 (1) was in terms identical to s 34B (2) of the Planning Act, which directed that the precondition be included in a SEPP.

And of course it was. The Court of Appeal went on to explain quite succinctly:

The language of cl 10 (1) of the Catchment SEPP is precisely that of its statutory source, s 34B (2) of the Planning Act. Basic principles of statutory construction require that the language be read in context and having regard to the objective which it was designed to promote. However, the primary focus must remain upon the text ...

Clause 10 (1) requires the comparison of water quality on two hypotheses: where the development is carried out and where it is not. If current water quality is affected by a use which will terminate (as here) before the development commences, current quality will need to be adjusted to take account of that change ...

As had been accepted by the primary judge, the [Planning Assessment] Commission adopted the approach adopted by officers in the Department of Planning and Environment, who provided two reports to the Commission. The Department adopted, as the baseline for the comparison, the current permissible level of discharge from the Springvale mine under the licence to discharge water into the Upper Cocks River. The fact that the development consent under which the existing mine operated was due to terminate was not addressed.

This approach was erroneous for two reasons. First, the baseline calculation of water quality pursuant to cl 10 (1) must be undertaken by reference to actual, not hypothetical, water quality. Secondly, it was necessary to consider what might happen when the mining operation terminated, and whether the current (actual) discharges would continue absent mining.

The power to grant consent was therefore not engaged and the grant of consent was invalid. The matter was adjourned to allow the parties to address the appropriate orders.

The matter was then remitted to the Land and Environment Court for further orders and consideration. What might have happened in the court no-one will know, because the matter is duly set down for hearing early next week. The Land and Environment Court is due to hold hearings on Monday and Tuesday, 16 and 17 October, about what action ought to take place, given the ruling by the Court of Appeal and the role of Springvale supplying coal to the Mount Piper power station. I do not for one moment think that that would have ended in a scenario in which the Land and Environment Court, which was engaged in good faith by two parties who wanted to achieve certain objectives of which not all were mutually exclusive, would have come to a situation where the court would have invalidated consent and ordered that the mine be closed down.

Acting as a consent authority, the Government could have done a number of things, the material ones of which would have allowed the mine to continue, in my view. But we will never know. This Government has not only come into this House without any warning and introduced this bill today without any need to do so but also widened provisions that needed to be adopted today. This matter is not due to be heard by the court until next week. Notice of the bill could have been given today. Members could have had a sensible discussion and moved it through all stages tomorrow or Thursday. For reasons I stated earlier, the Opposition would have cooperated with the Government.

It is regrettable that the Government sought to anticipate what may have happened in the court. There was no need to have done so. The Government has done that, to call a spade a spade, quite simply in an attempt to create a political wedge. Moreover, when we have regard to the nature of the Minister's behaviour and comments today during question time, it is obvious that that is absolutely the case. As an opposition, Labor does not have control of either House; nor does the Government because Reverend the Hon. Fred Nile almost without exception votes with the Government, and the Opposition anticipates he will do so in relation to this legislation. If the Government wishes to proceed in bad faith and on a political basis rather than a genuine and bipartisan basis to solve a problem which undoubtedly exists, all the Opposition can do is play the cards that it has been dealt. But the fact is that the Government has decided to drive a political wedge rather than genuinely resolve the problem by waiting until the court makes its judgement next week, which is highly regrettable and highly transparent.

There is some conjecture about the amount of coal that Mount Piper has stockpiled. We do not need to go into the size of the stockpile today, because we are dealing only with facts that are in the public domain. The best guess about the stockpile is that there is about three months supply at Mount Piper. The Labor Opposition will not do anything to jeopardise that supply. However, I have to say that in the intervening 10 weeks since the Court of Appeal judgement was handed down, there have been requests that the Government meet with a range of parties, including the council, miners and environmental groups, to discuss this issue. As far as we are aware, none of the requests for meetings has been acceded to—in fact, the Premier attended the Bathurst races on Saturday and so was in the region, but in respect of this matter met no-one. I turn to the objects of the bill and flag the Labor Opposition will move amendments to narrow the scope of this bill in the validation of the Springvale mine. According to the explanatory note:

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*:

- (a) to clarify the application of the neutral or beneficial effect on water quality test in the case of a development application for the continuation of development under an existing development consent relating to the Sydney drinking water catchment, and
- (b) to validate the development consent granted on 21 September 2015 in relation to the Springvale mine extension, and to validate any other development consent that would have been valid under the test as so clarified.

The neutral or beneficial effect test is called the NorBE test. The Labor Opposition in this House and in the other place will seek to limit the scope of this bill in validating the consent granted on 21 September 2015 in relation to the Springvale mine extension. That will, first, protect the 600 or so direct jobs in the region; and, secondly, secure coal supplies for Mount Piper. We will not agree to any of the other provisions in this bill.

One of the effects of this bill, if it is passed, is to reinstate the now-rendered invalid NorBE test in relation to continuing development—that is, the test that, in the eyes of many, improved the tests to be applied by consent authorities in relation to water safety and the quality of water in the Sydney drinking water catchment. This bill will reverse that test, which is now—like it or lump it—the law in New South Wales, and reinstate the previous test that was applied. We believe it is not appropriate to legislate to reinstate the previous test. If the Government wishes to change the test then it should follow the range of procedures available to it, including inquiries seeking advice from the Chief Scientist and Engineer, and justify why the previous test, as rendered invalid by the Court of Appeal, should be reinstated. Instead, the Government has ambushed us by introducing this bill today and seeking to reinstate the test with no evidence whatsoever. The Minister's second reading speech went for all of four or five minutes without giving us an explanation. That is highly inappropriate.

The drinking water of people living in the Sydney water catchment deserves to be treated with significantly more respect than has been shown by those opposite. Instead, the Government has undergone no process of consultation with anybody, learned or otherwise, to justify these amendments. Nor has the Government sought community views. This is a continuation of the arrogant displays of this Government, which seeks to avoid at all costs any consultation with the community. It is also an arrogant display in that the Government is obviously saying, "We do not have to be satisfied as to science; we are going to do whatever we want." The Labor Party will not accede to that sort of arrogant behaviour and we will not agree to the amendments in this bill. Our amendments to the bill will seek to correct this.

Other provisions in the bill do not seek to validate the Springvale consent, but these provisions do not simply relate to mines. Instead, they relate to any development in the Sydney water catchment area. It is not a question of just mining; it is a question about any development activity and any development consent for which approval is sought to operate in the Sydney water catchment area, which may or may not have an effect on water. It is our very strong view that when it comes to the quality of Sydney's drinking water, we should err on the side of caution and take advice from the community and seek advice from industry and experts, not simply change the law because it suits the political whims of the day.

As I said, the Labor Opposition will do everything it can to protect jobs and to ensure the protection of a continued coal supply for Mount Piper, thus protecting the wholesale price of electricity dispatched into the National Energy Market [NEM]. However, we will not pass the other provisions in this bill because they ought not to appear in this bill. Even if we fail to have our amendments passed, given the political gun being held to our heads and the heads of the entire community of New South Wales, we will vote against the bill proceeding through this House.

**Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (16:36):**

As the member for Bathurst I speak in support of the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. This bill supports the workers and their families, as well as the wider community of Lithgow and its surrounding areas. The New South Wales Government is proud to introduce legislation that will ensure the ongoing operation of the Springvale mine, and with it the Mount Piper power

station, both in my electorate. It is essential that we secure this energy source and provide energy security across this State. Mount Piper power station provides around 11 per cent of the State's electricity. The Springvale mine is the sole source of fuel for Mount Piper. They are both major employers in the region. All up, we are talking about around 600 direct jobs, and many more indirect jobs associated with mining and the power industry in Lithgow and the surrounding areas. It is essential that the households and businesses of New South Wales have an affordable, secure and reliable energy supply. I am proud, and the New South Wales Government is proud, to be supporting the workers of Lithgow and their families. This legislation will provide certainty to the workers, their families and the wider community.

Over the past weeks I have had a number of discussions with Centennial Coal and EnergyAustralia on this matter. I was pleased recently to bring the Lithgow District Chamber of Commerce to Sydney to meet the Deputy Premier. I thank the chamber's Angela O'Connor and Councillor Darrell Goodwin of Lithgow City Council, who met with both the Deputy Premier and me to speak about their concerns for their community, the jobs in the local area and the uncertainty for small business. They strongly conveyed their concerns on behalf of the people of Lithgow. They made it very clear that many livelihoods were at stake and there was a need to end the uncertainty. At that meeting the Deputy Premier and I were able to assure them that the Government would act. We assured them that we were very close to making an announcement, and I am pleased that we are now delivering on that commitment. I made it clear to the community of Lithgow that the New South Wales Government will not stand by and allow radical environmentalists to ruin our community.

The Premier, the Minister for Planning, the Minister for Energy and Utilities and various government departments have been working on this for a number of weeks, but it did not take long for hysterical environmentalists to bag the Government for backing workers and securing this State's electricity supply. The Greens described the proposed legislation as reckless. What rubbish. Recklessness would be allowing a tenth of the State's electricity supply to disappear, allowing power bills for families and businesses to go up and condemning 600 people to the dole queue.

I was alarmed recently to see the mayor of Lithgow pictured with The Greens Federal Member of Parliament for Melbourne, Adam Bandt, who was in Lithgow spruiking alternatives to coal. Not satisfied with closing down power stations and cheering on job losses in mining and power generation in the Latrobe Valley, it seems that The Greens from inner-city Melbourne have flown up to try to close ours. I acknowledge the statement made by the mayor of Lithgow yesterday thanking me and the Government for moving to bring legislative certainty to the mine. I am glad that he has changed his tune—at least for a little while. I cannot work out what is going on with Councillor Lesslie. He really needs to stop talking Lithgow down. One minute he is best mates with The Greens and the next minute he is mates with the Labor Party. One minute he is thanking me for saving jobs and the next minute he is doing the opposite. Maybe there is one Councillor Lesslie for Monday and another Councillor Lesslie for Tuesday.

When environmental activists return to their inner-city sanctums and switch on their lights tonight, they should remember that a good proportion of electricity for New South Wales is proudly produced in a town like Lithgow. It is these radical Greens who are effectively cheering on an increase in electricity prices. Less electricity generation means that bills will go up—simple as that. That may be okay for inner-city Greens voters, but I know there are families in Lithgow, Bathurst and surrounding areas who are battling to pay their bills. This Government will not stand by and allow Lithgow to turn into the ghost town that these activists appear to want. It is interesting to note that the member for Blue Mountains, a member of the Labor Party, has been calling for Centennial Coal to close. I invite the member for Blue Mountains and her Labor colleagues to Lithgow to tell those 600 workers that they should be out of a job.

**Mr Luke Foley:** I was there yesterday.

**Mr PAUL TOOLE:** They may like to explain themselves to the Leader of the Opposition, who I acknowledge was in Lithgow yesterday, standing in front of the workers. The Labor Party should not just pay lip-service to the workers. The member for Maroubra said we should wait for the courts and do nothing. But this has created uncertainty in communities for a long time and it must not go on any longer. This is about looking after the workers of the community and providing certainty for those businesses. The real Labor agenda is to shut the mine and the power stations because Labor is more worried about clinging to inner-city seats than looking after the interests of workers in Lithgow. On behalf of the people of Lithgow, I commend this bill to the House and thank all who have worked to ensure we are standing up for the community of Lithgow and the surrounding area.

**Mr JAMIE PARKER (Balmain) (16:44):** On behalf of The Greens I speak in debate on the Environmental and Planning Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017 and will highlight several key points. Today the Government is using a confected crisis around Mount Piper power station's coal supply to effectively sneak through laws that will gut protections for the quality of Sydney's drinking water.



The Government is attempting to undermine important protections that ensure that Sydney's water supply quality is maintained. The current law makes it clear that any development in Sydney's drinking water catchment must be either neutral or beneficial to the quality of that water. What does this legislation do? This legislation guts that protection by ensuring that the baseline used for assessing the neutral or beneficial test for any extension to existing developments will no longer be the health of the catchment but will instead be compared to the impact of the existing development on the catchment.

The Sydney drinking water catchment is a huge area of New South Wales that stretches from the Snowy Mountains to the Blue Mountains and the Illawarra. This change will apply to all types of existing development—whether a mine, a piggery, an abattoir, a chicken farm or a housing development—and this highlights why the Government is being so disingenuous about this proposal. It claims that this issue is about coal supply and that people are seeking to close a mine, but even the litigants and people appealing this matter were seeking not to close the mine but to get compliance with the requirement to which they had committed—the requirement to clean up the water being produced which was polluting the Sydney water catchment.

The Government is again seeking to undermine the integrity of the courts and the Planning Act with special legislation. This is a shonky way to govern. This type of special legislation to overturn decisions of the court is the last thing a government should be doing. The corrupt former Minister for Primary Industries and Minister for Mineral Resources, Ian Macdonald, intervened with special retrospective legislation for the BHP Caroon coal project. The current Liberal-Nationals Government changed the law to downgrade environmental and social considerations in planning decisions after Rio Tinto's coalmine extension was overturned by the Land and Environment Court. A government that introduces special legislation to overturn court decisions in this manner is a government that is acting in a shonky fashion. It is not the way to govern. The courts make decisions based on law. If the Government does not like those decisions, it should not try to overturn them, because that behaviour leads to poor decision-making.

This legislation was introduced 10 or 15 minutes ago and the Government is proposing to ram the bill through all stages of debate in the Legislative Assembly tonight. This is the opposite of good government. There has been plenty of time for the Government to consult with people about seeking to introduce legislation like this. Instead, this demonstrates that the Government is interested in supporting its mates in the coal industry rather than listening to the community and all the stakeholders involved in this issue. Let us not forget that the operator of Springvale coalmine, Centennial Coal, is not a clean-handed organisation that has spoken out because it has been imposed on by a terrible court. Centennial Coal has a terrible environmental record, with 913 breaches of its pollution licence between 2000 and 2015. Wastewater from the mine pollutes the Cocks River, the second largest river feeding the Warragamba Dam. The mine water is highly saline with electrical conductivity of 1,100 to 1,200EC when the NSW Environment Protection Authority's long-term goal for salinity in discharge water is 350EC.

I refer members to this issue because Centennial Coal evaded responsibilities with which it said it would comply. It did not get development consent. It would not act to ensure it was not damaging the environment and it did not comply with measures set out in court decisions. It sought and received approval to expand in 2014-15 but because of the mine's location in the Sydney drinking water catchment area it was subject to the provisions of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. That policy prohibits the granting of a development consent unless the consent authority is satisfied the proposed development will have a neutral or beneficial effect on water quality. That is what the Government is wanting to rip up tonight. The environmental assessment for the expansion found it would result in a significant increase in salinity in the swamp and creek immediately downstream and admitted that the discharge would increase the salinity of Warragamba Dam by 6 per cent.

At the time the Sydney Catchment Authority said that the project would be refused consent unless the discharged water was treated. Without this requirement the mine could not achieve the test of having a neutral or beneficial effect on catchment water, thus degrading the quality of water flowing into Warragamba Dam, making it saltier, adding heavy metals and contributing to the toxicity of the aquatic environment. Approval was granted in September 2015 with the proviso that by July 2017 the mine should significantly reduce water salinity if discharging it into the Cocks River, and reduce the acute toxicity of the environment downstream. The mining company, which has had hundreds of breaches, agreed to that timeline. Less than two years later it asked for the interim goal to be delayed by two years. In June this year the Government deferred until 2019 its interim pollution reduction goal.

The group 4nature challenged the expansion and said that the Planning Assessment Commission had failed to correctly apply the crucial neutral or beneficial effect test. It was ultimately successful in the Court of Appeal, which ruled invalid the approval granted to Springvale for the expansion. This is an attempt to blackmail the Government and the community. Springvale is saying, "If you do not do this, this is our threat; this is our big

stick." This Government is not only rolling over but also aiding and abetting Springvale. It is making sure that in future this critical neutral or beneficial test, which protects Sydney's drinking water catchment, will not be able to be used. The challenge we have today is whether we support our drinking water catchment or whether we support Springvale coalmine.

Members know that these proposed changes should not be supported but this Government is using the lack of electricity in the future and 10 per cent of electricity production in this State as a cover to try to destroy significant protections for our drinking water. The Government should make Centennial Coal fast-track its wastewater pipeline and water treatment plant, stop its constant licence breaches and cease its destruction of the environment. Mount Piper power station has a coal unloading facility on site for the delivery of coal by truck from mines other than Springvale. The nearby rail line used to supply the now closed Wallerawang power station is only a few kilometres away. As my colleague Mr Jeremy Buckingham in the upper House said, this is a lazy approach by a New South Wales company that puts the interests of one coal company and one coalmine before the interests of Sydney's drinking water catchment. This shows the vulnerability of power stations that are reliant on coal supply from mines that destroy the environment.

Nature provides sun and wind—a consistent and free supply of solar energy. We must protect workers involved in the mining of coal so that in future as we transition from coal to renewable energy their families and communities are supported. It will not happen next year but we know it will happen. Coal-fired power stations are closing not because of campaigns run by individuals but because the market is recognising that we are shifting away from fossil fuel to renewable energy. We should be embracing that and supporting workers and their communities by voting against this legislation. The Greens support the integrity of our planning system and the protection of our drinking water catchment, which supplies millions of people. The Greens oppose this legislation.

