



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

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Thursday, 11 May 2017

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LEGISLATIVE COUNCIL

Thursday, 11 May 2017

The PRESIDENT (The Hon. John George Ajaka) took the chair at 10:00.

The PRESIDENT read the prayers.

Motions

NEWCASTLE CITY LOCAL AREA COMMAND

Mr SCOT MacDONALD (10:02): I move:

- (1) That this House notes that:
 - (a) the Newcastle City Local Area Command [LAC] Police Medals and Awards ceremony was held on Wednesday 19 April 2017;
 - (b) the ceremony recognised 33 current and retired police officers and volunteers across six categories: National Police Service Medal; National Medal; New South Wales Police Medal; New South Wales Police Medallion; Certificates of Service; and Volunteers on Policing Awards;
 - (c) Mr Scot MacDonald, MLC, represented the Hon. Troy Grant, MP, Minister for Police, at the ceremony; and
 - (d) Mr Tim Crakanthorp, MP, member for Newcastle, Ms Sharon Claydon, MP, Federal member for Newcastle, and Mr Jason Dunn, Deputy Lord Mayor of Newcastle were also in attendance.
- (2) That this House congratulates all awards recipients, their families, Newcastle LAC officers and the wider New South Wales Police for their continued efforts to keep us safe and uphold the law.

Motion agreed to.

HUNTERNET FUTURE LEADERS PROGRAM

Mr SCOT MacDONALD (10:03): I move:

- (1) That this House notes that:
 - (a) the HunterNet Future Leaders Program is an annual mentoring program for young professionals, culminating in a team based submission to an industry challenge;
 - (b) across a series of sessions, program participants are exposed to core business and team leadership skills;
 - (c) the 2017 HunterNet Future Leaders Program was launched on 20 April 2017, and 20 young professionals will take part in this year's program; and
 - (d) the keynote speech at the program launch was given by Liam Knight on his experiences following an unprovoked attack in which a metal bar was thrown at him piercing his skull and brain and leaving him with permanent brain damage, epilepsy and impaired mobility.
- (2) That this House congratulates all participants and hopes they enjoy a productive and insightful program.

Motion agreed to.

JIM KERR ADDRESS

Mr SCOT MacDONALD (10:03): I move:

- (1) That this House notes that:
 - (a) the Jim Kerr Address is an annual event hosted by the Australian International Council on Monuments and Sites that pays respect to Jim Kerr, a noted heritage advocate whose book *The Conservation Plan* remains a fundamental reference on heritage conservation;
 - (b) the International Council for Monuments and Sites is a non-government professional organisation that promotes expertise in the conservation of cultural heritage;
 - (c) the 2017 Jim Kerr Address was delivered by Honorary Professor Richard Johnson, AO, MBE, in the Utzon Room of the Sydney Opera House on Tuesday 18 April 2017; and
 - (d) Professor Johnson spoke passionately about protecting the Opera House's public spaces and asked whether our society is now too risk-averse to embrace another non-conformist design like the Sydney Opera House.
- (2) That this House thanks both the Australian International Council on Monuments and Sites and Mr Johnson for an engaging and thoughtful event that pays great homage to the legacy of Jim Kerr.

Motion agreed to.

INDIGENOUS SUICIDE RATE

The Hon. SHAOQUETT MOSELMANE (10:04): I move:

- (1) That this House notes that:
 - (a) there continues to be a catastrophic incidence of suicide and self-harm amongst Aboriginal and Torres Strait Islander people throughout the community;
 - (b) in 2014, while the World Health Organisation ranked Australia as sixty-fourth out of 171 countries for national suicide rates, the Aboriginal and Torres Strait Islander suicide rate stand-alone would have ranked twelfth highest in the world;
 - (c) since the World Health Organisation compiled rankings both the overall Australian and the stand-alone Aboriginal and Torres Strait Islander suicide rates have increased and would both be even higher today, given that Australia's suicide rate in 2015 was 12.6 suicides per 100,000 people and indigenous Australia has a significantly higher rate of 25.5 suicides per 100,000 if assessed as an independent community; and
 - (d) the incidence of suicide among Australian Aboriginal youth is the world's highest, and these results are becoming more prevalent and settling in to higher medians year in year out.
- (2) That this House notes the urgent need for action to provide more resources to Indigenous communities to tackle Aboriginal disempowerment, poverty, marginalisation and substance dependency.