**Mr LUKE FOLEY (Auburn) (16:54):** Things should not have reached this point. We are in this situation partly as a result of State Government inaction over a period of 10 weeks since the Court of Appeal decision. The Premier declined requests to meet with leaders of Lithgow City Council and representatives of the Springvale workforce. In desperation the council sought a meeting last week with the Labor Opposition. I met with the council and agreed to travel to Lithgow yesterday to address a community meeting. The legislation announced yesterday morning was in essence a mad scramble by the Government to be seen to be doing something, given that my visit to Lithgow to address the community was widely advertised. It is reprehensible that the State's newest and most modern coal-fired power station at Mount Piper was facing the likelihood of no longer having a supply of coal. The Government sat on its hands for more than two months and did nothing about it. Members do not have to take my word for it. Andy Honeysett, the leader of Lithgow's coalminers, said today:

We appreciate Luke Foley's support but it is disappointing that this is what it takes for the NSW Government to act and make its own position clear. The Government should have been willing to communicate its position to the community, rather than wait for the extra political pressure to be applied by Mr Foley.

This State cannot afford to lose 11 per cent of its power supply in one fell swoop. I understand the concerns that have been expressed by environmentalists about this legislation. If we want community support for environmentalism, strong climate change action and a clean energy future to plummet we should immediately shut down 11 per cent of the State's power supply. The consequences would be catastrophic: Community support for strong climate change action and a clean energy future would plummet. I understand that those on the fringes can afford to utter slogans.

We witnessed the inane actions of the Minister today in question time. He posed as some poor man's Scott Morrison, groaning under the weight of a slab of coal in his hands. We heard the rhetoric of Mr Jeremy Buckingham, The Greens mining spokesman in the other place, for whom I have a real fondness but who gave me a couple of free character references in the past 36 hours. I say to both gentlemen: This is a serious matter. This is about energy supply in the immediate term. It is about keeping the lights on and it is also about several hundred jobs in Lithgow. The Hon. Adam Searle, shadow Minister for Resources and Energy in the other place and I are the only members of Parliament who fronted the Lithgow community about this issue, talked to them and listened to them.

That was yesterday and we addressed several hundred miners, their families, power workers and concerned members of the community. There is a common-sense outcome on this issue. First, the Springvale coalmine must be kept open now and those miners must be kept in work. Secondly, coal must be supplied to the Mount Piper power station because the station generates 11 per cent of the State's electricity supply. Thirdly, and this is also vital, EnergyAustralia and Centennial Coal must accelerate the delivery of the water treatment plant that they promised because clean drinking water is non-negotiable.

The problem is that the extension of the operation of the Springvale coalmine to 2028 was approved by Planning Assessment Commission panels not once but twice. On that basis, the companies were investing in the construction of a water treatment plant. When the Court of Appeal invalidated those approvals and the mine's very

future was in jeopardy the company said, "We can't promise to stump up \$100 million to deliver a water treatment plant if the mine itself may have no future." Importantly, ensuring that Springvale coalmine stays open is necessary not only to keep hundreds of workers in jobs and the lights on in New South Wales but also because it is essential in order for the company to deliver on its promise to construct the water treatment plant.

As the Deputy Leader leading for the Labor Opposition on this legislation stated earlier, this bill should deal only with the Springvale coalmine. If the bill involves serious overreach—and it seems to the Opposition that it does—by changing the rules of the game across the board, we will move to remove those clauses. This bill should deal only with ensuring that Springvale coalmine keeps operating so that the company can construct the water treatment plant. If the Government is trying to engage in some silly wedge activity to weaken the rules of the game regarding the quality of Sydney's drinking water, the Labor Party will oppose it and will move to remove those clauses.

Of course, the Labor Party is very proud of its record when it comes to improving the quality of Sydney's drinking water. We stand by the reforms driven by Craig Knowles and the Carr Labor Government in response to the McClellan inquiry into the giardia and cryptosporidium crisis that plagued Sydney Water some years ago. We will stand by those reforms and will always act. I put on the record that if this legislation is passed by the House and there is a serious deterioration in the rules protecting Sydney's drinking water catchment, the next Labor Government will amend the legislation to restore the proper protections. This legislation should deal with only one matter; that is, ensuring that Springvale coalmine stays open. Not only do we make no apology for supporting the necessary action to keep the mine open; we are also proud of that stance.

The member for Bathurst made some remarks earlier. The coalminers and their families yesterday told me the member has not been very visible or audible on this matter over the past 10 weeks. If it takes me announcing a visit to Lithgow to get the Government to get off its hands to do something to save hundreds of jobs in a town with 8 per cent unemployment, I will go there more regularly—I will turn up every week. Of course, the Labor Party has very strong commitments to generating more renewable energy. Unlike The Greens, ours is a serious party. We cannot shut down coal-fired power generation tonight just because The Greens do not like it. We cannot shut down a power station that generates 11 per cent of the State's power supply. The Opposition will not be a part of that; it will take the hard decisions to keep the lights on in New South Wales, to keep hundreds of coalminers at the Springvale coalmine and power workers at the Mount Piper power station in work, and it will protect the drinking water catchment. Only the Labor Party will do those three things.

**Mr ALEX GREENWICH (Sydney) (17:04):** The Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017 restores approval for the Springvale coalmine extension after the Court of Appeal ruled that it was incorrect and imposes lower water protections for all mines in Sydney's drinking water catchment. This bill should not be rushed through. It has serious implications for the quality of Sydney's drinking water and the ecosystems that support it. The Government says that the State's energy supplies are at risk. However, according to its own alleged worst-case scenario the threat is at least three months away and waiting a week to debate and to vote on this bill would not make any difference. Members should be given the opportunity to consult with experts and to verify whether this bill is necessary and whether it is the right way to safeguard the State's energy sources.

With the information I have I am not convinced that this bill is the right response to the court case. I am especially concerned that it goes beyond securing energy supply to facilitating development in our catchments by eroding important environmental tests. The Government tells us that the Mount Piper power station, which supplies about 11 per cent of the State's grid electricity and which relies entirely on the Springvale coalmine, has only three months worth of coal stockpiled and that is why approval for the mine's expansions must be legislated urgently.

However, the *Sydney Morning Herald* reports that the environment group 4nature says it has evidence that Mount Piper has enough coal for the coming summer that it planned to present in appeal proceedings in the Land and Environment Court. I also understand that the court ruling would not result in the instant closure of mining operations, with negotiations occurring to continue mining for months. The mine has been discharging millions of litres of untreated wastewater into the Cocks River, and expanding the mine would further increase the risk to upland swamps that support threatened species. Upland swamps filter contaminants before water reaches catchments and are vital to their health. Mining is a heavy-duty industrial activity that can have devastating permanent impacts on water systems.

I am particularly alarmed that the bill would extend the weaker test for discharging water that the Court of Appeal ruled was unlawful to all mines and any State significant development in Sydney's drinking water catchment. This addition is inappropriate and not relevant to the Government's energy security claims. This provision is also contrary to the Government's previous commitments to a more strategic approach to mining and development that it promised would replace years of what the community saw as a free-for-all.

Sydney's water catchment provides drinking water to 4.5 million people. Sydney will accommodate an extra 1.3 million people by 2031. Therefore, securing a large supply of safe, clean drinking water will be essential to our quality of life. I understand that governments also have a responsibility to protect short-term energy supply, and in opposing this bill I am not suggesting that mining should instantly stop at Springvale and thereby cease Mount Piper's operations instantly. However, we must take a precautionary approach to protecting clean and safe drinking water. Because this bill is being rushed through, it is neither clear whether the Government has considered other options to securing our energy in the near future, nor why it wants to affirm a weaker test for mines and other developments to discharge water across the catchment. The prospect of an energy crisis over the closure of one coalmine that pollutes our water supply is strong evidence of failed energy policies. It is time we transferred our reliance on dirty polluting coal power to a reliance on green and renewable sources that do not put our long-term future at risk.

**Mr RYAN PARK (Keira) (17:08):** I support the comments of the Leader of the Opposition and the shadow Minister for Planning and Infrastructure on the Environmental Planning and Assessment (Sydney Drinking Water Catchment) Bill 2017. This is an important piece of legislation. The big challenge we all face in this place is getting the mix right. That is not helped when this type of legislation is rushed through the Chamber.

It is extremely frustrating coming from a community that is environmentally sensitive. The member for Wollongong, who is also in the House, and I share a community. Both our electorates are at the forefront of the Sydney water catchment area, yet we also have mining operations in some of the oldest coalfields in Australia. This is something that is very sensitive and very important to us. I commend everyone on our side who has worked diligently on this bill, including the Hon. Adam Searle in the other place, the shadow Minister for Planning, the shadow Minister for Water, who is in the Chamber, and, of course, the shadow Minister for the Environment.

For a long time there have been challenges in the water catchment area. The Leader of the Opposition spoke of the cryptosporidium outbreak in the 1990s, which caused huge concerns for the community that the member for Wollongong and I are very fortunate and proud to serve in this place. There have been challenges during drought. As the Minister for Water's chief of staff at a time when Sydney was losing almost one per cent of its water supply every week from its major dams, I was responsible for making sure people had fresh drinking water when there had been no rain for months on end and dam levels were at 30 per cent and lower in a global city like ours. It was a policy challenge that was extremely difficult to face. I understand that this also is a difficult challenge to face.

There are members of my community—and, I am sure, of that of the member for Wollongong—who would like no coalmining at all. That is simply not possible at the moment. As this bill outlines, Mount Piper supplies 11 per cent of the State's energy. Nor is it possible for the steelmaking industry in the region that we are fortunate to represent—a region where The Greens have supported steelmaking. Steelmaking does not happen without coal. At times I am frustrated that we in this place can have an almost hypocritical view of the world in that coalmining is here, it is part of the energy mix, it has to operate safely and it has to operate in sensitive areas under strict regulations, but we always have to have an eye to protecting our drinking water. I understand that, as do the Leader of the Opposition, the shadow Ministers and others such as the member for Wollongong. We are living in communities where the mix of coal and energy supply and sensitive natural environments converge and exist, and we are working through the challenges with our communities. Every day we continue to inform ourselves about the best way forward.

The best way forward is not rushing or ramming through pieces of legislation. On this side, we do not understand why the Government could not have isolated the issue around the mine and Mount Piper to one bill and leave the water catchment areas for another day and another debate. We have strongly opposed coal seam gas in our water catchment areas because the cumulative effect of more industry in that area is a very real concern not just for me or the member for Wollongong and our constituents but also for academics and scientists who understand that there is a cumulative impact as industries are added to these sensitive areas.

Having fought long and hard for coalminers' and steelworkers' jobs, we understand that coalmining in 2017 is an important part of keeping the lights on and securing our energy supply. But we also understand and have a very keen eye on making sure our precious water catchment area—a catchment area that supplies arguably the cleanest drinking water in the world—is maintained, protected and secured from any form of damage that will put that reputation at risk. There should never be a choice between keeping the lights on and securing energy supply and making sure our drinking water is safe. If we get to that situation, the Government has failed the people it purports to represent. This is a case of exactly that.

I will not have the member for Bathurst come into this place and make the accusation that those who seek to protect the drinking water supply of millions of people in New South Wales, of which the member for Wollongong and I represent approximately 100,000 people, are environmental radicals because we have the temerity to dare to ensure that protections are in place for our water catchment areas, which supply the cleanest,

freshest and safest drinking water in the world. We will not be accused of that. Nor will we ever be accused of not standing up, advocating, agitating and fighting for the workers who operate in the coalmining industry and those who rely on coalmining for their way of life.

The member for Wollongong, the member for Shellharbour and I arguably have been the fiercest advocates for maintaining the steelworks. Last time I looked, the steelworks relied on coal so that it can produce the finest steel this country has ever produced. We have been vehemently onside with the men and women who rely on that industry. When coalmines in our area have not done the right thing—and unfortunately that is a tale of the modern era—when they have not looked after workers or small business operators, we have been vehement advocates for making sure that those workers are protected. But we also understand that our escarpment area is part of the mix in ensuring we have the best water supply in the country. That is why we believe the two parts of this bill could easily be separated.

We understand and support the need to continue the operation of a power station that supplies, as the Minister and the Leader of the Opposition have articulated, 11 per cent of the State's energy supply. Of course we want and believe in that. But we do not believe that that should come at the expense of Sydney's drinking water supply or by putting at risk or reducing the protection of Sydney's drinking water supply in future. This is a case of the Government neglecting this situation and not moving fast enough. This is another example of where the Government should have been working through this issue many months ago with departments, stakeholders and the courts. Instead, we see another example of legislation being rushed through this place. Labor is on the side of protecting water catchments, protecting workers and making sure we maintain a secure power supply.

**Mr JAI ROWELL (Wollondilly) (17:18):** I speak on the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. I note that the hardworking Minister is in the Chamber. In the last hour we have heard from those opposite that they are the champions of the environment. I will give them a little history lesson. I understand that there are members on both sides of the House who are passionate about water catchments and mines. My electorate has more than 85 per cent of Sydney's drinking water caught up in dams, whether Warragamba Dam, Nepean Dam or Avon Dam. You name it, it is in my electorate. Equally, my electorate produces the sixth largest amount of coal. We understand the need for balance between coalmining and protecting our water catchment areas.

When it comes to coal seam gas, those opposite had 16 years to do something about protecting our water catchments. Instead, they gave out exploration licences like lollipops, which had the potential to ruin our water catchments. I was very outspoken on that issue for a number of years when I was first elected to this place and the Government was considering its policy. It was this Minister, the Hon. Anthony Roberts, who worked with me and my community and we brought back petroleum exploration licences 2 and 454 to stop coal seam gas along our water catchment areas forever more.

**Mr Anthony Roberts:** We did that together.

**Mr JAI ROWELL:** We did do that together, and I did not see anyone on that side of the Chamber being part of that or joining me to inform the Government. I was very aware of protecting our water catchments and I am also very aware of the importance of coalmining. We have Tahmoor colliery and South32 colliery, and I am not afraid to talk about the ones that are wrong, like Posco or Hume Coal. I am very much in favour of my community and I am very much in favour of jobs, but I am not going to be lectured by those opposite that they are the champions of the environment. It was the work under those opposite that was going to denigrate the local environment of my electorate and the electorates around me, including those of members who have spoken passionately on this issue. I am assured that the legislation today will have no negative impact on my electorate. I will continue to keep a watching brief on this issue and reserve my right to continue to speak on matters that are important to both mining and the environment. However, I will not be lectured that this Government is doing something terrible to our local area, because under those opposite it would have been absolutely devastating.

**Mr CHRIS MINNS (Kogarah) (17:21):** You do not have to cop a lecture from us; you can go and speak to the Federal Minister for Energy.

**The DEPUTY SPEAKER:** Order! The member for Kogarah will direct his comments through the Chair.

**Mr CHRIS MINNS:** The member for Wollondilly can go and be lectured by the Federal Minister for the Environment and Energy. He introduced it into debate and I am entitled to speak to it. He is the one who is going to be pressuring you about natural gas and coal seam gas, not us. Your fight is not with the New South Wales Opposition; you should be talking to your colleagues in Canberra. This has been going on for 10 weeks—10 weeks of uncertainty for the families of Lithgow, for the communities and for the economy, in a region with 8 per cent unemployment. Then all stages of the bill are rammed through the Parliament. I want to speak briefly

about the desecration of parliamentary standards by the rushing of legislation through the Parliament. I remember, as would the Deputy Speaker, when Andrew Tink was the manager of Opposition business in this Parliament. He would vociferously and, I believe, almost viciously but always correctly lambast the then New South Wales Labor Government about "all stages" legislation.

**The DEPUTY SPEAKER:** Did it work?

**Mr CHRIS MINNS:** It did, actually. It is ridiculous that parliamentarians—not just Opposition members but also Government members and Independents—have to vote on a bill a couple of hours after it has been introduced. How can we speak to interested stakeholders or environmental groups? How can we speak to residents, the people who are involved? It is an abuse of parliamentary procedure. It is bad form and I urge the Leader of the House to end this practice. It is destructive of the Westminster system. In relation to this legislation, we can do two things. We can protect the water quality of New South Wales, in particular the Sydney catchment which produces water for seven million people, and we can keep the Springvale mine open and keep the power operating for New South Wales residents. It does not have to be an either/or.

We do not have to accept the false choice that is being presented by the Minister for Planning in this Parliament today. The Minister for Planning would have us believe that it would be necessary to reduce water standards for all of New South Wales. That is what he would have us believe in schedule 2 to this legislation. It is a dangerous precedent. He has labelled it "neutral or beneficial". It may as well be called "neutral" for continuing development, but there is this Orwellian statement placed into the legislation to have us believe that it is a beneficial test. It says, "neutral or beneficial". Unfortunately, we could be in a situation where future operators will be held to this lower test.

In relation to Springvale, we accept the argument made by the community—not by the Government, because it has not been doing anything for the last 10 weeks—that jobs are on the line in that area of New South Wales and they need to be protected. Given that a water treatment plant is being proposed in this situation, as it has been presented to us as a case study, it is appropriate that a lead-in time be given before that plan is up and running. Why would the Government introduce a schedule that applies to every mine in New South Wales and would dramatically reduce the water protections for all of the State, for all Sydneysiders, for everybody who requires clean potable water from the Sydney catchment? We see the indignation from those opposite, as if it is a crime to not want arsenic or toxic heavy metals in our water system. Is it a crime that we would dare to say that perhaps we should be increasing the environmental protections on Sydney's drinking water supply? I cannot think of anything more serious than that.

The Minister for Planning came into this Parliament today and said, "It's a choice between water and mines across New South Wales". That is a false choice from the Minister for Planning. He knows better than to present this pile of coal on the table here today. It is a stunt. It is bracket creep of the worst order. One of the arguments that the Minister raised both in question time today—and I was listening—and in his second reading speech was the issue of power price rises. It is a problem of his own creation. I remember when he was the Minister for energy and took the Australian Energy Regulator to court to keep power prices high for regular consumers. It is a form of Orwellian wordplay when the Government says that it is the party of the consumer—only if they believe that consumers like paying more for their energy.

The Government took the Australian Competition and Consumer Commission [ACCC] to court and said, "We are going to sell Macquarie Generation because we believe privatisation is the appropriate way to handle our energy needs". The ACCC said, "If you are going to sell it, do not sell it to AGL. That is too much market power in the hands of one private operator". Anthony Roberts, the Minister for energy, said, "I am going to do it anyway". He took the ACCC to court and the Government won, and everything the ACCC said in relation to Macquarie Generation happened. The Government closed down Liddell power station, supply dropped, demand increased and prices went through the roof. When the Minister comes in here and says, "We have to protect this power station and others like it because they produce 11 per cent of the State's energy needs", that is because he has been reducing the supply of energy needs across New South Wales. He was the energy Minister. I remember him saying nearly every day in Parliament—

**Mr Anthony Roberts:** I was Minister for Fair Trading at the time.

**Mr CHRIS MINNS:** When you sold Macquarie Generation?

**Mr Anthony Roberts:** I never sold Macquarie Generation.

**Mr CHRIS MINNS:** Do you support the sale of Macquarie Generation?

**Mr Anthony Roberts:** I was fair trading Minister.

**Mr CHRIS MINNS:** Did you support the sale of Macquarie Generation?

**Mr Jai Rowell:** Point of order: I would ask that the member make his comments through the Chair and not across the Chamber.

**The DEPUTY SPEAKER:** I uphold the point of order.

**Mr CHRIS MINNS:** My understanding is that the then Minister for energy was a wholehearted supporter of the sale of Macquarie Generation. If I read correctly the Minister's interjections, that view is now changed and he has been enlightened by these changed circumstances, most particularly the dramatic increase in energy prices that have been suffered by New South Wales' consumers.

**Mr Anthony Roberts:** Now you are verballing me.

**Mr CHRIS MINNS:** That is the only possible explanation. The Government has come into this Parliament today and said power prices and supply are so important. It was the Government that closed down Macquarie Generation by privatising it. The Government has increased electricity prices for average consumers by fighting the Australian Energy Regulator's determination. When it comes to power prices for regular consumers, the Government has taken every single opportunity to keep them as high as possible, and the reason for it is an unnatural obsession with privatisation. The Government needs prices, the incomes and revenues for those companies to be as high as possible so that the sale prices are as high as possible. The Parliament is dealing with the mess created by this Government and in part by this Minister. I will discount part of his guilt because he says that he was not responsible for the legislation, and I take him at his word. This was a mess created by the former Premier Mike Baird. Gee whiz, the former Premier gets criticised a lot these days. Every time I open a newspaper I read about someone bagging out Mike Baird. I thought he was okay.

Every Government member seems to be obsessed with the staff of the Minister for Planning. I think those members should go easy on the staff but watch out for the Minister, because he is the one who is inserting these poison pills into this legislation. I am talking about the bracket creep in schedule 2 of this legislation. It is unnecessary and potentially dangerous for Sydney's water supply. The legislation should be rejected. I conclude by commenting on the Minister's concurrent responsibility as leader of the House. The practice of pushing through all stages of a bill in one afternoon should stop. It is a breach, an abrogation of the Westminster parliamentary system.

I ask the Minister to read in *Hansard* the interjections of the former manager of Opposition business, Andrew Tink, in relation to his vehement objections to all-stages legislation. This way of managing business does not allow parliamentarians to discharge their democratic responsibility to read legislation and determine whether to support it or otherwise. This legislation was dropped and then debated within a matter of minutes. Is it any wonder that there is extreme cynicism towards politicians when citizens see demonstrations of anti-parliamentary practice and form as demonstrated by the Minister in this Parliament today? It is a disgraceful action and it reflects poorly on his tenure as the manager of Government business.

**Mr GREG PIPER (Lake Macquarie) (17:31):** I contribute to this second reading debate on the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill. I recognise that the Minister with carriage of the bill is in the House. The member for Kogarah referred to the introduction and passage of this significant bill through all stages in one sitting of this House. I agree with the sentiment. I am not aware of the comments by Andrew Tink at some time in the past. During my first term here—from 2007 to 2011—I seem to recall that it was part of the *modus operandi* of the Labor Government. While I am in general support of what the member was saying, I believe that we have to be very careful about the examples we use.

I have raised concern about the ability of members to address the issues in a bill—a bill which may be complex or politically charged—when it is introduced and we are given a short amount of time to examine it. But the words "pot" and "kettle" come to mind when I hear a member accusing the Government of overusing that methodology. This bill would appear to cover a fairly narrow issue in relation to the specific instance of the Springvale mine, but it goes beyond that. There may be implications for other mines and for other water catchments around the State. I am sure the Minister knows that my electorate contains one of the largest power stations in New South Wales, such as Eraring power station, owned by Origin Energy. That power station has been producing power at significant rates for many years.

However, I am well aware that even a power station in as good a condition as Eraring can, from time to time, have difficulties. A power station such as Eraring may have difficulty distributing power from one of its four turbines or may have environmental problems such as a change in ambient temperature, which may lead to difficulties in accessing appropriate cooling water or water with enough differential in temperature to operate at levels needed to produce enough energy at peak flow times, such as in the heat of summer. I am aware of the impact of the pressure of prices on members of the community. That is a genuine concern, I am sure, for the

Government and for the Minister who is introducing this bill. It is also a concern for the Minister for Energy and Utilities, the Hon. Don Harwin. It is also a pressing issue for individual members of this Parliament.

I understand that this bill deals with a number of issues. One is the demand to reduce price pressure on energy; another is to ensure the safety of our most precious resource, our water supply. Until the boundaries were redistributed before the last election, the Wallarah 2 mine was proposed for my electorate. That mine is still in contention; I think there will be a determination by the Planning Assessment Commission [PAC] very soon. In my view, there were three main issues with respect to that mine: water, water, water. I am talking about water for agriculture, potable water for the community and water for the environment. We have to make sure, in this particular situation, that we deal with those issues.

I have been listening to the arguments from both sides of the House and I am trying to be objective. I am compelled by the arguments of the Opposition, largely because they align fully with my views, even before I put them to paper. I was very pleased to hear the contribution of the Leader of the Opposition, the member for Auburn, Luke Foley, who articulated extremely well the real problems with maintaining energy supply while protecting the environment and water. The Leader of the Opposition took aim at the position of the Greens. I understand why he did that at this stage, because we have to be very careful about how we deal with the energy mix and the demands in this area. I am pretty sure that one of the worst things that we could do for the environment in the long term would be to have policies that lead to an uncontrollable spike in prices or a collapse in energy supply. As the Leader of the Opposition said, members of the community will not accept that. They would be absolutely furious and it would turn them against many of the very good initiatives that are being implemented as society transitions to more renewable energy. We have to make that transition.

Coal will need to be phased out as the main source of energy, including base load energy, for people in New South Wales. If that is not managed well there will be a revolt against that transition. I am very pleased to hear the Opposition articulating that point so well, and I am sure that the Government is dealing with that issue as well. The disconnect with respect to this bill is in relation to the water side or the environment side of the equation. We need to deal with the environmental issues in the short term, the medium term and the long term. In the short term, this bill should have been delayed to allow for the proper consideration of the courts. It should certainly provide for the proper introduction of the highest quality water treatment possible for any discharges from the Springvale mine.

The bottom line to this legislation is that we must make sure that the lights stay on and that people can afford to keep their lights on. We also must ensure that the environmental tests are not just adequate but are as good as they possibly can be. We are a rich nation and society. People expect that the New South Wales Government will deliver only the absolute best it can for the people of New South Wales, and particularly for the environment. At this stage I am likely to support the Opposition's amendments, but I am torn in relation to this bill because I understand we need to keep Springvale operational. There is a very large investment in the Springvale mine, not just by the mine owner but also by the people of New South Wales who own the natural resources. We should not allow either to be wasted during this transition.

**Ms JO HAYLEN (Summer Hill) (17:40):** The Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017 seeks to validate the State significant development consent issued to the Springvale mine extension, which is currently being challenged in the Land and Environment Court. The bill also seeks to clarify the application of the "neutral or beneficial effect on water quality" test for assessment of a development application under an existing development consent relating to the Sydney drinking water catchment. It is this schedule to the bill, which would erode and downgrade a key environmental protection—which protects our drinking water—that the Labor Opposition will seek to remove from the bill.

This bill goes to the heart of a wicked problem facing governments across Australia—how best to balance the transition to renewable energy while ensuring that we do not leave vulnerable communities behind. It also exposes the fact that this Government has left New South Wales tied to coal through systemic underinvestment in renewable energy and new electricity generation projects for New South Wales. The Government has so categorically failed to put in place a vision for how our State will transition from coal dependence that it is left to scramble when individual mines or power stations are set to close. Recent data from the Australian Bureau of Statistics shows that New South Wales lost more than 1,000 renewable energy jobs in the 2015-16 financial year. In fact, renewable energy jobs in this State have not grown since Labor was last in office when there were 4,340 full-time jobs in the sector. This Government just does not see the value of renewable energy as a source of job creation.

The Government's own energy plan, the 2016 Renewable Energy Action Plan, exposes that the growth of renewable power has fallen below the Government's own target of 23.5 per cent of our State's total power. That means that, at the current rate of production, this State will not hit that target until 2047. It is clear that this Government is letting New South Wales fall well behind when it comes to renewables. At the same time, this



Government is using the cover of crisis posed by the potential closure of the Springvale mine to sneak in weaker regulations when it comes to water quality in Sydney. This bill would reduce important environmental protections now in place for the assessment of projects in the Sydney water catchment.

Instead of using the opportunity to ensure Springvale complies with protections to improve water quality in the Warragamba Dam—which is Sydney's primary source of drinking water—the Government is instead diminishing standards for all mines across the entire State. When assessing continuing development on land in Sydney's drinking water catchment, the "neutral or beneficial effect on water quality" must be taken into consideration. The so-called "Catchment SEPP" demands that the consent authority must be satisfied that the proposed development will have a neutral or beneficial effect on water quality. The key here is that this test has been applied to the baseline quality of water prior to the operation of the mine. This bill seeks to shift that goalpost. If this part of the bill is applied, it would be applied against baseline water quality after the operation of a mine has commenced. A significant risk is proposed by adopting this path. We cannot sit by and allow water quality standards to be threatened in that manner.

The 2016 Audit of the Sydney Water Drinking Catchment, which was released earlier this year, points to significant problems with Sydney's water supply. Sydney's water catchment stores approximately 2.6 million megalitres of water. The audit revealed that the Coxs River flows into a lake that had the poorest standard for surface flows. The audit reveals a significant increase in bushfire-affected lands, with a subsequent negative impact on water quality. The audit also points to increased impacts from coalmining. In response to that audit, the Minister for Resources, Energy and Utilities noted that:

The government is looking closely at the independent audit and will ensure that whatever actions are required to protect our catchment are taken.

This bill shows that the Government has fallen at the first hurdle. The Opposition will move an amendment to remove schedule 2 to the bill that deals specifically with the water standards issue. Unlike the Government, the Opposition will fight to protect the highest environmental standards and will fight to preserve the quality of our city's drinking water. Indeed, if the Government fails to accept that very sensible amendment to restrict the bill to apply only to Springvale and to protect our quality water supplies, Labor in government will restore the current standards. The Leader of the Opposition made that commitment in this House today.

The Opposition is committed to a bold renewable energy future while at the same time understanding our moral responsibility to transition regional jobs and communities. The Labor Opposition will boost renewable energy investment and increase solar energy generation on government building rooftops and on schools, TAFEs, hospitals, police stations, libraries, courthouses and depots. Labor will tender for 100 megawatts of battery storage and Labor would invest money from the sale of the State's Snowy Hydro share into renewable energy generation across regional New South Wales—driving job growth in energy production in regional communities—because Labor members know we must transition energy production in a way that respects the livelihoods of working people and because we also know that the path to a renewable energy future must be laid down now, and New South Wales cannot be left behind.

**Ms TRISH DOYLE (Blue Mountains) (17:46):** I speak in debate on the Government's hastily drafted patch-job legislation, the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. Earlier today I read a story in the *Sydney Morning Herald* which outlined the absolute lack of legislative activity by the Berejiklian Liberal Government. It struck a chord because many weeks in this place have been wasted by this Government and we have deliberated on an insignificant volume of legislation. The legislative output of this Chamber ground to a halt when Mike Baird pulled the pin. Often when legislation makes its way to the Assembly, it is legislation of this type—a quick fix to a long-festering problem that should have been dealt with earlier and more effectively. The Premier prides herself on her managerial skills and business-like leadership, but as a matter of routine she sits on her hands for far too long and is prompted to act only because of some looming catastrophe or calamity. That is a terrible way to govern the State, yet that is the habit that the Premier has formed.

Without a special bill being introduced in this place there is a risk that during the looming summer the lights will go out in parts of New South Wales. That is because this Premier, the great manager, has done nothing to secure the energy supply needed by this State. It is tired and boring parliamentary theatre to see a former Liberal Minister for Resources and Energy brandishing a lump of coal during question time. This is rank political me-tooism of the most depressing kind. The member for Lane Cove is no Scott Morrison and he should come up with his own original stunts rather than stealing the lame ideas of his Federal counterparts. But here we are: We have the Minister for coal. But I digress. We have before us legislation that seeks to resolve a problem entirely of the Government's own making. In the six years—six long years—of this Government, there has been no investment whatsoever in publicly owned renewable energy generation. That is to the shame of the Liberals and

Nationals. We have a government that apparently acknowledges the realities of climate change, but refuses to do anything about it.

The NSW Renewable Energy Action Plan is depressing reading. Far from being a plan for renewable energy, it is a short list of neoliberal distractions and justifications for inaction. It lists some goals. First, attract renewable energy investment. That is code for "Don't actually invest any money in renewables." Secondly, build community support. I can give you a tip, Premier Berejiklian: the community supports renewable energy. They have done so for many years and they are fed up to the back teeth with this Government's inaction and they are fed up with childish displays from Liberal politicians with their lumps of coal in question time. Thirdly, attract and grow renewable energy expertise. Again, no real money is attached to this—it is just a motherhood statement. There we have the Government's plan for a renewable energy future. There is no money for publicly funded renewable energy generation and a redundant public relations campaign for something everyone seems to support except for the Liberals and Nationals.

It is, therefore, absolutely unsurprising that we find ourselves here today with a bill such as the one before us. I foreshadow at this stage that I will be moving amendments to the bill, which have been circulated. Labor is seeking to amend this bill because we see this issue in two parts. In the first place, we have a short-term problem and a long-term one. The short-term problem is that without this bill, we will reach summer without enough energy generation capacity to meet the needs of the State and we will have power blackouts. The long-term issue is that the State needs to pivot away from coal-fired power generation altogether, and a responsible, diligent government would engage with that issue and make headway on preparing for a clean energy future. A diligent and competent government would make preparations for a clean energy future not only because of the very well understood and quantifiable perils of climate change but also because we must ensure workers and their families employed in the coal extraction and coal-fired power generation industries are assisted to transition to new jobs in the clean energy sector.

While Labor is rightly concerned about the short-term energy security of this State and we are absolutely aware of the need to ensure workers are given real options and real opportunities in the medium to long term to reskill, retrain, and redeploy, we know that those workers should not be faced with the sack in the lead-up to Christmas. Labor is absolutely committed to a clean energy future, as my colleagues, such as the member for Summer Hill, have outlined. That is why the amendments I will move seek to remove the provisions in the Government's bill to extend de facto approval for other mines. We should not provide a blank cheque to the mining industry for planning approvals of this kind. On a case-by-case basis, mining companies should put forward their proposals and those proposals should be assessed in the usual way. In the meantime the Government should be investing in renewable energy generation and reducing the State's reliance on coal-fired energy generation. We should not weaken environmental protections and water quality protections at all mines simply because there is some short-term imperative caused by Liberal Government inaction and indifference at Springvale-Mount Piper.