Motion agreed to.

LIVEABLE COMMUNITIES GRANTS PROGRAM

Mr SCOT MacDONALD (10:04): I move:

- (1) That this House notes that:
 - (a) the University of Newcastle was successful in receiving a \$25,000 grant under the Liveable Communities Grants Program;
 - (b) the Liveable Communities Grants Program supports innovative ideas, projects or platforms that have the potential to improve the lives of older people living in New South Wales and will provide \$4 million over the next four years;
 - (c) the project at the University of Newcastle will produce an easy to use checklist for older adults to inform their expectations of future housing; and
 - (d) the announcement was made by the Minister for Mental Health, Women and Ageing, the Hon. Tanya Davies, MP, at the University of Newcastle on Monday 8 May.
- (2) That this House congratulates the university on a much needed project as the community looks towards the challenges of managing an ageing population.

Motion agreed to.

INTERNATIONAL NURSES DAY

The Hon. NATASHA MACLAREN-JONES (10:05): I move:

- (1) That this House notes that:
 - (a) nurses are the single largest profession in the health workforce and provide an invaluable contribution to the wellbeing of healthcare patients in Australia and across the world;
 - (b) International Nurses Day is celebrated around the world on 12 May every year;
 - (c) the day commemorates the birthday of Florence Nightingale, the "Lady with the Lamp" who organised the nursing of sick and wounded soldiers during the Crimean War, and who is considered to be the founder of modern nursing;
 - (d) the theme for 2017 is "Nurses: a voice to lead—achieving the Sustainable Development Goals", informing the general population and policy makers of what the 17 sustainable development goals are and highlighting their importance; and
 - (e) the day is a time to reflect on the clinical care and emotional support nurses provide to more than 1.5 million patients in New South Wales, in hospitals, at home and in the community.
- (2) That this House thanks the 49,900 nurses and midwives in the New South Wales public hospital system for the invaluable service they provide to the community and the significant contribution they make to improve the health of the population.

Motion agreed to.

FUTURE MOVEMENT AUSTRALIA

The Hon. DAVID CLARKE (10:06): I move:

- (1) That this House notes that:

- (a) on Saturday 25 March 2017, the Future Movement Australia—Sydney Chapter under the patronage of His Excellency the Hon. Saad Hariri, Prime Minister of Lebanon and President of the Future Movement Lebanon, held its annual gala dinner at the Orion Centre Reception Lounge Campsie, attended by several hundred members and friends of the Lebanese-Australian community;
- (b) those who attended as invited guests included:
- (i) Mr Mohamad El Morad representing His Excellency Saad Hariri, Prime Minister of Lebanon;
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice representing the Hon. Gladys Berejiklian, MP, Premier of New South Wales, and Mrs Marisa Clarke;
 - (iii) Mr Luke Foley, MP, member for Auburn and Leader of the Opposition;
 - (iv) Senator Sam Dastyari, representing the Hon. Tony Bourke, MP, Federal member for Watson, Manager of Opposition Business;
 - (v) Mr Mark Coure, MP, member for Oatley, Parliamentary Secretary for Transport and Infrastructure;
 - (vi) Dr Geoff Lee, MP, member for Parramatta, Parliamentary Secretary to the Premier, Western Sydney and Multiculturalism;
 - (vii) Mr Jihad Dib, MP, member for Lakemba, shadow Minister for Education;
 - (viii) the Hon. Shaoquett Moselmane, MLC, Opposition Whip in the Legislative Council;
 - (ix) Ms Tania Mihailuk, MP, member for Bankstown, shadow Minister for Family and Community Services, Social Housing, Mental Health and Medical Research;
 - (x) Mrs Roben representing the Hon. Jason Clare, MP, Federal member for Blaxland, shadow Minister for Resources and Northern Australia as well as shadow Minister for Trade and Investment;
 - (xi) Ms Julie Owens, MP, shadow Assistant Minister for Small Business and shadow Assistant Minister for Citizenship and Multicultural Australia;
 - (xii) His Excellency Nabil Mohammad Al Saleh, Ambassador, Saudi Arabia;
 - (xiii) His Excellency Najib Bader, Ambassador, Kuwait;
 - (xiv) His Excellency Nasser Bin Hamed Moubarak Khalifa, Ambassador, Qatar;
 - (xv) His Excellency Ali Kreishan, Ambassador, Jordan;
 - (xvi) an ambassadorial representative from the United Arab Emirates;
 - (xvii) Mr Izzat Salah Abdel Hadi, Head of the General Delegation of Palestine to Australia, New Zealand and the Pacific;
 - (xviii) Mr George Bitar Ghanem, Consul-General for Lebanon in Sydney;
 - (xix) Dr Ibrahim Abu Mohammad, Grand Mufti of Australia;
 - (xx) Sheikh Malek Zeydan representing Dar Alfatwa Australia;
 - (xxi) Sheikh Yehya Safi representing the Lebanese Muslim Association;
 - (xxii) Father Tony Moussa representing His Excellency the Most Reverend Dr Antoine Charbel Tarabay, Maronite Catholic Bishop of Australia;
 - (xxiii) Father Superior Louis El Ferekh, St Charbel's Monastery and Maronite Order of Monks;
 - (xxiv) representatives of various Lebanese political parties; and
 - (xxv) representatives of various Lebanese-Australian community organisations.
- (c) those who comprised the Future Movement's Gala Dinner Organising Committee were:
- (i) Mr Omar Chehade, Future Movement Sydney Coordinator;
 - (ii) Dr Zeina Merhi, Organisational Affairs Assistant;
 - (iii) Mr Hassan Rahman, Activity Coordinator;
 - (iv) Mr Karim Hwalla, Public Relations Coordinator; and
 - (v) Mr Mohammad Habib, Secretary.
- (2) That this House congratulates the Future Movement Sydney on the occasion of its successful annual gala dinner held on Saturday 25 March 2017.
- (3) That this House commends the Future Movement Sydney for its commitment to interfaith harmony, human rights and democratic values in Australia and overseas.

Motion agreed to.

*Documents***AUDITOR-GENERAL****Reports**

The CLERK: In accordance with the Public Finance and Audit Act 1983, I announce receipt of a performance audit report of the Acting Auditor-General, entitled "Mining rehabilitation security deposits—Department of Planning and Environment", dated May 2017, received this day and authorised to be printed.

*Petitions***RESPONSES TO PETITIONS****Shoalhaven Coal Seam Gas Exploration**

The CLERK: I announce the receipt, pursuant to sessional order, of the following response to an irregular petition signed by 41,074 persons:

- (1) Response from the Hon. Don Harwin, Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, received 10 May 2017 and authorised to be printed this day.

PETITIONS RECEIVED**Abortion Law Reform**

Petition requesting that the Legislative Council, by voting against the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 and the Summary Offences Amendment (Safe Access to Reproductive Health Clinics) Bill 2017, defend the fundamental right of children to be born. Received from **Reverend the Hon. Fred Nile**. [*During the giving of notices of motion*]

*Notices***PRESENTATION**

The PRESIDENT: Order! I remind all honourable members that notices of motions should be heard in silence.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

The Hon. NATASHA MACLAREN-JONES: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of the business of the House.

Motion agreed to.

ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

That the order of private members' business for today be as follows:

- (1) Private Members' Business item No. 1 in the Order of Precedence standing in the name of Dr Faruqi relating to the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016.
- (2) Private Members' Business item No. 1169 outside the Order of Precedence standing in the name of the Hon. Robert Borsak relating to the Local Government Amendment (Amalgamation Referendums) Bill.
- (3) Private Members' Business item No. 968 outside the Order of Precedence standing in the name of the Hon. Bronnie Taylor relating to Dementia Awareness Month.
- (4) Private Members' Business item No. 1211 outside the Order of Precedence standing in the name of the Hon. Paul Green relating to The Bible Society.
- (5) Private Members' Business item No. 303 outside the Order of Precedence standing in the name of the Hon. Adam Searle relating to the Coal Seam and Other Unconventional Gas Moratorium Bill 2015.
- (6) Private Members' Business item No. 4 in the Order of Precedence standing in the name of Reverend the Hon. Fred Nile relating to the Crimes Amendment (Zoe's Law) Bill 2017.