In the meantime, the New South Wales Coalition Government could learn a thing or two from its Labor counterparts in South Australia. When faced with an immediate risk to the energy security of that State, Premier Jay Wetherill's Labor Government took decisive action to secure the State's energy and invest in renewable storage that will help the Government guarantee to citizens that the lights will stay on over summer. This Government, on the other hand, has done nothing. My Labor colleagues and I want to see public investment in renewable energy generation and storage. Having sold off the poles and wires network and raised billions of dollars, the New South Wales Government could have invested an unprecedented amount of money in solar and wind energy generation and begun investigating pumped-hydro storage or battery storage of the kind being invested in by the South Australians. Instead, using the money from the sell-off of our poles and wires, the Liberals are building a tunnel from the city to the northern beaches.

We find ourselves in a situation where, as a consequence of New South Wales' over-reliance on coal-fired power, we have to further commit ourselves to coal simply to keep the lights on in the short term. It is pathetic. Labor is very unhappy at being wedged by the incompetence of the Berejiklian Government and will be moving amendments in my name, as I have indicated. I want to dwell for a moment on the environmental impacts of this inaction and ineptitude. The Springvale and Clarence collieries, both operated by Centennial Coal, are at the edges of the Blue Mountains National Park. In separate incidents, the mining company has caused considerable damage to our pristine wilderness areas. At Clarence Colliery, a coal fines spill in July 2015 saw dozens of kilometres of the Wollangambe River polluted with fine coal dust fibres after the collapse of a mining wastewater dam. The collapse of the dam, located just 400 metres from the border of the World Heritage listed national park, was described at the Land and Environment Court as a "disaster waiting to happen". When I asked questions on notice of the Minister for Industry, Resources and Energy in November 2015 about what emergency response plans were in place at Clarence Colliery before the disaster, the Government could not say because it did not know.

It is unacceptable to me that this Government sees fit to stand back and let mining operators rip without adequate oversight. I have been pursuing these matters relentlessly since my election in 2015. Therefore, I am very concerned about allowing Centennial Coal any leeway whatsoever, but as a consequence of the Premier's indifference and lack of leadership, and as a result of the Coalition's addiction to coalmining and coalmining company donations, we have a situation in which we are forced to act in this place to prevent the lights from going out and to prevent the ruining of a community of workers and their families—some of whom are constituents in my electorate. They have been given no support or assistance or even an opportunity to transition to new jobs in the emerging clean energy production and distribution sectors. This bill is a very sad indictment of a very bad government. The people of New South Wales should take note today and look at the crisis this Government has created for itself. They should remember the breathtaking incompetence of the New South Wales Government when the time comes to vote at the 2019 election.

**Mr CLAYTON BARR (Cessnock) (17:57):** The debate on the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017 gives me an opportunity to comment more broadly on the coal industry and its potential future as well as point out why we need to move from the radical positions of the Left and the Right. The reality is that we cannot let the coal industry just rip, as happened in many cases over the past 100 years. I make that statement as a representative in this Parliament of the Hunter Valley coalfields. That is my place; those are my people. By the same token, we cannot shut down the coal industry yesterday, today or tomorrow. The positions of the Left and the Right are poles apart, and both are radical and crazy. The reality is in the middle, both the onshore reality and the offshore reality.

There are currently 1,000 coal-fired power stations under development across the globe. Each of those power stations has a lifespan of between 35 and 50 years, which means that we are going to be digging coal out of the ground for those coal-fired power stations in lots of places on the planet for the next 35 to 50 years. That is the reality; we cannot control how other governments source their energy but we can decide whether or not we want to be a part of their market supply. Ninety per cent of the coal from the Hunter Valley coalfields goes offshore, so I will park that proportion to one side for the moment. The other 10 per cent is used onshore for energy and electricity production. The reality of energy and electricity production today is that we cannot switch off coal's role today because we cannot automatically switch on renewables today. Both of those concepts are farcical, because the market is not ready for the end of coal and the start of renewables.

We need to have a conversation about the middle ground, where there are lots of sensible, worthwhile, intelligent and articulate arguments. That is what we need in this Chamber now. It is important to understand broad concepts and to understand that it is not quite as simple as being a friend of coal or an enemy of coal. As I said earlier, we will probably be digging coal out of the ground in the Hunter Valley for the rest of my lifetime, and tens of thousands of people will be employed in that industry. Given that the quality of coal from the Hunter Valley can produce more electricity per kilogram, one might argue that it would be environmentally irrational not to provide Hunter Valley coal to the international market.

I acknowledge comments made by other members about pushing this legislation through all stages in today's sitting of the House. I note that the Minister for Lands and Forestry, and Minister for Racing, the member for Bathurst, put forward the questionable truth that he had been working on this legislation for a number of months. I choose the words "questionable truth" carefully because, given that this has been a live issue for about 10 weeks, I wondered what the Minister had been saying in that time so I looked in the media. As recently as 18 days ago the ABC had significant coverage of this story, raising the issue of what is happening. The ABC sought comment from the member for Bathurst, but there was no comment. The ABC sought comment from the Federal member for Calare, but there was no comment.

Perhaps both gentlemen were busy during the two- or three-day period that the story was being put together; perhaps they were unable to return a phone call to the ABC. One would think that local members might talk to their constituents in the community of Lithgow or at the mine. There was a big car race in Bathurst on the weekend and the member for Bathurst attended, along with the Premier, but I am not sure that a car race around Bathurst—emitting tonnes of carbon—is more important than 600 jobs at a coalmine and the ability to keep the electricity on. After all, I am pretty confident we want our lights, ovens, fridges and freezers at home switched on, not off. The member for Bathurst said he has been fighting for this for a long time, but 18 days ago he did not have a comment or statement. Indeed, until and including today, he has not talked to his community about this issue.

The Springvale mine is located 15 kilometres north-west of Lithgow. It was established in 1992 and produces about 4.5 million tonnes of coal. The majority of that coal goes to the Mount Piper Power Station, which provides 11 per cent of the State's electricity—not an insignificant number. As summer approaches, with the potential for blackouts and brownouts, the community has concerns about the ability to produce and provide that power. This legislation is important. But no matter what one wants to say about coal and/or electricity, there is

nothing more essential than clean water. The mining company has acknowledged that it has the capacity and willingness to put in place the necessary water treatment plant, but it needs certainty of tenure. This bill will give it certainty.

I will be talking to Centennial Coal about the speed at which it implements the water treatment plant. The Hunter region has problems with salinity and heavy metal spills from coalmining sites into the Hunter River. There are significant proven impacts on the health of fish and aquatic species as well as the health of riverside flora. This problem is not imaginary. There is a role for the State and the Environmental Protection Agency to play, and significant fines should be issued when issues arise. Given that this legislation will provide Centennial Coal with certainty, I will seek its assurances and investment to make sure that the necessary water treatment plants are put in place.

**Mr David Elliott:** You don't trust the coal companies?

**Mr CLAYTON BARR:** They are fine. I have a terrific relationship with Centennial Coal: Its number is in my phone and I can ring it today. But I will be watching to make sure that the water treatment plants are put in place, because we cannot grow produce without clean water and we cannot survive without clean water. Water is at the heart of this legislation. Labor will move amendments that seek to provide certainty of water quality. For anybody to come into this Chamber and vote against that is the definition of insanity.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I acknowledge Cathy and Mal Brown in the gallery, parents of a student at Oakhill College and guests of the Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs, the member for Baulkham Hills. I believe they are the winners of a dinner with the Minister. I congratulate them and wish them an enjoyable visit to the Parliament of New South Wales.

**Ms JENNY LEONG (Newtown) (18:08):** I thank the Minister for allowing me the opportunity to speak on the Environmental and Planning Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. Perhaps the Minister was aware that, had the opportunity for me to speak on behalf of The Greens and the community of Newtown been denied, it may have caused a furore in the community of Newtown and other communities that have issues with this bill. My colleague Jamie Parker has outlined our concerns about the bill. It is important to go back to the basics when we look at this bill, which is about cutting protections for Sydney's drinking water, supporting coalmining and supporting big developers and big business. The law currently says that any development in Sydney's drinking water catchment area must be either neutral or beneficial to the quality and quantity of water. This legislation guts that protection by ensuring that the baseline used for assessing the neutral or beneficial test for any extensions to existing developments will no longer be the health of the catchment but the impact of the existing development on the catchment. We are talking about introducing legislation that will allow coalmines such as Springvale and other developments to make changes that will cause a negative benefit, thus polluting our water catchment. Currently the neutral or beneficial test is applied. These changes will impact negatively on our water supply. This is not about energy security or the future of the Mount Piper power station. Environmentalists are not pushing for the mine to be closed; they are pushing to stop the pollution and to expedite the construction of the pipeline and the water treatment plant.

This legislation is not about energy security or the future of Mount Piper power station; it will penalise new and environmentally sensitive developments rather than older and more polluting developments. Sydney's drinking water will be polluted as a result of the changes that will be made by this legislation. Labor will be moving amendments to this legislation but if those amendments are not successful a future Labor government will make those changes. I hope to be able in the future to hold any Labor government to account. I look forward to that day. In a briefing provided earlier, 4nature, a key environmental group involved in this issue, said that the Court of Appeal found that the Planning Assessment Commission should never have approved the proposed Springvale coalmine expansion.

The Land and Environment Court is due to hold hearings next week on 16 and 17 October. Given that both the mine and the power station have stockpiles of coal, the rate at which this coal will be burned by the power station and any options for sourcing coal from other places will be crucial. The Government's announcement that it will give approval to Springvale via special legislation comes ahead of the court's final decision on the matter. Moreover, instead of ensuring that the Springvale coalmine complies with the law that protects the quality of our water flowing into Warragamba Dam, the Government has promised to weaken that law for all mines in the future. In July 2017 Mr Jeremy Buckingham my Greens colleague in the other place and Mr Adam Bandt, The Greens member for Melbourne, toured the Mount Piper power station and met with the mayor of Lithgow. They held a meeting with hundreds of residents and talked to them about the need for a transition plan for coal communities such as Lithgow. Last Saturday in Camperdown in the Newtown electorate hundreds of people gathered and used their bodies to spell out the words "Stop Adani". That was one of many communities that gathered to support the "Stop Adani" campaign.

**Mr David Elliott:** Did they stop using electricity as a result?

**Ms JENNY LEONG:** I acknowledge the Minister's interjection. He asked me whether or not the community has stopped using electricity. One day our State will transition to renewable energy. We need a transition plan to move away from dirty and polluting coal. We must invest in renewable energy and stop propping up polluting industries. The Government, supported in part by the Labor Opposition, is introducing legislation that will result in the pollution of our drinking water. It is unclear why there is a need for this legislation. The Premier and the Leader of the Opposition visited a certain place in an attempt to be the first ones to commit to legislation that would result in the pollution of Sydney's drinking water. Government members and Opposition members will be supporting legislation that will result in the pollution of Sydney's drinking water, which is unacceptable. The Greens oppose this legislation. We do not want to see new or existing coalmines polluting our drinking water supply. We want the Government to invest in renewable energy and address the dangerous impact of polluting coal on climate change.

**Mr RON HOENIG (Heffron) (18:14):** There is one thing I resent more than the Government rushing through legislation that has not been given proper scrutiny. I resent the fact that The Greens are demanding the closure of all coalmines and coal-fired electricity distribution and they are effectively suggesting that Sydney's drinking water supply has not been polluted by the Springvale coalmine. When legislation is rushed through this Chamber nobody understands what is in it and nobody has the time to look at it in detail. I had time to look at the original consent for the Springvale mine which was granted in 1992 when coalmining commenced. In September 2015 the consent period was extended to 2028. There is no reason for anyone to run around in circles spreading doom and gloom about the original consent which required restrictions to be placed on pollutant emissions, chiefly salt, resulting from mining operations.

Up until 30 June 2017 when the water purification plant was supposed to be completed unconstrained discharges have resulted from mining operations. That has been going on since the mine started in 1992. It is wrong to pretend that somehow or other this decision-making process will cause Sydney's drinking water to be further polluted, as our drinking water has been polluted since the mine received its original approval. There are extensions to the development application considered by the Planning Assessment Commission. As a result of a dispute between coalmine operators and Mount Piper operators about the \$100 million water purification plant, the introduction of the water purification plant was delayed. The history of this matter was well summarised earlier by the Leader of the Opposition.

The Government found itself in difficulty, first, because it has a generator contributing 11 per cent of energy to the New South Wales economy and, secondly, because it has a functioning coalmine employing 350 people, according to the 2015 census, which it proposes to increase to 440 people. As the power station provides power to the grid and coal is required from the mine, which creates jobs and generates money for the Lithgow economy, something needed to happen as a result of the Court of Appeal decision. This bill is being rammed through the Chamber. If what the Minister says is true—he is an honourable man and I have no reason to disbelieve him when he says that this bill is urgent—schedule 1 deals with the decision of Justice Basten in the Court of Appeal. Schedule 1, item [1] amends section 34B by inserting after section 34B (2):

- (2A) A State environmental planning policy that requires proposed development to have a neutral or beneficial effect on the quality of water may deal with the application of that test in the case of proposed development that extends or expands existing development.

Justice Basten held that the Minister has no power specifically to overcome the unlawfulness of the Planning and Assessment Commission's consent. Part 4 is titled "Validation of development consent relating to Springvale mine extension etc", and new section 9 contains the validations of the original consent. The effect of the consent simply delays the construction of the water treatment plant for a further two years until 2019. It is always a concern to me when something is buried in legislation. Item [4] in schedule 1, new section 10 provides:

- (1) This clause applies to any development consent granted, or purported to have been granted, before the commencement of the amending Act ...
- (2) After the commencement of the amending Act, any such development consent is not subject to challenge on the ground that it was not granted in accordance with this Act and State Environmental Planning Policy (Sydney Drinking Water Catchment) ...

In other words, it denies the ability of people to challenge a consent that is granted. That should not be in the bill, not only because it removes people's right to seek a remedy but also, and more importantly, because it is superfluous. If Parliament enacts this legislation, the effects of schedule 1 make the consent lawful in any event and there would be no basis upon which to challenge.

The concern of the Government of the day, and of the previous Government, about removing people's right to access the court is an anathema to the public, or it should be. I take exception to one aspect of the bill. This happens when legislation is rushed through this place and it is a typical Department of Planning and

Environment strategy. If the Minister is in a hurry, the department adds a little more to the bill, such as schedule 2 to this legislation. I do not know what impact schedule 2 will have if it is enacted. Various members have contributed to the debate on this issue on behalf of the Opposition, and the member for Blue Mountains seems to have researched it more than I have. When we rush through legislation we do not know what the consequences will be.

I might accept the Minister's word and the parts contained in schedule 1, but I do not accept that he has sufficient justification to ask the House to support schedule 2. That schedule contains a permanent amendment to the Environmental Planning and Assessment Act and to the way in which a State environmental planning policy is treated. Normally when an amending bill is introduced the Government consults stakeholders and the community because every piece of legislation emanating from Parliament has unintended consequences. The object of the exercise is to minimise those consequences. I do not know what the unintended consequence of this legislation will be, but I understand the concerns raised by the member for Blue Mountains in relation to its impact in other places. I urge the Government to consider the Opposition's amendments. There is no need to rush this part of the bill through the House.

This legislation deals with a particular application, not the level of pollution. The Environment Protection Authority has ample power to stop pollution and toxic impacts on Cocks River or any other part of the State. The authority is a demonstrated failure, just like its predecessor, the State Pollution Control Commission. When someone seriously damages the environment the penalty is a seven-year jail term on indictment. Surely if someone were to poison Sydney's water catchment it would be an infringement against that section and they should be sent to jail for seven years. The Environment Protection Authority has repeatedly failed to enforce environmental standards for decades. Rather than simply attacking development consents, we should be attacking the people who have been licensing this pollution and who have been giving it the tick. It is the Environment Protection Authority that impacts upon the consent authorities.

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (18:24):** In reply: I thank all members who have spoken on this important piece of legislation. I will now respond to the main points raised in debate on the Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill 2017. The Government has been engaging extensively with the relevant parties over the past 10 weeks. As the outstanding member for Bathurst confirmed, the Government has been listening and talking to local communities, the council and other key stakeholders.

There are several overriding reasons for the Government to introduce the legislation. First, the legislative cut-off date is fast approaching and the Government is not prepared to risk an adverse Land and Environment Court finding without the ability to introduce legislation to secure the future of the Springvale coalmine. Secondly, the arrangements to secure finance for the water treatment plant in order to meet the mid-2019 deadline for completion require certainty about the future of the mine. Thirdly, the court is not a consent authority and cannot change the existing Springvale development consent. The Government's advice is that the court is able only to invalidate the consent. The only question is when that invalidation will take effect and therefore when the existing Springvale approval will cease.

These are the reasons the Government has introduced this legislation and has taken decisive action to keep the lights on, to prevent electricity price hikes and to prevent workers being forced onto the dole queue. If that certainty is not provided, it will jeopardise the water treatment plant being built on time and therefore delivering improved environmental outcomes. The shadow Minister claimed that the proposed changes to the application of the neutral or beneficial effect test would have consequences for any kind of development in the Sydney water catchment. I make it clear that that is simply not true. The proposed changes apply only to a limited class of continuing development; any new greenfield development will have to use the test as laid down by the Court of Appeal.

Concerns were raised that this Government is responsible for higher power prices. There is no Government more responsible for higher electricity prices than the Labor Government. The gold-plating of the networks, which were directly under the control of the Labor Government, saw 60 per cent price increases. The then Government opposed an Australian Energy Regulator determination that saw New South Wales households and businesses slugged with an additional \$1.7 billion in network costs. Of course, those costs were paid by New South Wales electricity consumers. In contrast, the recent power price increases have been in the wholesale market, which the Government does not control. They are not the result of network price increases. The Government's price guarantee means that network prices will be lower in real terms in 2019 than they were in 2015. It is Labor's mates in Victoria who forced the closure of Hazelwood and who have caused wholesale power price increases. Labor is the party of higher energy costs. What a label!

Members of the Opposition have also criticised the Government for hasty introduction of this important bill. I do not apologise for that. I point out that the Leader of the Opposition said this week that the Government

needed to introduce legislation to secure the future of Springvale. In fact, he demanded that the Government introduce this legislation as a matter of urgency, and that is precisely what we have done. However, that has not been done in response to the demand of the Leader of the Opposition. This legislation has been introduced following extensive engagement with Centennial, EnergyAustralia and other stakeholders, and after assessing the options and risks and providing a range of solutions. Any issues we have with those opposite undermining the current Leader of the Opposition are not of our doing or of our making and they do not have our support. I warn those opposite that this is above party politics or internal party politics between the Left and the Right of the Australian Labor Party in the New South Wales division.

We also heard comments that environmental groups claim there is plenty of stockpiled coal at Mount Piper to last the summer. If they are so sure of that, they need to present their evidence to the independent Australian Energy Market Operator [AEMO], because AEMO assesses future generation capacity and capability. That is why AEMO has indicated there is a real threat of blackouts this summer because Mount Piper may not be available. I will listen to the independent energy market experts on the issue of fuel supplies before I listen to Green extremists providing grabs to the *Sydney Morning Herald*.

This bill is the way to provide certainty and clarity to allow the Springvale mine and its jobs to continue without interruption, to allow the Mount Piper power station and its jobs to continue, to prevent blackouts and to prevent electricity price rises. As mentioned previously in this House, for some of us a blackout is an inconvenience. For a few hours the fridge is off. For 30,000 customers out there, a blackout of one or two hours is life threatening. This Government takes this issue seriously. This bill is also the way to ensure the water treatment plant is built to deliver a significantly improved environmental outcome for the Cocks River. I have visited Cocks River many times in my life. I have walked it and camped near it. It is an incredible place and it plays an important role in the Sydney catchment. But when we look at zero discharges from the mine once the treatment plant is built we find there will be a reduction in water withdrawals by Mount Piper power station. This is great news for the environment and for Sydney, and it sends a clear message to the marketplace that this Government is focused on good environmental outcomes, balanced with our energy supply.

The bill validates the State significant development consent for the Springvale mine extension. Ensuring steady power supply underpins the energy security of this great State. By making this amendment, this Government is ensuring the continued supply of coal to the Mount Piper power station, which is critical to local jobs, energy affordability and security for the people of New South Wales. As Mount Piper power station is 100 per cent dependent on the coal supplied by the Springvale mine, the supply of power from Springvale coalmine is critical to the ongoing operation of Mount Piper power station. Mount Piper's existence is also essential to this equation as it contributes—as mentioned earlier by many members, including the member for Cessnock, who is a strong supporter of the coal industry, as I am—to around 11 per cent of New South Wales' electricity on the grid.

As the months get warmer in the lead-up to summer, the Australian Energy Market Operator projects risks of load shedding which may affect more than 400,000 households across the grid. With regard to energy security the message is crystal clear: Without Mount Piper, we face almost certain blackouts this coming summer. I say to those opposite who oppose this: Tell me which suburbs, nursing homes and hospitals will have their power shut off because Labor members have some ideological issue with this. Even if the court delays its orders until after this summer, the threat to our important power supplies will only be deferred.

At the local level, closure of the mine would most likely have serious implications for around 700 people directly employed in the area. These jobs are critical to the communities surrounding the mine and are a major driver of the local economy. It will also see significant price rises in the wholesale electricity market. In fact, the uncertainty caused by this case is already resulting in higher prices in the forward electricity market. For the Springvale mine, the assessment of the proposal by the Department of Planning and Environment gave detailed consideration to the water quality impacts and required a significant reduction in water pollution limits when compared to the discharge allowed under existing approval. The department argued that that test should be based on the levels of discharge that were allowed under the existing mine approvals. The Land and Environment Court agreed with the department's approach and dismissed the challenge.

This bill principally clarifies the application of the water quality test for development that is extended or expanded, like mining and other resource projects. It does this by allowing a State environmental planning policy [SEPP] to deal with the application of the test to continuing development. Continuing development is development that is limited by time, area or intensity but that is likely to be extended or expanded in the future. Mining projects are one example of continuing development. The Government's bill then clarifies how the water quality test is to be undertaken for this type of development by amending the existing SEPP for the drinking water catchment.

For continuing development, the basis for determining the effect on water quality should be the new development—that is, the extended or expanded part of the proposal and not the development that is already

authorised by an existing approval, even if it is time limited. The existing impacts form part of the current water quality levels that will need to be compared. This is how the water quality test was understood to operate prior to the Court of Appeal's decision and it is consistent with the interpretations of the independent Planning Assessment Commission and the Land and Environment Court.

Importantly, I assure members of this House that nothing in the bill will result in a reduction in the level of water quality currently required by the planning legislation or development consents. Development in the Sydney drinking water catchment will still need to have a neutral or beneficial impact on water quality in order to be approved. This reflects the department's longstanding practice of comprehensively assessing the water quality impacts of significant development such as coalmines.

In conclusion—always the most welcome phrase in a Minister's speech in reply—under this bill, the mine will continue its operations subject to the strict conditions set by the independent Planning Assessment Commission. We as the Parliament need to act now. This bill provides assurance to all parties and will remove significant uncertainty hanging over the electricity market. It will provide a clear signal that this Government is removing risks to electricity security this summer. By introducing this bill, the Government has acted swiftly to address job uncertainty and secure the coal supply to the Mount Piper power station. I make it very clear once again that energy security is something we have to take seriously. As I stated previously, there are more than 30,000 people in New South Wales who rely on a secure energy supply just to survive. That is why this Government is acting swiftly. I commend the Berejiklian-Barilaro Government on its swift, intelligent and well thought-out response in this matter.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that this bill be now read a second time.

**Motion agreed to.**

**Consideration in detail requested by Ms Trish Doyle.**

#### **Consideration in Detail**

**TEMPORARY SPEAKER (Mr Adam Crouch):** By leave: I will deal with the bill in one group of clauses and one group of schedules. The question is that clauses 1 and 2 be agreed to.

**Clauses 1 and 2 agreed to.**

**Ms TRISH DOYLE (Blue Mountains) (18:39):** By leave: I move Opposition amendments Nos 1 to 5 in globo:

No. 1      **Removal of changes to neutral or beneficial effect test**

Page 3, Schedule 1 [1] and [2], lines 3–11. Omit all words on those lines.

No. 2      **Removal of changes to neutral or beneficial effect test**

Page 3, Schedule 1 [4], line 17. Omit "etc".

No. 3      **Removal of changes to neutral or beneficial effect test**

Page 4, Schedule 1 [4], lines 16–26. Omit all words on those lines.

No. 4      **Schedule 2 Amendment of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

Page 5, Schedule 2, lines 1–30. Omit all words on those lines.

No. 5      **Long title**

Omit "and *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* to clarify the test for granting development consent in relation to the Sydney drinking water catchment and".

These important amendments, especially no. 4 relating to schedule 2, seek to ensure that this legislation does not diminish critical environmental protections around our drinking water quality and supply. We cannot jeopardise our precious water.

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (18:40):** The Government opposes all Opposition amendments. Clarification and the application of the neutral or beneficial effects test is an important part of this legislation. The effect of our amendments is to ensure the understood application of the test, the application applied by the Planning Assessment Commission, and that it is supported and reinstated by the Land and Environment Court. I will be very clear, the test itself will not change. Any development in the Sydney drinking water catchment will need to ensure it has a neutral or beneficial impact in terms of water discharges.



I sent a very clear warning to the Opposition and to The Greens. Both parties have made much of the need to ensure a steel industry in New South Wales, in the Illawarra in particular. In fact, both have introduced legislation aimed at securing and bolstering a steel industry in New South Wales. It gives me no pleasure to say this, but a steel industry requires coking coal, as the member for Keira stated earlier. Coking coal, of course, comes from mines in the Sydney water catchment. When those mines that supply the coking coal that is required for a domestic steel industry need to expand their operations or apply for a new development consent, the Opposition's amendments will prevent that from occurring. Here we have Opposition policies going against their other policies. The Opposition will be consigning a steel industry in the Illawarra to bigger scruples and consigning the many hundreds of people employed in jobs that are provided by those mines to the dole queue.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order! The member for Shellharbour and the member for Kiama will come to order. I remind the member for Kiama that he is already on three calls to order.

**Mr ANTHONY ROBERTS:** This Government is supporting not just the workers at Springvale but the workers at all other mines in the Sydney water catchment. Those opposite are denying the ability for the Springvale mine and other mines to lodge applications to be assessed under the Environmental Planning and Assessment Act. They are denying the ability for improved environmental outcomes to be achieved. Those opposite are consigning the mining industry in the Central West and the Illawarra to oblivion. This bill provides assurances to all parties and will remove significant uncertainty hanging over the electricity market. It will provide a clear signal that this Government is removing risks to electricity security, not just for this summer but for many summers to come. By introducing this bill, the Berejiklian-Barilaro Government has acted swiftly to address job uncertainty and to secure the coal supply to the Mount Piper power station.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Opposition amendments Nos 1 to 5 be agreed to.

**Amendments Nos 1 to 5 negatived.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedules 1 and 2 be agreed to.

**The House divided.**

Ayes .....44  
Noes .....34  
Majority.....10

#### AYES

Anderson, Mr K  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Gibbons, Ms M  
Griffin, Mr J  
Henskens, Mr A  
Kean, Mr M  
Marshall, Mr A  
Pavey, Mrs M  
Roberts, Mr A  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Davies, Ms T  
Evans, Mr L  
Goward, Ms P  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Petinos, Ms E  
Sidoti, Mr J  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Ayes, Mr S  
Bromhead, Mr S (teller)  
Constance, Mr A  
Donato, Mr P  
George, Mr T  
Grant, Mr T  
Hazzard, Mr B  
Johnsen, Mr M  
Maguire, Mr D  
Patterson, Mr C (teller)  
Provest, Mr G  
Speakman, Mr M  
Tudehope, Mr D  
Williams, Mr R

#### NOES

Aitchison, Ms J  
Car, Ms P  
Cotsis, Ms S  
Dib, Mr J  
Foley, Mr L  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J

Atalla, Mr E  
Catley, Ms Y  
Crakanthorp, Mr T  
Doyle, Ms T  
Harrison, Ms J  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D

Barr, Mr C  
Chanthivong, Mr A  
Daley, Mr M  
Finn, Ms J  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T

## NOES

Minns, Mr C  
Scully, Mr P  
Warren, Mr G  
Zangari, Mr G

Park, Mr R  
Smith, Ms T F  
Washington, Ms K

Piper, Mr G  
Tesch, Ms L  
Watson, Ms A (teller)

## PAIRS

Perrottet, Mr D

Harris, Mr D

**Schedules 1 and 2 agreed to.**

**Third Reading**

**Mr ANTHONY ROBERTS:** I move:

That this bill be now read a third time.

**Motion agreed to.**

**ROAD TRANSPORT AMENDMENT (DRIVER LICENCE DISQUALIFICATION) BILL 2017****Returned**

**TEMPORARY SPEAKER (Mr Adam Crouch):** I report receipt of a message from the Legislative Council returning the abovementioned bill without amendment.

**LOCAL LAND SERVICES AMENDMENT BILL 2017****Second Reading**

**Debate resumed from 12 September 2017.**

**Mr CLAYTON BARR (Cessnock) (18:51):** I draw members' attention to the fact that the Opposition will be moving an amendment to this bill. I will not be making a long contribution. For the sake of the House and members on the opposite side of the Chamber who might be interested, I table the proposed Opposition amendment. I am pleased to lead for the Opposition in this debate on the Local Land Services Amendment Bill 2017. I will start by making some introductory remarks and then move to the content of the bill. Local Land Services plays an important role in managing our response to pests, weeds, biosecurity and natural resources management. It plays a key role but it has been bedevilled with implementation issues and funding cuts since day one. This bill reflects, in part, the deficiencies that were built into the original Local Land Services model from the outset, just a few years ago.

While the Opposition hopes that this bill rectifies some of the problems identified by the Natural Resources Commission, the Opposition puts on record that the future of natural resources management continues to be under a cloud under this Coalition Government. This Government has let down the community when it comes to natural resources management. One only has to look at the recent water theft scandal to see how poorly the Coalition Government—in particular, successive National Party Ministers—have handled themselves. The alleged theft of millions of litres of water from the Barwon River, which feeds into the Murray Darling system, is completely unacceptable. The internal investigation is unacceptable. Because of this poor performance, the Opposition is concerned about the ability of this Government to do the right thing with respect to legislation such as the Local Land Services Amendment Bill 2017.

**Mr Paul Toole:** Point of order: My point of order relates to Standing Order 73. The member is straying from the leave of the bill..

**TEMPORARY SPEAKER (Mr Adam Crouch):** I have been listening to the member for Cessnock. I remind him that the bill is quite specific and I ask him to remain within the leave of the bill.

**Mr CLAYTON BARR:** Typically speeches during the second reading debate—particularly lead speeches from the Government and the Opposition—are fairly wideranging. The member opposite is suggesting that the Local Land Services has nothing to do with the river system. That identifies his fundamental lack of understanding of what a Local Land Service is and the significance of the Local Land Services.

**Mr Kevin Anderson:** You were talking about the inquiry.

**TEMPORARY SPEAKER:** Order! The member for Tamworth will come to order.

**Mr CLAYTON BARR:** If the Government members bothered to read regional newspapers they would see how little confidence remains in the National Party on all issues, including on the matter of Local Land Services. Just a few weeks ago *The Land* newspaper led with the headline, "How far will the damage flow?" The newspaper was referring to the Barwon River water debacle that I mentioned a few moments ago. In the letters page of that same newspaper a solicitor in the north-west has written in despair under the heading, "Native veg nightmare". Journals like *The Land* are not left-wing periodicals but week in, week out they give a sense of how badly the National Party has let those communities down and how on the nose the National Party is these days.

**Mr John Barilaro:** Point of order: My point of order is with respect to relevance. What does the National Party—its reputation and its being on the nose—have to do with the Local Land Services? The member should return to the leave of the bill and stick to the facts and evidence.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I have already cautioned the member for Cessnock about straying from the leave of the bill. If he continues to do so, I will ask him to resume his seat.

**Mr CLAYTON BARR:** I must admit that I did not realise that I had been cautioned; however, I now accept that I have. Let me go to an ABC rural report about comments by esteemed people from regional New South Wales. There were comments from Mr Chris Sweeney, a former chair of the Lachlan Livestock Health and Pest Authority, which was replaced by the Local Land Services. There were also comments from Mr Ross King, who was then a board member of the Northern Tablelands Local Land Service. Both of these men are at the front line of services provided to regional and rural industries across New South Wales. At the time of the report late last year, they spoke of the Local Land Services structure and restructure. Mr Sweeney said:

I'm picking up that we are going to have a rather large administration area at the top to support the chairman, and then local content not getting looked at.

Mr King said:

Local boards have been told that they will have to administer cuts to the entire budget of \$6 million.

He continued:

If that happens, despite what the Minister says, frontline services will be hit.

Those insights by esteemed members of our regional community 11 months ago were chilling and telling, and proved to be truthful. Here we are, just four years after the original bill came before this Parliament and just a little over 3½ years since the bill was implemented, fixing up yet another Government mess. The nature of the Government mess that we are fixing today—or any of the other messes which have needed to be fixed—forms the core of my opening remarks about this bill. This fix-up, repair or improvement—call it whatever you want—is more evidence that the Government cannot be trusted when it says one thing one day and does something else the next.

While acknowledging and restating Mr King's statement about Local Land Services that "despite what the Minister says, frontline services will be hit", I want to draw out some of the other truths that are now proving to be mistruths. In her second reading speech to introduce the Local Land Services Bill 2013, the then Minister and member for Burrinjuck, representing The Nationals, said:

Through reducing duplication of governance, managerial and back-office functions we found savings in the order of \$5 million, which will be directed back into frontline extension and advisory services, whether through contracting private agronomists, partnering with farming systems groups or hiring additional staff. Local Land Services will be managed by local people on local boards working closely with landholders and communities to deliver services that are relevant to their needs. These local people are best placed to represent local landholders, not someone sitting behind a desk in Sydney.