Motion agreed to.

*Announcements***PUBLIC GALLERY PARTICIPATION**

The PRESIDENT: Before we begin debate on the first item, I wish to say a few words to many of you in the public gallery who have come today to watch this very important debate. I welcome you to the Legislative Council on behalf of all honourable members. For those of you who have never visited before, I need to explain that we have a few rules that apply not only to members in debating this bill but also to visitors such as yourselves watching the debate. You will, in debate, hear members saying things you may strongly disagree with or strongly support. Whatever you think about what is said, you need to watch this debate quietly. Absolutely no applause, jeering or other gestures will be permitted.

Visitors are also not able to attempt to speak with members in the Chamber. If you have to say anything to the person next to you, please say it quietly. No audible conversations are to take place, and certainly no arguments should be had with other visitors in the gallery who may have differing views from you. No photographs or filming or audio recordings are permitted, apart from by media photographers authorised to do so. I ask that you follow any instructions from officers of the Parliament. I have asked that copies of the rules be distributed to visitors in the gallery. The first debate is likely to be a very passionate debate on a subject about which many members have strongly held views. I will be asking all members to approach this in a civil and respectful way and I ask each of you to also approach this debate in the same manner.

*Bills***ABORTION LAW REFORM (MISCELLANEOUS ACTS AMENDMENT) BILL 2016****Second Reading****Debate resumed from 11 August 2016.**

The Hon. TREVOR KHAN (10:22): I speak on the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016. I commence by thanking the Premier and all my colleagues on this side of the House for allowing a conscience vote on this issue. A conscience vote on issues such as this is an important part of our political process and should be carefully guarded, even by people with vastly different views on individual topics. With that said, I make clear now that, in my view, legislative reform in this area is needed, and I will support appropriate reform, irrespective of who introduces those reforms. What I will not do is support so-called reform simply because it is a medico-legal Zeitgeist. I know the Queensland parliamentary committee considered a similar bill in August 2016. Commencing at page 34, the committee said this:

The committee considers that constructive law reform should start with thorough policy development. Legislation ... should be the means to implement coherent policy rather than partially developed proposals.

... The committee does not consider the introduction of a Bill to be an appropriate catalyst for policy development and consultation which should appropriately be done before the introduction of a Bill.

I endorse those observations. I will now turn to the bill before this House. I will limit my contribution to schedule 1.1 of the bill, which seeks to repeal various sections of the Crimes Act and abolish any rule of common law that relates to an offence relating to abortion. In considering this issue, the first thing I ask myself is: What is the current legal position in New South Wales? The New South Wales provisions are modelled upon sections of the English Offences Against the Person Act 1861 that made it a crime to unlawfully procure a miscarriage. I will later refer to some of the history leading up to the 1971 decision of His Honour Judge Levine in *R v Wald*, but let me summarise the position now.

It is this: In New South Wales, the unlawfulness of procuring an abortion rests on the legal practitioner holding an honest and reasonable belief about the risk to the woman of continuing with the pregnancy. The assessment of risk includes factors such as health, wellbeing and economic circumstances. In 1995, President Kirby, as he then was, held that in forming his or her belief, the medical practitioner could consider the woman's immediate and foreseeable circumstances. What, therefore, the law proscribes in New South Wales is this: Abortions undertaken without regard to the wellbeing of the woman are unlawful, not all abortions per se. I am the first to admit that the drafting of this section is inelegant, but that is hardly fatal or, indeed, unusual. It has required judicial interpretation, but that is not unlike many laws, criminal and otherwise, in this State. I will now refer to some history, and particularly to the position prior to the late 1960s in New South Wales. I encourage members to read a 2007 article entitled "The Other Abortion Myth—the Failure of the Common Law" by Kate Gleeson. Dr Gleeson wrote:

It was generally understood since (the decision of *R v Bourne* in) 1938 in England that abortion was permissible in some circumstances. The Australian Medical Association [AMA] advised its members to follow the direction in *Bourne*, to operate in consultation to save the woman's life, broadly interpreted to include psychological health, and the area was "grey enough not to warrant State scrutiny of doctors or, apparently of women".