Let us consider for a moment how the Government did on that front. She said that the savings would be directed into frontline extension and advisory services. The truth is that extension and advisory services have been cut. The Minister said money would be spent on contracting agronomists, but some 50 agronomists across the State have been sacked. This Government says one thing in this place but then does something completely different. The Minister said the Government would reduce the duplication of governance, managerial and back-office functions and put more money into frontline services. Let us test how that went.

As at 3 June 2014 there were 9.7 staff employed in the Chair of the Board of Chairs office, costing the scheme \$1.3 million per annum. As at 3 June 2015 there were 13.8 staff employed in the chair of chairs office, costing the scheme \$1.9 million per annum. As at 3 June 2016 there were 27.8 staff employed in the chair of chairs office, costing the scheme \$3.9 million per annum. These staff were employed after the Minister had assured regional communities affected by Local Land Services that more staff would be employed on the front line, instead of the back office. The cost of employing the staff does not include the salary of the chair of chairs. At the time, the Minister made "pie in the sky" statements on behalf of a young and inexperienced government that believed

that governance and office work were a blight on farmers. That could not be further from the truth because governance is important and it drives effectiveness and outcomes. It has taken time, but this Government has finally learned that lesson and that is why this bill is before us today.

The Government has finally conceded that the chair of chairs model does not provide what the Government had hoped it would provide. The Government has realised that Local Land Services requires a chief executive officer [CEO] who will be 100 per cent focused on running the service. But the size of the spend on the chair of chairs office makes me wonder about how much money is being collected, from whom it is being collected, and where, how and when it is being spent. Again, I refer to the Minister's second reading speech back in 2013 because it is evidence of what we are told will happen contrasting with what happens in reality. She said:

There will be no cost shifting to ratepayers unless the local boards and ratepayers see value and wish to pay for additional and new services by their Local Land Services.

How much did farmers have to cough up in 2014? Farmers and land managers back in 2014 had to pay Local Land Services \$4.5 million. In 2015 they paid Local Land Services \$5.5 million, a 22 per cent increase. In 2016 they paid \$6.2 million. Overall, since the Minister told Parliament and the people that there would not be a fee increase, the actual increase has been 35 per cent. We simply cannot believe what we are told by this Government. But fear not, because now we have a new Minister telling us that there will be no fee increase above the \$6.2 million figure that he cited in his second reading speech. We might not have been able to believe that previous Minister, but surely this one is telling the truth—only time will tell. But I can offer this word of caution: under this new amendment, the collection of fees will no longer be solely for the purpose of pest management of locusts. The money collected from fees will now be more spent more broadly, and yet in spreading the spending to do this extra work the Minister in his second reading speech told us that there will be no increase in the fees. He said:

This bill will maintain the existing rate level, but for the first time will make funds available for the management of other priority pest animals, in addition to locusts.

He went on to clarify the pests now covered by the fee might go on controlling wild dogs, foxes, pigs, plague locusts and other pests. The message on existing rates could not be more clear: the \$6.2 million raised from fees and charges that historically was only spent on tackling locusts will now be not be increased, although it will be spent on tackling all these other pests. If the fees and charges are increased in the future, the Minister will need to answer to the Parliament and to the regional communities of New South Wales. The Minister also told Parliament:

Ratepayers will see a greater return on their rates as more money is invested into managing regional pest priorities.

Does that sound familiar? It sounds a bit like the 2013 speech from the then Minister just prior to a new central office body being established with a workforce of almost 30, costing some \$4 million a year to run, with fees going up by 35 per cent in the coming three years. Those who are not convinced yet that this will be a hit to the pockets of farmers to feather a few nests should consider this: there are currently 11 Local Land Services across New South Wales. Each chairperson is paid \$60,000 per annum. Then there is the chair of chairs, a person who under the Act we are seeking to amend was responsible for coordinating the activity of all of the chairs as well as running the new administration office. The annual salary for the chair of chairs is \$320,876, almost as much as the salary of the Premier of New South Wales. This salary needs to be added to the \$3.9 million that it costs to run the office that he oversees, which means running the office costs \$4.2 million per annum.

While I am talking about the chair of chairs and the incredible salary, it would be remiss of me not to identify the current acting chair of chairs is a former member of the Legislative Council and member of The Nationals, Mr Richard Bull. I know that Mr Bull will not receive the full salary during his temporary tenure. In fact, I am led to believe his salary is in the vicinity of \$140,000. Those opposite would no doubt have referred to this practice of appointing an acting chair of chairs who was an MLC as "jobs for the boys" if it had occurred under a Labor government. However, if you are a member of The Nationals and appoint a former MLC as the acting chair of chairs at a salary of \$140,000—in the knowledge that this former MLC is also a beneficiary of the Parliament's superannuation scheme—this appointment may be viewed as something other than a job for the boys. I will leave that for the Minister to explain.

Under the new amendment, whoever the Chair of the Board of Chairs will be is losing their responsibility for the day-to-day operations of Local Land Services. A new chief executive officer [CEO] is to be installed. So what will this do, if anything, to the salary of the chair of chairs? Will the CEO be an additional charge to be paid out of the fund and what will that salary be? If the responsibilities of the chair of chairs have been cut, then surely the salary will be cut too. Let us do a little more maths on who is paying what and where the money is going. The Minister told us that last year \$6.2 million was collected in fees. The department has identified that the central office, as at June last year, cost \$3.9 million and I have already said that the salary of the chair of chair is rounded up to \$4.2 million.

The CEO is likely to receive somewhere in the vicinity of another \$290,000 to \$323,000 because they will be paid at SES band 2. That tells us that the cost of the office will be about \$4.5 million. In simple maths it means that out of every \$1 paid into the scheme by the farmers, 65 cents will go into the administration of the entity and 10 per cent will go into the pockets of the chosen chairs or jobs-for-the-boys beneficiaries. The farmers should be, and are, disgusted with the National Party. It is extraordinary that we are debating some basic elements of governance for an organisation that is barely 3½ years old. It betrays a lack of thought and analysis that went into the original establishment of the Local Land Services [LLS]. Time will tell if the LLS becomes another disaster for this Government and this Minister. Significant restructure and basic governance matters like the contemplated separation of the chair of chair role from the chief executive role does not auger well.

The bill amends the Local Land Services Act 2013 to achieve a number of objectives: to establish a new CEO role to provide for the day-to-day management of Local Land Services, who becomes the head of the Local Land Service staff agency; to provide for the Chair of the Board of Chairs to be appointed by the Minister; to rename the Board of Chairs as the Local Land Services Board; to increase the maximum term of office of members of the local board from three years to four years; to reinstate and extend the ministerial power to require Local Land Services to contribute to the cost of pest management; to make consistent an object of establishing local boards, with the functions of local boards as set out in section 29 of the Act, which does not include operational management and planning functions; and to standardise terminology relating to the staff of Local Land Services.

The Opposition does not oppose these matters on the whole, yet I seek a number of explanations from the Government. Why did the Government conflate the key roles of chair and CEO? Anyone reasonably schooled in the principles of modern governance would surely have seen problems down the road with such a model. It was identified as a problem when the Natural Resource Commission undertook an audit little more than a year after the organisation was established and yet the Government did not respond at that time. But 3½ years down the track—2½ years after the original audit—the Government is seeking to make this amendment. The Opposition seeks clarification as to the original decision and the delays in changing from that original decision to the model we see today.

Why was the original pest levy confined to locusts. The Opposition supports the amendment moved in broadening the terms and services that will be provided under the collection of the fees on the condition that it will not have an upward impact on LLS rates, which the Minister has guaranteed in his second reading speech. But why is it limited to addressing a specific type of pest in the first place? The Opposition would also like some indication of the proposed remuneration of the CEO. What we do know is that, under this Government, the fat cats have become fatter at the expense of the front-line staff. In one instance—moving away from the bush—we even have the head of the Sydney Motorway Corporation being paid \$1 million per annum. It is right for us to be concerned about the salary of the CEO and the chair of chairs in the Local Land Services to have clarity and transparency for the community.

Before passing this bill, Parliament should be advised of the proposed remuneration. Finally, the Opposition also seeks clarification on the repeal of part 10 of the Act, which deals with pests, pest control orders and eradication orders. The Opposition is concerned that the repeal of this part of the Act will preclude the possibility of making statewide orders on pests. We seek clarification from the Minister as to whether statewide pest animal declarations, control orders and eradication orders can still be made and, if so, how? I foreshadow that we will move an amendment in this place and at the outset of my speech I made the amendment available to the Government for consideration. In essence, it deals with the need to limit the salary of the chair of chairs to that of the other chairs. It is not appropriate for the chair of chairs to receive more than the relevant chairs, given that the chair of chairs no longer has responsibility for the running of the broader organisation because it will now be run by the new CEO.

To put it into context, a chair receives \$60,000; the chair of chairs receives \$320,000. What is the average wage in a place such as Cootamundra? It is \$28,000 a year. What is the current salary across the community of Murray? It is \$31,000 a year. What is the average salary across the electorate of Bathurst? It is \$30,000 a year. Even if one is only a chair of one of the 11 Local Land Services, that person is earning more than double the average salary of the community that he or she is representing. It seems entirely reasonable that the chair of chairs, no longer charged with responsibility to run the day-to-day office, would also have his or her salary significantly reduced—might I say "clipped".

At a time when there are job losses across LLS regional offices and staff are being told to do more with less, the Government should address where the money is being spent. While the office of the chair of chairs is consuming 65¢ out of every dollar paid by a farmer, on the front line the agronomists and special advisory services are being cut and the remaining staff are being asked to work in areas where they might not have the required skills and to cover broader geographic areas because there are fewer employees. We have a centralised office dining on Moët and Chandon while the workers on the front line drink cask wine. It is entirely unacceptable.

Job cuts and resource constraints have hamstrung the LLS from its moment of inception. The amendments contained within this bill will do little to address these ongoing operational issues. The amendments will do little to address the widespread bullying and intimidation within the organisation. The Government's report reveals that more than one in 10 employees of LLS reported being bullied and one in five staff witnessed bullying. This is an organisation in need of an overhaul. The Government denies the importance of these statistics. The Opposition sees it as central to the problems facing the bill. While the Opposition does not oppose the bill, it believes that the proposed amendments and the changes they will impose on the system will provide for a better Local Land Services into the future.

**Mr KEVIN ANDERSON (Tamworth) (19:19):** I speak in support of the Local Land Services Amendment Bill 2017. This Government supports the Local Land Services [LLS] and the great work that the chairs and local people do, be they vets, livestock rangers, agronomists, natural resources managers or advisors. This Government wants the LLS to focus on local issues and to deliver quality service, unlike those opposite who are quick to tear down the organisation. When the question is put to Opposition members about what union bosses earn, they run for the hills; they do not answer the question. If we want to compare apples with apples and gain credibility then Labor should lay on the table what the union bosses are paid.

The Opposition must stop knocking Local Land Services, which do a great job. In 2014 there was a once-in-a-generation reform that brought together services provided by three separate organisations to provide a one-stop shop for ratepayers in 11 regions across New South Wales. Since 2014 Local Land Services [LLS] officers have built a solid reputation as experts in best practice farm management. LLS's strong focus on customer service has been key to the success of the regional service delivery model. LLS connects with customers and groups, and delivers information, support and funding to improve agricultural productivity and to manage our natural resources more effectively.

LLS is committed to continually improving service delivery, as is evidenced by efforts to survey landholders and to use those findings to set key performance indicators for future improvement. LLS has demonstrated a commitment to deliver better value for money for ratepayers by implementing the recommendations of various reviews and audits to improve service provision. The bill before the House is a key step towards improving the governance framework of LLS. These changes are part of a range of priority actions being undertaken to ensure that LLS can continue to deliver a superior level of regional services.

A strong governance framework is critical to the long-term sustainability and success of any organisation. Good governance improves service delivery and helps to ensure that resources are used efficiently. It underpins all internal processes and decision-making, and promotes accountability and transparency. More importantly, for government organisations such as Local Land Services strong governance provides customers with confidence in how the organisation is run, how decisions are made and how their rates are being spent. The bill provides for a stronger governance framework in a number of ways. First, it clarifies the role of the central and local boards. Definition of the roles and responsibilities of the boards was a key issue identified in the governance audit conducted by the Natural Resources Commission [NRC].

The bill makes it clear that the central board is responsible for setting the strategic direction for the organisation. The central board will develop general policies related to statewide issues such as organisational governance and strategy, risk management and service delivery priorities. Local boards are responsible for setting the strategic direction at a regional level. The importance of a strong regional focus was a key factor in the design of the decentralised Local Land Services model and the Government remains committed to this model. The bill clarifies that operational management and planning is the responsibility of LLS staff and management. As with the aforementioned changes, this clarification of roles and responsibilities will promote accountability and transparency of decision-making within the organisation. The change to the maximum term of board members is another important improvement. Increasing the maximum term from three to four years will provide the board with greater stability and allow for a staggered approach to board elections and appointments. This will help to ensure the board retains critical corporate knowledge that will promote better performance and decision-making in the long term.

Another key change to the Government's framework is the creation of a new chief executive officer [CEO] position. The difference between the roles of the CEO and a chair are well recognised in the community. A chair is responsible for leading the board as it sets the strategic direction, whereas a CEO is responsible for managing the day-to-day operations of the organisation, its people and resources. Under the current legislation, the chair of the central board carries the responsibilities of the CEO in addition to those of the chair. This bill amends the Local Land Services Act to split these responsibilities between the two roles. Separating these responsibilities means that the chair will be able to have greater focus on building and maintaining relationships with each of the 11 boards. The bill also provides for the chair of the central board to be appointed by the Minister

for Primary Industries, and the chair will be directly accountable to the Minister for the delivery of Local Land Services strategic or State strategic plans as well as the priorities outlined in the Minister's charter.

In addition to these important improvements to the governance framework, the bill also provides that Local Land Services use pest management rates to address regional priorities. This is another important change that delivers greater value for ratepayers, especially those who live in areas that are not affected by locust plagues and where there are other pest priorities. My electorate of Tamworth sits within the North West Local Land Services region, which contains a number of significant animal industries, including cattle, poultry, sheep and pig industries. The viability of these industries relies heavily on the effective management of pest animals. In my region LLS plays a vital role in coordinating and delivering pest management activities with a keen focus on managing feral pigs and wild dogs.

A survey of landholders in the Tamworth and Gunnedah subregions showed that more than half think that LLS should prioritise managing all invasive pest animals, not only locusts. Pigs and dogs continue to be a problem in my area. This bill means that LLS will be able to meet these ratepayers' expectations by allowing access to funds to manage regional pest priorities. Local LLS will be able to better service its local communities and in doing so deliver better pest management outcomes across all regions. The member for Cessnock might like to travel to Albury to learn more about LLS, because the 2017 NSW Landcare and Local Land Services Conference will be held in the beautiful town of Albury from 25 to 27 October. I note that the Temporary Speaker is the member for Albury.

**TEMPORARY SPEAKER (Mr Greg Aplin):** I hope the member for Tamworth will be able to attend in his role as Chair of the NSW Parliamentary Friends of Landcare.

**Mr KEVIN ANDERSON:** I am checking my diary. I would love to join the Temporary Speaker on those fine days at the Albury Entertainment Centre. It is the premier event showcase for sustainability, Landcare and volunteering across New South Wales and includes the annual Landcare Muster and the NSW State Landcare Awards. I encourage the member for Cessnock to gather with 300 people from Landcare, community groups, farmers, Aboriginal groups, industry and government representatives from across New South Wales and Australia. The theme of the conference is "Sharing our Stories". Conference streams will focus on agriculture, biodiversity, water and Aboriginal Landcare.

If the member for Cessnock would like further information, he can contact the member for Albury, look online for NSW Landcare and Local Land Services Conference or contact Countrywide Conferences and Event Management. I look forward to going if I can. On this side of the House, we support Local Land Services. We are not interested in the malarkey of those opposite as they try to tear LLS down and run it into the ground. To return to my comments at the outset, I would be very happy for the member for Cessnock to tell us what his union bosses are paid. I support the bill.

**Mr DARYL MAGUIRE (Wagga Wagga) (19:28):** I support the Local Land Services Amendment Bill 2017. The bill makes changes to the pest management funding framework which will improve pest management outcomes for the whole State. Most importantly, it will deliver improvements without compromising our capacity to respond to locust plagues. Locusts have the ability to migrate over large distances and have the potential to inflict significant damage to agricultural industries across the entire region. This means all agricultural areas are at risk of damage if a major locust outbreak occurs. A square kilometre adult locust swarm can eat as much as 10 tonnes of vegetation in one day. In the 2004 plague, locusts consumed approximately 1.5 million tonnes of vegetation. These numbers highlight the importance of effective coordinated control programs.

I took particular note of the comments made by the member for Cessnock. I was in this House at the time of the 2004 locust plague and remember it was a serious matter. Locusts devoured much of our region. As a landholder, I witnessed firsthand the migration of the locust plague, and it is something to see. I recall my grandmother talking about the locust plagues of the 1950s and 1960s and saying that farmers had to spray their crops. In 2004 it was like a black line moving through the paddocks, as described in biblical terms, and the locusts were consuming everything. I had never seen anything like it. Such was the ferocity of the plague that the locusts were trying to devour the green shade cloth that was attached to vegetable gardens and they stripped everything bare. Until one sees it, it is hard to understand the impact of a locust plague.

Being a landholder, I took part in the coordinated control programs. The programs are the key to minimising the impact on farms and districts, both at and away from the source of the locusts. This means that farmers have to spray their crops when eggs are laid to achieve maximum effect. Control programs are coordinated by three organisations in New South Wales—the Australian Locust Plague Commission, Local Land Services and the Department of Primary Industries. The Australian Plague Locust Commission monitors and controls locusts in situations where there is the potential for significant damage in multiple States. The commission does this through a preventative control strategy, which includes on-ground and aerial surveillance. Local Land Services

support locust management at the regional level. It supplies insecticides to ratepayers and provides expert advice on monitoring and control techniques. The Department of Primary Industries coordinates statewide control campaigns and manages the State's insecticide stock and pest management fund.

In addition to the work of those agencies, the important role that land managers play in locust management cannot be overstated. Local landholders are required to take part in the control programs. In 2004, it was everyone to action stations, spraying where eggs had been laid as well as the hatchings, and, importantly, reporting the locations across the State. It was a topic of hot discussion in this Parliament when the then Labor Government went through the ordeal of having to deal with the effects of a locust plague. That is when the levy was introduced because there were insufficient funds to cover the great cost that the Government and landholders had to fund. Land managers are at the front line in the successful monitoring and control of locusts. The timing of locust control is critical to the success of the campaign. It is vital that land managers notify their Local Land Services immediately if they find locusts on their land.

The Government's locust control framework is robust and has a strong track record of success, which is confirmed by numbers. Economic analysis shows that the 2004-05 locust control programs saved more than \$1 billion worth of crops and pasture. Furthermore, the performance of control campaigns is regularly reviewed against key performance indicators to ensure continued high returns on investment. That is why it is important to note that the changes made by the bill before the House will not diminish or compromise the framework in any way. The Government remains committed to the Australian Plague Locust Commission. It will continue to work closely with colleagues in Queensland, Victoria and South Australia as well as the Commonwealth to support the commission's important work. Furthermore, the current balance of the pest management fund, which was collected from Local Land Services ratepayers to manage locusts, will remain dedicated to this purpose. The current balance of the fund is approximately \$24 million, which is adequate to respond to large locust plagues. The funding requirements for locust management will be reassessed each year by the Plague Locust Management Group. This will ensure that we are always prepared to respond quickly and effectively to locust plagues.

The amount of funding available for other pest management priorities will depend on the amount allocated to locust management. This amount may vary from year to year depending on the size and frequency of locust plagues. In some years, if there are multiple plagues, there may be no residual funds available from this funding stream. The changes that this bill delivers will improve the pest management framework, without lessening our locust management capabilities. The changes have been designed to deliver the flexibility to direct funds to where they are needed most each year. I reiterate in my brief contribution how devastating the plague of 2004 was, and those plagues that my grandmother and others spoke about and the means that they had to deal with them. I vividly recall the stories that were told to me, reinforced by 2004 and the devastation that occurred.

I support this bill and say to the member for Cessnock that I did listen to his contribution. His amendment raises the issue of funding of the Chair of the Board of Chairs. This is an enormous responsibility and I know that there were many occasions when those on the other side when in government appointed board members who then never turned up. The former member for Blacktown was appointed to a dozen or so boards, and never turned up. The people who will be appointed to chair the boards, as well as the chair of chairs, are accountable. They have to turn up and do their job. That is fair and reasonable. Their remuneration is allocated in a transparent manner, unlike the situation with some members in this place who make statements but seek not to deliver the information that the public requires. This amendment bill is transparent, open and accountable, and I commend it to the House.

**Mr CHRISTOPHER GULAPTIS (Clarence) (19:37):** Contrary to what the member for Cessnock said in his contribution, as a Nationals member I am proud to support the Local Land Services Amendment Bill 2017. This bill will make important changes to how the pest management fund is used and, in doing so, will deliver a more effective and efficient funding framework. We in the farming fraternity know that pests are a great threat to farmers, but no greater threat than those opposite. They are a threat to farmers because they have no idea how farms and farmers work. That is demonstrated by the legislation that was introduced by the Labor Government, which hampered farmers and hamstrung them for years.

The changes proposed in the bill will ensure that regional ratepayers receive even greater value from their Local Land Services rates. For the first time these funds will be made available to address all pest animal priorities. Under the existing framework this is not an option as funds can be used only to manage locust outbreaks. In line with the Government's commitment, there will be no change to pest rate levels resulting from the amendments in this bill. This was identified as a key issue in the Review of a Funding Framework for Local Land Services conducted by the Independent Pricing and Regulatory Tribunal. It was also a key recommendation of the Natural Resources Commission Statewide Review of Pest Animal Management. Many submissions to the review supported the recommended changes. In addition, the Government has consulted with NSW Farmers on the bill, which is also very supportive.



Locust plagues can devastate our regional communities, and cause millions of dollars' worth of damage. Because of this, managing locust plagues will rightfully remain our highest priority. The framework described by the Minister reflects this priority. The Plague Locust Management Group, which comprises Local Land Services, the Department of Primary Industries and NSW Farmers, will oversee the expenditure of pest management funds. This will act as a safeguard to ensure that our State remains prepared to respond to locust plagues. The current legislation, which restricts funds to managing locusts only, means that resources are not being used as efficiently as they could be.

This bill amends the legislation to give Local Land Services the flexibility to target regional priorities. I know this is particularly important for ratepayers in my region, who face the challenges of managing a range of pest animals—not the least being the Labor Party. My electorate is serviced by North Coast Local Land Services. The North Coast region is home to a diverse mix of agricultural industries, ranging from beef and dairy cattle to macadamia and blueberry industries. Invasive pests can impact significantly on the productivity and profitability of these agricultural industries. North Coast Local Land Services officers work with local landholders to minimise the impact of pests on agricultural production and the environment.

Last year officers on the North Coast provided pest control education and training to more than 600 land managers to better control wild dogs, foxes, pigs and deer. Wild dogs are a particularly serious pest in this region. They attack livestock, potentially spreading diseases and threatening human health, safety and wellbeing. Effective wild dog management requires a coordinated approach. That is why North Coast Local Land Services officers work hard to increase participation in wild dog control programs across the region. These efforts have been successful. For example, in one campaign in 2016 more than 65 groups were involved, covering 42 properties and 265,000 hectares of land.

In June and July this year North Coast Local Land Services held a series of wild dog information days to equip landholders with the knowledge they need to manage wild dogs on their properties. Initiatives such as this are crucial in giving landholders the confidence, knowledge and training to control problematic wild dogs quickly and efficiently. The changes that this bill makes will mean even more initiatives like these will be implemented, which will help to ensure better pest management outcomes across the State. Local Land Services works hard to provide value for money for its ratepayers. A large part of the success of Local Land Services comes from focusing on areas with a high return on investment. For example, Local Land Services partners with industry and community groups to leverage knowledge and expertise to deliver better outcomes for the whole region.

In the pest management context, the greatest returns come from investing early. The evidence shows that for every \$1 invested in the prevention and early eradication of pest animals, \$100 is saved. These returns diminish as pest animals spread. Once pest animals have spread, the returns on investment for containment fall to only \$5 for every \$1 invested. This demonstrates the importance and the added value of having access to funds to target pests before they become established. The changes to pest management funding are a key part of the biosecurity framework of New South Wales. As part of the implementation of this new framework, the State Pest Animal Committee was established and recently held its first meeting. The committee, which is chaired by Jock Laurie, includes representatives from a range of government and non-government organisations.

In addition to the State committee, there will be one regional pest animal committee for each of the 11 Local Land Services regions. These regional committees will be responsible for developing plans that identify regional pest animal management priorities. Consistent with the local focus of the Local Land Services model, these plans will be developed in consultation with key stakeholders in each region. The plans will also be released for public consultation and reviewed by the State Pest Animal Committee. This will ensure that the plans are effective, risk based and inclusive of all major stakeholders. These regional pest animal plans will be used to direct Local Land Services' pest management resources. This will include the investment of any additional funds made available from the changes proposed in the bill.

The Local Land Services model is underpinned by local involvement in decision-making with a strong customer focus at its core. The involvement of local communities in the setting of regional pest priorities, combined with the changes to the funding framework delivered by this bill, will improve pest management outcomes in our regional communities. I strongly commend the bill to the House

**Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (19:44):**

In reply: I thank members representing the electorates of Cessnock, Tamworth, Wagga Wagga and Clarence for their contributions to debate on this important bill. The Local Land Services Amendment Bill 2017 amends the Local Land Services Act by delivering a stronger governance framework and by providing for improved pest management outcomes. The bill clarifies the key functions of the central board, and in doing so improves accountability of roles and responsibilities. Importantly, it also allows for local boards to concentrate on regional priorities.

The bill provides for the central board to have greater strategic focus by transferring responsibility for the day-to-day operational management of Local Land Services to a newly created position of chief executive officer. The bill also extends the maximum length of board members' terms to four years. This will promote continuity and avoid the loss of corporate knowledge when the membership of the board is undergoing change. In addition, the bill improves the pest management funding framework so that funds can be used to target regional pest priorities. It achieves this by broadening the use of pest management funds to manage all pest animals, not only locusts. Importantly, rate levels will not increase as a result of this change.

In relation to the question about future rate increases, I am pleased to confirm for the member for Cessnock that the bill makes no changes to the rates charged under the Pest Insect Special Purpose Levy and the Government has no plans to increase that rate. The bill provides for a stronger Local Land Services governance framework that will improve service delivery and ensure that resources are used efficiently. The changes to the pest management framework will deliver more effective pest management outcomes and provide even greater value for Local Land Services ratepayers across New South Wales. I commend the bill to the House.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that this bill be now read a second time.

**Motion agreed to.**

**Consideration in detail requested by Mr Clayton Barr.**

#### **Consideration in Detail**

**TEMPORARY SPEAKER (Mr Greg Aplin):** By leave: I will deal with the bill in one group of clauses and one group of schedules. The question is that clauses 1 and 2 be agreed to.

**Clauses 1 and 2 agreed to.**

**Mr CLAYTON BARR (Cessnock) (19:48):** I move:

No. 1      **Remuneration of the Chair of the Local Land Services Board**

Page 5, Schedule 1 [19]. Insert after line 31:

- (3) Despite any other provision of this clause, the remuneration of the Chair is to be the same as the remuneration of a chair of a local board from time to time. This amendment is about what is fair and reasonable remuneration for a role. As I said earlier, 65¢ out of every dollar paid in a fee goes to the office in addition, roughly 10¢ in every dollar will be going to the wages of the chairs. I suggest that when those opposite are talking to the farmers it would not be a good idea to say, "By the way, 75¢ in every dollar will be used to run the administration office and 25¢ in every dollar will go to the front line." The Minister told us both in his second reading speech and his speech in reply, as did the Government members who contributed to this debate, that there were going to be more resources for the front line. I want that to be true, but the only way to do that is by limiting the amount of money paid in the back office.

In this instance the back office is the Chair of the Board of Chairs and the chief executive officer. I mentioned earlier that the current acting chair of chairs happens to be a former Nationals member of the Legislative Council and another member observed that the Land and Water Commissioner is also a Nationals member who sought preselection in Northern Tablelands, lost and was appointed commissioner. This is about how much money those opposite want to give to their mates versus how much money they want to put into frontline services. But they do have a choice—they can support the amendment and say to the farming and regional communities of New South Wales, "I want more money to go to the front line." That is what we are proposing, but I am concerned that those opposite might actually vote against our amendment.

Let us make no mistake, the farmers will not be happy with the idea that 75¢ in the dollar will be going to the front line, nor will they be happy with the appointments that have been made. When those opposite go out into their communities to justify voting against this amendment they will have to talk to them about fair and reasonable remuneration. The chairs of the various Local Land Services, who are responsible for the day-to-day running of the 11 districts and regions they represent, get an allocation of \$60,000 to do their work. The chair of chairs, who used to be responsible for the entire running of the organisation, will in the future only be responsible for bringing those 11 chairs together and setting some strategic direction. Now the Government might say that as the Chair of the Board of Chairs has to set the strategic direction, by default he or she must be a wizard or a master and smarter than everyone else and should be entitled to three times the remuneration of the others. What absolute nonsense. That is akin to saying that because someone plays a different position on a netball or football field they are doing both jobs. They are not; they are doing the job they are recruited to do.

Under the existing legislation the Chair of the Board of Chairs used to have a broad and extremely important role in the running of the administrative office and overseeing the day-to-day tasks. However, in future the chair of chairs will only have the responsibility of bringing the other 11 chairs together for a strategic

conversation. Why would that chair of chairs be entitled to a wage three times or more than that of the other chairs and, importantly, six times the average salary of the people in the communities they represent?

This is a simple amendment. We are simply saying that the remuneration to the chair should be kept at the same remuneration as the other chairs. That is all we are saying here. It is pretty simple and straightforward. And remember that this is the money being collected from the farmers and land users so that money can go into the resources for the frontline services that they need. Those opposite are potentially going to vote in this place against them getting more money on the front line, instead spending more money in the back office. If those opposite do not understand that they do not understand the bill, the structure of Local Land Services or the amendment. They are potentially going to vote against more money for the front line.

**Mr Andrew Fraser:** What a load of rot!

**Mr CLAYTON BARR:** I acknowledge the interjection from the member for Coffs Harbour. I do that because the member for Coffs Harbour did not make a contribution to this debate when he had the opportunity, apparently has all the answers, and does not understand the amendment being put, but he is going to vote in this place against more resources for the front line. I commend the amendment to the Chamber.

**Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (19:55):** The Government opposes this amendment as it is not appropriate. The chair will receive the remuneration proposed in the bill for the following reasons. The first reason is the complexity of the chair's role in overseeing the 11 regional Local Land Services [LLS] areas and the need to address important regional differences while maintaining the overall statewide strategic direction of LLS. The second reason is the increased strategic role of the board and the chair as provided in the Local Land Services Amendment Bill. The board will now be an independent government board and the chair will no longer be a public servant.

The third reason is the augmented functions of the board based on the land management reforms in the Local Land Services Amendment Act 2016 and the transfer of the Soil Conservation Service to LLS. The role of the chair in overseeing regional funding delivery for the LLS is critical. The LLS total budget is also now \$225 million. The chair of the LLS is responsible for management of four board standing committees which will set LLS policy, strategy and monitoring. The former executive chair was remunerated at a different level—more than the proposed band 1—but this change acknowledges a change in functionality.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that the amendment be agreed to.

**The House divided.**

Ayes .....29  
Noes .....44  
Majority..... 15

#### AYES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Crakanthorp, Mr T	Daley, Mr M	Dib, Mr J
Donato, Mr P	Doyle, Ms T	Finn, Ms J
Harrison, Ms J	Haylen, Ms J	Hoenig, Mr R
Hornery, Ms S	Lalich, Mr N (teller)	Lynch, Mr P
McDermott, Dr H	McKay, Ms J	Mehan, Mr D
Mihailuk, Ms T	Minns, Mr C	Scully, Mr P
Tesch, Ms L	Warren, Mr G	Washington, Ms K
Watson, Ms A (teller)	Zangari, Mr G	

#### NOES

Anderson, Mr K	Berejiklian, Ms G	Bromhead, Mr S (teller)
Brookes, Mr G	Conolly, Mr K	Constance, Mr A
Coure, Mr M	Crouch, Mr A	Davies, Ms T
Elliott, Mr D	Evans, Mr L	Fraser, Mr A
George, Mr T	Gibbons, Ms M	Goward, Ms P
Grant, Mr T	Griffin, Mr J	Gulaptis, Mr C
Hazzard, Mr B	Henskens, Mr A	Johnsen, Mr M
Kean, Mr M	Lee, Dr G	Maguire, Mr D

## NOES

Marshall, Mr A  
Pavey, Mrs M  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Notley-Smith, Mr B  
Petinos, Ms E  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Patterson, Mr C (teller)  
Piper, Mr G  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

## PAIRS

Cotsis, Ms S  
Foley, Mr L  
Harris, Mr D  
Park, Mr R

Barilaro, Mr J  
Dominello, Mr D  
O'Dea, Mr J  
Perrottet, Mr D

**Amendment negatived.**

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that schedules 1 and 2 be agreed to.

**Schedules 1 and 2 agreed to.**

**Third Reading**

**Mr PAUL TOOLE:** I move:

That this bill now be read a third time.

**Motion agreed to.**

*Private Members' Statements***INDIGENOUS INCARCERATION RATES**

**Ms JO HAYLEN (Summer Hill) (20:04):** On 20 September this year, Tane Chatfield died in custody at Tamworth Correctional Centre. He was 22 years old. A few months earlier, in August, a 47-year-old Indigenous man was found unconscious in his cell at Adelaide City Watch House. In July this year, father of five Eric Whittaker died of a brain haemorrhage at Parklea Correctional Centre, with varying accounts of his death given to his family. Eric's cousin David Dungay had also died in custody, two years before. These men are just the latest in a shamefully long line of Indigenous Australians to die in custody. Of course, behind each of these tragic cases lies a hard truth, one best told in numbers.