It would seem the view of the AMA was correct. The police did not pursue doctors who performed abortions. That is not to say that police did not pursue so-called backyard or unqualified providers. One might think that that was not unreasonable. I will go further and quote a little more of Dr Gleeson's article, because it assists in giving context to the abortion debate as it has developed in Australia. She wrote:

By the 1960s ... it was only the corruption of the police services that finally led to the prosecution of doctors in Sydney and Melbourne in 1968 and 1970. ... Police raids were commenced in Melbourne in 1968 ... that culminated in the Davidson trial in 1969 that produced the Menhennitt ruling on lawful abortion and saw almost all the outstanding charges dropped.

That is in Victoria. She continued:

In 1970 NSW formed the abortion squad that promptly raided many premises and launched numerous prosecutions: a raid that culminated in one trial, the Heatherbrae or Wald trial. ... Heatherbrae was raided on 11 May 1970. ... It was well known as the best run clinic in Sydney and with the most professional staff, and did not pay bribes. The trial was unlikely to secure conviction. The doctors were professional and concerned, the female witnesses—

that is, the women who had had an abortion—

were tragic and sincere and the police had been brutal in their raid; unsurprisingly Judge Levine had (both of the decisions of) Bourne and Davidson in mind, and the jury did not convict. ... But this reactionary moment in corrupt state governance that ended in two complimentary affirmations of legal abortion does not support a theory that Australia has a long history of prosecuting women and doctors over abortions. She continued: The Levine ruling is sometimes said to have ended prosecutions in NSW (until Smart) but they continued until 1971. ... The failure to convict in the case of Smart in 1972 is thought to have discouraged the Askin-era police from pursuing doctors after the initial purge of 1970. While the Heatherbrae service was faultless, Smart was not, and still the jury did not convict. It was only the disaster of George Smart that brought abortion back in contact with the law in 1980 and it, like the case of Sood, involved a female complainant who testified she had been harmed by the procedure. With this in mind I press the question of whether this bill is necessary or appropriate at this time. I think we are assisted by looking at the current reality in this State. Let us look at a few simple facts. It seems accepted by both sides of the debate that there are between 80,000 and 90,000 abortions performed every year in Australia. A study undertaken in 2005 by Chan and Sage in a paper published in the *Medical Journal of Australia*, entitled "Estimating Australia's abortion rates 1985-2003", estimated that 83,210 induced abortions were performed in a year. If we assume that the rate of abortions is roughly consistent in all States, then it means that roughly one third of all abortions are performed in New South Wales. That means that about 27,000 induced abortions take place in New South Wales each year—that is, 500 a week.

I have not heard any evidence that those abortions are performed in a dangerous or unsafe manner, or that they failed to take into account the health and welfare of the mother. Put another way, using the formula set out in *R v Wald*, there are 500 lawful abortions performed in New South Wales every week. I ask myself: Are women being denied abortions who would seek one? I accept that the lack of appropriate facilities in country areas means that some women in rural and regional areas have difficulty accessing a range of reproductive health services, including abortions. It is equally true that a whole range of other services in the area of reproductive health are sometimes more difficult to access in some locations. For instance, the action of going to the chemist to buy condoms can bring with it a whole range of problems in a small country town. Going to see a general practitioner to obtain the contraceptive pill, to have a pregnancy test or to get a check for sexually transmitted diseases can be a formidable experience, with the fear of judgement and disclosure hanging over a patient's head. These practical realities are not fixed by a legislative response alone. We cannot fix those stark realities with this bill, I am afraid.

I must also consider the available statistical evidence. The study I previously referred to by Sage and Chan determined that the estimated abortion rate in Australia was about 19.7 per thousand women aged between 15 and 44, which is relatively high compared with other countries where abortion is legal and easily accessible. For instance, in 2005, Germany and The Netherlands both had abortion rates less than half that of Australia's, and both countries have easily accessible contraception and abortion services, as well as comprehensive sex education. This data makes it difficult for me to conclude that currently there is a systemic failure. There is no doubt that this data points to the need for safe abortion services and proper support services and facilities for women, but the bill we are debating today does not achieve that objective.

Let me conclude by observing that the last conviction in New South Wales for a breach of the Crimes Act for procuring an abortion was in August 2006, that being of Dr Suman Sood. That was over 10 years ago. It is worth noting a few things about this case. First, the charging of Dr Sood was the first such charge in about 25 years in New South Wales—that is, since the charging of the disreputable George Smart in 1980. Secondly, the facts of the Sood case are horrendous. I will not recount them all but it is safe to say that there is not much doubt that the professional standards of Dr Sood were appallingly inadequate. The *Sydney Morning Herald*, following her conviction, reported on 24 August 2006:

The jury also did not know that six women had sued Sood for damages, some relating to failed abortions, in the District Court between 1998 and 2004. All cases were settled out of court.

And it did not know the New South Wales Medical Board had held at least five investigations into the doctor since 1995. Its professional standards committee had found Sood guilty of unsatisfactory professional conduct and found she had shown "serious inadequacy of attitude or caring for a number of patients who have been subjected to pain and suffering which could have been avoided".

The board had heard she saw 50 to 60, and sometimes up to 80, patients a day and was distracted and stressed ...

The facts revealed in that *Sydney Morning Herald* article paint a picture of professional incompetence and neglect. If the proponents of this bill are relying on Dr Sood's conviction as a justification for this bill, they are relying on a very poor case indeed. They are relying upon an instance of appalling mistreatment of a patient. I would again refer members to the Queensland parliamentary report relating to a similar bill tabled in August 2016. At page 77, the report stated:

The Committee considers that simply removing offences from the Criminal Code without some level of regulation, is inconsistent with community expectations. While professional standards and guidelines provide some protections, further regulation would be consistent with community expectations.

The Sood case certainly reinforces that conclusion. Reform in this area must include an ongoing regulatory regime. Thirdly, I make the obvious point that there have been no further convictions since Sood. Using the statistics that I referred to earlier, I calculate that approximately 280,000 induced abortions have been performed in New South Wales since Dr Sood's conviction. How can proponents say that there is a real risk of prosecution when so many procedures have been performed without legal interference? Let me end, therefore, by again quoting from Dr Kate Gleeson's article:

... the myth that abortion is illegal in New South Wales, that doctors are routinely prosecuted and that the common law is restrictive and illiberal does not help get to the bottom of ... problems of access or help to progress and clarify an already confusing situation for doctors and women. It provides ammunition to those that oppose abortion by promoting a discourse of criminality to surround abortion, when it is erroneous ...

I acknowledge Dr Mehreen Faruqi's passion but I say to her: Let us have a discussion based upon an accurate understanding of history, the law and present-day practices, not on myths and anecdotes. For these reasons I cannot support the bill.

Ms DAWN WALKER (10:37): As a proud feminist and member of The Greens, I support the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016. Let me make it perfectly clear: No woman enjoys or delights in having an abortion. It is often a heart-wrenching decision that has been taken after deep personal reflection. But that choice is ours to make. It is a basic right of a woman to be able to control her body and have the freedom to make her own choices. Yet here we are, in 2017, in the oldest Parliament in Australia, still fighting for a woman's right to choose. That women still do not have full equality under the law—that is the crime, the disgrace, the shame in this place. This threat of being a law-breaker, held over our mothers, sisters, wives, girlfriends and daughters creates fear and uncertainty for women at this difficult time. Medical practitioners are also put in a difficult position as they risk criminal liability for assisting women with their reproductive rights. Many general practitioners in New South Wales do not offer pregnancy termination because of the fear of prosecution.