One in four prisoners in New South Wales correctional facilities is Indigenous. Indigenous women are imprisoned at a rate 15 times higher than non-Indigenous women. On any given day in Australia there are 10,000 Indigenous Australian adults and 500 Indigenous children in custody. In fact, an Aboriginal or Torres Strait Islander child is 24 times more likely than his or her non-Indigenous classmates to end up in jail. PricewaterhouseCoopers put the cost of Indigenous incarceration at \$7.9 billion per year. Most shocking of all, since the royal commission 26 years ago, close to 350 Indigenous Australians have died in custody.

In this place, and in parliaments across Australia, we must acknowledge that these numbers expose our categorical failure in Indigenous justice. That includes our failure to assist Indigenous Australians to overcome barriers to legal advice that is appropriate and effective and our failure to connect the soaring number of indigenous children in out-of-home care with justice interactions. It includes our failure to meaningfully address deficiencies in bail laws that reflect the cultural specificities of Indigenous Australians and our failure to equitably distribute diversionary programs or to adopt justice reinvestment. It also includes our failure to meaningfully bridge the gap in all the areas of life that stack the deck against our Indigenous brothers and sisters, especially when it comes to education, health, heritage and recognition.

Of course, the world is watching. Ms Victoria Tauli-Corpuz, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, recently visited Australia. She reported to the United Nations Human Rights Council that the rates of Indigenous incarceration in Australia were a "major human rights concern." Most damning of all, she slammed governments from coast to coast for a "lack of political will to address the situation, despite that key measures for improvement have been repeatedly identified by a string of national and state

inquiries, royal commissions, coroners' reports, and international human rights monitoring mechanisms." This at the same time that Australia is seeking support for a seat on the United Nations Human Rights Council.

What can we do? In a recent speech to Amnesty International, the Hon. Linda Burney laid a path forward. She spoke of the Labor Party's call for the Federal Government to adopt a national justice target, reduce incarceration rates and refocus on community safety. She spoke of the fact that incarceration does little but beget more crime, and called for a substantive shift towards a justice reinvestment framework. She also spoke of the critical importance of education. The NSW Bar Association offers a substantive blueprint to combat the problem that was issued in response to the Federal Government's call last year for the Australian Law Reform Commission to investigate the crisis of Indigenous incarceration. It includes changing State and Territory sentencing laws to better acknowledge the systemic underpinnings that result in Indigenous incarceration. This follows the example of jurisdictions such as Canada, where sentencing judges must pay "particular attention to the circumstances of Aboriginal offenders."

The blueprint also calls for the removal of mandatory sentences, a key driver of Indigenous incarceration. Instead, preference should be given to community-focused approaches such as restorative justice and community courts, because we know that they work. We must be led by the experts on this because there is a massive gap to close and we are just not getting there. Each of us in this place can and must do more to end the shameful tragedy of Indigenous deaths in custody. It must be a top order priority because we cannot let the deaths of people like Tane Chatfield and Eric Whittaker be in vain.

### UNLEASH THE BLACK DOG BALL

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (20:09):** Tonight I inform the House of a wonderful community event held for the second year over the weekend. On Saturday night, Bingara's iconic Roxy Theatre was converted into a community space of glitz and glamour as locals and visitors from far afield donned their best ball gowns and black tie outfits to come together to celebrate and have fun while raising awareness of what is a very serious issue for rural and regional New South Wales. The Unleash the Black Dog Ball raises money to fund mental health initiatives specifically in rural and regional New South Wales.

As I said, this was the second annual ball. Last year the ball, held also in Bingara at the Roxy Theatre, raised more than \$23,000 for this critical issue that afflicts far too many individuals and communities in regional New South Wales. As we know, if you are a primary producer in country New South Wales, the most likely cause of your death is by your own hand. That is a very sobering and terrible statement which is sadly true. The idea of the night is to raise awareness, to continue the discussion in our communities and to raise important funds which go toward supporting programs and initiatives that are designed to assist people to deal with the impacts of mental illness and to help people survive bouts of depression by reaching out and getting access to the services they need. Whilst we do not yet have a tally for fundraising on Saturday night, we had a full house again and the live auction raised more than \$17,000.

I acknowledge the organisers of the ball this year, Sarah Crump, Angela Pritchard and Nikki Rose. It is a very small committee of three young women and, very appropriately, the emphasis of this year's ball was the impact that mental illness has on women in rural and regional New South Wales. We often think about males being impacted most severely, but females in rural and regional New South Wales are also impacted, particularly the wives or partners of farmers who have to go through the terrible ordeal of watching their partner withdraw and, unfortunately, too often take their own life. Saturday night was dedicated to that.

I also acknowledge some of the special guests there on the night. My partner, Carolyn, and I were there this year again and we were joined by the Deputy Premier; the Deputy Prime Minister, Barnaby Joyce; the member for Parkes, Mark Coulton; Senator John Williams; and the mayor of Gwydir shire—which Bingara is a proud part of—John Coulton. It was magnificent to see people from all parts of the community come together to support a very important issue. I acknowledge all the sponsors that helped make the night possible to raise the valuable funds. I also congratulate Claudia Cush and Lee Parkes, who were judged to be the belle and the beau of the ball—a coveted prize on the night, which I am sure will sit proudly on their mantelpiece in their pool rooms for many, many years to come.

I expect that when all the numbers are crunched this year we will have exceeded the \$23,000 mark that was set at last year's ball. Again, I acknowledge Sarah, Angela and Nikki and also the Bingara Lions Club, who did a lot of work on the bar, which at any rural function is one of the most important parts of the function, and also organised the raffle. I also acknowledge the chefs and all the wonderful staff who helped to organise the meals, the tables and the entertainment. It truly was a terrific night, bringing the community together to support a very important cause. It tackles an issue which continues to afflict far too many in country New South Wales. If those of us who represent country New South Wales could do one thing—forgetting for a moment about hospitals,

police stations and schools—it would be to prevent people taking their own lives because of the terrible affliction of the black dog. Again, I congratulate all the organisers on a magnificent night.

### ROSE BAY BEACH

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (20:14):** Rose Bay beach, a popular spot for locals and visitors to my electorate, is nestled between Tingira Memorial Park, Percival Park and Dumaresq Reserve. It is also a short walk from New South Head Road. The beach is easily accessible by bus or ferry and offers spectacular views of Sydney Harbour. Over the past 12 months residents have written to me voicing their concerns about the stormwater drains owned by Woollahra Council and Sydney Water, rubbish at the beach, and sand accumulation. I have heard their concerns and want to ensure that Rose Bay beach's water quality, stormwater drains, odour and rubbish issues are properly addressed.

This year's Beachwatch annual scorecard was released last week by the New South Wales Government, and while six of the Vaucluse electorate's swimming sites, including Bondi Beach, scored "good" or "very good", the report showed that Rose Bay beach needed to be improved. The report showed it was impacted during the year by stormwater run-off and wet weather, including the wettest March in Sydney since 1975. Off the back of this report, I called for Woollahra Council and Sydney Water to set up a working group with Beachwatch program experts to help identify the sources of pollution and solutions to improve the beach's water quality. Woollahra Council is developing a coastal zone management plan funded by the New South Wales Government, which will include stormwater management from Gap Park in Watsons Bay—encompassing the cliffs along the open ocean to Green Point and including Camp Cove—through to Vaucluse Bay, Double Bay and Rushcutters Bay. However, I call on the council and Sydney Water to focus urgently on Rose Bay beach.

It is important to work together to help identify how we can reduce Rose Bay beach's susceptibility to stormwater pollution. We know that as an estuary beach it takes longer to recover from stormwater pollution because it has lower levels of tidal flushing to clean it. However, more must be done to ensure that Rose Bay beach becomes a place for people to enjoy a swim, as they can in the neighbouring swimming sites of Shark Beach and Murray Rose Pool. Rose Bay beach is cleaned by Woollahra Council about three times a week, and a local community group called Responsible Runners also chips in every Sunday afternoon to help clean up the beach. The group is made up of local residents and school students who are environmentally aware that Rose Bay beach needs some extra attention.

Last year, along with Cranbrook School students I joined the group, led by Mike van Niekerk and Rachel Draper, down at the beach. We all helped collect lots of bottle tops, recyclable bottles, cardboard, pieces of Styrofoam, cigarette butts and bits of plastic from the beach. The launch of the container deposit scheme on 1 December will reduce the level of plastic found on this beach as drink containers are returned for a refund of 10¢. Responsible Runners do a great job raising awareness on local environmental issues. With the motto, "Pulse up, waste down", runners and walkers join the team every week at locations across New South Wales for a fit and fun 30-minute clean-up to help protect our marine environment.

I want to take this opportunity to thank the Rose Bay Responsible Runners group for their continued efforts to keep Rose Bay beach clean. We have a proud record of clean beaches in the Vaucluse electorate. They are so much better than in the bad old days a generation ago, but there is of course always more to be done to make the beaches even cleaner. I look forward to continuing to work with Woollahra Council, Sydney Water, Responsible Runners and the local residents I have been working with over the last 18 months to help improve Rose Bay beach's water quality, stormwater drains, pollution and management of sand accumulation. In particular, I look forward to Woollahra Council and Sydney Water setting up the working group with Beachwatch experts so we can identify the causes of pollution and find solutions to improve the beach's water quality. I commend my private member's statement to the House.

### BLUE MOUNTAINS MAJOR EVENTS FUNDING

**Ms TRISH DOYLE (Blue Mountains) (20:19):** I take note of failures by the New South Wales Liberal and Nationals Government to deliver on its election promises in the Blue Mountains. The Berejiklian-Barilaro Government makes much of its alleged devotion to regional New South Wales, but as a member of this Parliament who represents an electorate that straddles the city and country divide, I can report for the benefit of the members that the so-called devotion of Government to regional communities is superficial and politically expedient. As an example, I have a story that formed a front-page splash in the *Blue Mountains Gazette*.

In this edition of my local paper, significant coverage was given to a core promise by former Premier Mike Baird and the former member for the Blue Mountains. They promised that \$4 million would be set aside by this Government to fund a major event in the Blue Mountains electorate. This was to benefit the tourism industry,

which is an integral part of our local economy. For the benefit of *Hansard*, that article was published on 17 March 2015. We are now in October 2017, two years and seven months later, and there is still no money or plan for Blue Mountains major events funding. In October 2015, concerned that I had not yet heard anything from the then Minister for Tourism and Major Events about a major event in the Blue Mountains, I lodged a question on notice asking the following:

Will the \$4 million funding promised in the lead up to the recent election for major events in the Blue Mountains be provided?

The answer—five weeks later—was yes. I do not come into this place seeking unnecessary argument, so I gave the former Minister the benefit of the doubt and set the issue to one side. Indeed, perhaps I let the matter slide for too long. One year later in September 2016 I called upon the Minister to come clean on whether the funding for this major event would ever be made available. At that time, I was told that the announcement had been postponed due to the organiser of the proposed event passing away. Further advice from the Minister stated:

Since that time, Destination NSW has been in discussions with his business partners on a way forward. Destination NSW has also been in discussions with two music event promoters as potential partners for a similar event and discussions are currently ongoing. Scoping for potential locations in the Blue Mountains is also continuing.

On the basis of this advice I once again set the issue to one side and hoped to hear soon what developments or advancements were being made towards this promise being delivered. In the 12 months since that time, the former Minister for Tourism and Major Events lost his job and was saddled with the Ministry for Toll Roads. Clearly, even the Premier does not want the member for Penrith to serve in opposition after the 2019 election. And so here we are with a new Minister for Tourism. Rather than the sound of opera echoing through the mountains as was promised by the former member and former Premier, there is deafening silence. Given that so little has been achieved in delivering on this promise I encourage the Government to take on board the advice of the Blue Mountains Accommodation and Tourism Association [BMATA], which has made clear that what the Blue Mountains tourism industry would most benefit from is a significant investment in a consistent calendar of small to medium events spread out across the year. In 2016 the then President of BMATA, Eric Sward, told the *Blue Mountains Gazette*:

Medium level events, quality events, over a consistent calendar throughout the year would grow overnight visitation and benefit the economy at large. A large, one-off event wouldn't be nearly as beneficial in the long term.

My advice to today's Minister for Tourism and Major Events and today's Premier is that they deliver on the promises of their predecessors. But not only that, they should deliver on those promises by consulting with the Blue Mountains community and tourism industry, which is the mainstay of my electorate and that this money is supposed to benefit. They should seek the input of industry representatives such as BMATA and make sure that the mistakes of their predecessors are not repeated. They should save themselves the embarrassment of being asked for the third year in a row to explain where the money has gone.

#### **POLICE LOCAL AREA COMMAND AMALGAMATIONS**

**Mr PHILIP DONATO (Orange) (20:24):** Recent announcement by the Commissioner of the NSW Police Force regarding metropolitan police local area command [LAC] amalgamations caused me and the community of regional New South Wales great concern, and it has generated justifiable scepticism. The announcement of the amalgamations was limited to metropolitan local area commands, despite numerous employees of the NSW Police Force being made aware of planned amalgamations of regional local area commands. I have directly witnessed certifiable evidence of the planned amalgamations of regional local area commands, which will involve the loss of jobs and the relocation of staff, both sworn and unsworn. It is expected that the amalgamations will permanently erase pivotal positions of leadership and management that are vital to the support of frontline police in performing their difficult duties. Removal of this support to an already overworked front line will only result in the burnout of police officers. We must protect and support the people on whom we rely the most.

The workload experienced by police officers is unrelenting and ever increasing. They require additional support, not less support. The Attorney General spoke in this place today, saying the threats we now face are more complex, with terrorism being a reality. He went on to say that he would not expose the community of New South Wales to threat. The Government has classified terrorist attack as expected, so it is not only prudent, but it is also a responsibility of the Government to respond by increasing the number of police and to support them with sufficient management staff and the physical presence of experienced leaders to command police responses to serious and life-threatening incidents that most often occur without warning. LAC amalgamations and the resultant reduction in leadership, management and administrative support staff of police will stifle service to the community and is ultimately exposing the community of New South Wales to this risk.

The Bradshaw review, commissioned by this Government, highlights the need to address rural crime. It was recognised that an element of rural crime goes unreported. The Government should respond by increasing

police resources in rural and regional New South Wales. Authorised police strength requires an increase in addition to a commensurate increase in leadership, management and administrative staff. It was stated recently that "over the past six months the NSW Police Force has been widely consulting with stakeholders including the Police Association of NSW, the Public Service Association and the community". I strenuously challenge that statement; there has been no overt public community consultation with my constituents and those who sought my representation—citizens in Orange, Parkes, Forbes, Mudgee, Young, Cowra and Cootamundra who will be directly affected by these amalgamations.

In fact, Deputy Commissioner Gary Worboys refused to speak with me regarding these amalgamations, and I have been advised that he will not speak with any politician, irrespective of whether the politician is representing the community. Liaison with local government does not qualify as community consultation. Furthermore, I have met with representatives of the Public Service Association, who advise that they know very little about the amalgamations and have been kept in the dark, despite their best efforts to contact and negotiate with the NSW Police Force on behalf of their members, whose jobs are on the chopping block, and whose financial security and future are in jeopardy. Cost-cutting is the true reason for these amalgamations. I have reviewed NSW Police Force documentation in which the Director of Finance and Business Services states in a letter to the Acting Auditor General:

... develop revised program structures to be used in funding allocations from the 2017-2018 budget years. The RMI [resource management information] Project activity will see an alignment of the NSW Police Force organisational structure with 11 key service groups (or programs) summarising outputs provided to the NSW community. In the recent State Budget the NSW Government indicated that a comprehensive independent review to examine all opportunities to achieve savings and consideration of operational and structural reforms in Police would be conducted.

This is indisputable evidence that the NSW Police Force re-engineering and local area command amalgamations are driven purely for cost savings; however, ultimately it will be to the detriment of the narrowing thin blue line and the community they serve. It would be fair and reasonable to assume that last week's announcement of the metropolitan LAC amalgamations and the conspicuous omission of regional LAC amalgamations is purposeful by this Government. I fear the Minister for Police, a member of The Nationals, has stalled the announcement of the unreasonable regional LAC amalgamations until after the by-elections in the electorates of Murray and Cootamundra on Saturday. The delay in the announcement of regional local area commands, which will be unpopular with the community of regional New South Wales and likely to invoke voter backlash, is done selfishly to protect The Nationals candidates in those by-elections. The Government and the Minister for Police should come clean with the community of regional New South Wales and declare their plans to amalgamate regional LACs, cut jobs, and reduce the number of positions in essential leadership, management and support, so that the communities can make an informed choice and vote accordingly at the polls on Saturday 14 October.

**The House adjourned, pursuant to standing and sessional orders, at 20:29 until  
Wednesday 11 October 2017 at 10:00.**