For rural and regional women, access is already an issue as there are only a few clinics that offer this service, meaning our country women face extra costs for travel and accommodation to reach private clinics in major urban centres. The last thing they need is the added anxiety of persecution making things even more fraught. Every woman has the right to privacy, respect, dignity and courtesy while accessing medical procedures. A recent survey showed that overall 73 per cent of those surveyed supported the removal of abortion from the Crimes Act. Not surprisingly, people living in regional and rural New South Wales were more likely to have a view that abortion should be decriminalised compared to people in Sydney. Why is this not surprising? It is because this bill is about access and removing the legal barriers that keep abortion services privatised and expensive, putting rural and regional women at great disadvantage. This bill makes it clear that in New South Wales women who choose to have an abortion are not criminals and should not experience stigma and shame but rather we are a compassionate State and anyone in need of a pregnancy termination should be able to access that with dignity and privacy.

Shamefully, New South Wales and Queensland are the only States that have not used legislation to confirm a woman's right to terminate her pregnancy. I congratulate my colleague Dr Mehreen Faruqi, who has introduced this historic bill and guided it through the legislative process with care and compassion over the last two years. I know this has not always been easy as she has been subjected to ongoing abuse and misrepresentation, but she has remained courageous and dignified while pursuing this important reform on behalf of the women of this State.

I am proud to be part of a party that has the courage to introduce this private member's bill and that all Greens members of Parliament will be voting for it. I know that some members will be wrestling with their conscience today. I implore them not to succumb to the fear campaign but rather to fall on the right side of history and pass this historic reform for the women of this State. I was born into a society where women do not have the same rights as men, but I want to leave this society as one where women, including my daughter, have full equality under the law. I commend the bill to the House.

The Hon. MARK PEARSON (10:42): I speak in support of the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016. As a gay man, it may be argued that as I have no "skin in the game" I cannot possibly imagine how a woman would feel about the State enacting laws dictating what she can and cannot do with her body. Well, I do have some understanding because as a young gay man, both the church and the State forbade me from engaging in sexual activity. I know what is like for those in authority to prohibit the exercise of bodily autonomy. In my formative years, every time I engaged in consensual sexual activity with another man I risked being charged and convicted of a criminal offence.

Apart from a few religious extremists, who in 2017 would seriously argue that I should not have the legal right to make decisions about my own body? It is on this basis, and several other very considered reasons, that I support the bill in removing the criminal sanctions for women seeking abortions and the doctors who assist them. Doctors should be free to exercise their conscience in choosing not to perform abortions. However, I support the provision that referral information regarding abortion services must be provided in those instances so that a woman is then able to exercise her own conscience. Ultimately it is my view that a woman's decision to abort is a private, medical matter between a woman and her physician and that the State should not interpose in that decision-making process.

I have received emails complaining that the proposed exclusion zone around abortion provider premises is an infringement on the freedom of speech and freedom of assembly of abortion protesters. The proposed exclusion zone would allow patients to enter and exit medical facilities without physically proximate haranguing by protesters. While I am clearly a strong supporter of the right to protest, I accept that these are special circumstances. It is not in the best interests of vulnerable people who are about to undergo a surgical operation to run the gauntlet of often abusive protesters. I note that protesters are still allowed to attend within 150 metres of abortion clinics and make known their objections, as is their right. I support their right as much as I disagree with their sentiments. Accordingly, I support this provision in the bill but it is on the margins of my support.

In regard to the decriminalisation of abortion, I am in agreement. Just because a woman engages in heterosexual activity it does not mean that she wants to become pregnant. There may be issues concerning consent, physical and mental health issues, unsuitable stage of life or simply a decision by an emotionally mature and informed woman not to have a child. No woman should be forced to become or remain pregnant against her will. It is an unacceptable imposition upon her autonomy.

Women have been managing their fertility for thousands of years. The wise women of ancient tribes and villages passed down the knowledge of which plants and herbs could procure an abortion. In pre-modern Celtic society women had the absolute right to abort and in ancient societies as diverse as Greco-Roman, Judaic and Vedic, abortion was not criminalised. It was only with the coming of Christianity that Western society began to restrict women's access to abortion, despite the *Bible* being completely silent on the topic of a woman choosing to end her pregnancy. There was some discussion amongst the early Christian fathers—noting that there was no discussion with early Christian mothers—about whether abortion was acceptable in what we would now call the first trimester, or in their language before the "quickening of the womb" when apparently the soul was said to enter the fetus.

By the Middle Ages the church had determined that all abortions were unacceptable, even those where the woman would die if she continued with the pregnancy. The wise women, otherwise known as witches, were recast as demonic baby slayers and their ancient herbal knowledge suppressed. It is no surprise then that my esteemed colleague Dr Mehreen Faruqi has been described as a baby-killing witch in some of the more abusive and completely unacceptable communiqués that she has received. It was not until 1803 that England's abortion laws were transferred from the religious ecclesiastical courts into the secular court system and then adopted by the colony of New South Wales later that century.

From God's laws to State sanction took virtually 2,000 years. The nineteenth century saw medical advances in surgery and anaesthesia with a better understanding of infection control. It is ironic that only when surgical abortions started to become safe the State criminalised women and their doctors for procuring abortions. At the same time as safer abortions, more reliable contraception began to be made available, at least for the middle and upper classes who could afford discreet doctors and the new vulcanised rubber condoms and diaphragms. The women's movement of the late nineteenth and early twentieth centuries rightly saw contraception and abortion as an important focus to relieve women of the risks of repeated pregnancies and childbirth. The church and the State stood in their way.

In *Birds, bees and birth control: a history of Family Planning in Queensland* author Sylvia Bell Bannah describes the life of Florence Bebb, born in Dalby in 1871. Florence had an illegitimate child when she was 17. By the time she was 21, she had been married, had two more children and was then abandoned by her husband, who left for the Ravenswood goldfields. By the time Florence was 40, she had a total of 13 children to at least six different fathers. Five died in infancy, one had an intellectual disability, and four were sent to orphanages.

Working class and poor women have always been the ones criminalised by abortion laws. By the 1920s, family planning clinics were established with the specific philanthropic intention to assist married women of limited means to manage their fertility. Eventually clinics allowed entry to single women, and with the arrival of the contraceptive pill in the early 1960s, intrauterine devices [IUDs] and the morning-after pill in recent times, women finally had control of their fertility and safe methods of abortion.

Of course, no contraception method is 100 per cent effective. While some methods may technically be 98 to 99 per cent effective, the effectiveness is always reduced by human error or a technical fault. The World Health Organisation estimates that if contraception were used perfectly every single time, there would still be six million unplanned pregnancies each year worldwide. So realistically, a woman who is heterosexually active over the decades of her fertile years will always have a small risk of pregnancy, even when contraception is used. Abstinence is not a realistic option. We know that sex is good for our physical, psychological and emotional wellbeing. Seeking out sexual intimacy is a human instinct. In the twenty-first century, medical advances mean that there are safe remedies for failed contraception leading to pregnancy, and no woman should be penalised for availing herself of these advances.

I understand that there are those who believe that a fetus has the right to be born and that this right overrides the woman's right to choose to end her pregnancy. I do not subscribe to that view. As a representative of the Animal Justice Party I am more concerned about the potential for sentience and therefore the conscious suffering of the fetus and so I have turned my mind to that issue. According to the Australian Institute of Health and Welfare 94.6 per cent of abortions occur under 13 weeks, and only 0.7 per cent of abortions occur at more than 20 weeks. There is absolutely no scientific evidence that a fetus has sentience before 20 weeks gestation. Of those 0.7 per cent of abortions performed after 20 weeks, the vast majority were as a result of severe fetal abnormality, according to figures from a Women's Health Victoria 2007 report. The fractional remainder were for the woman's psycho-social issues that are best addressed by medical professionals and social workers, rather than our law courts.

I am therefore satisfied that this bill is both humane and practical in its application. Just as 1982 was the watershed year in New South Wales when gay men's sexual rights were recognised, 2017 should be the year we finally decriminalise abortion and acknowledge that a woman's decision to end her pregnancy is an act of personal autonomy. One particular incident helped me to reach the decision that this bill is extremely important because it removes the burden, duress and sense of guilt women who have undergone abortions carry with them for the rest of their lives. This was brought home to me when a 70-year-old woman was recently interviewed by a practitioner. When this woman disclosed that she had had an abortion at the age of 17, she wept in grief and guilt. That is what we have to wipe away. We cannot allow the women of our society to carry any sense that they have committed a crime against humanity or the statutes of this land. This House must lead the way and be visionary in freeing women from the possibility of feeling such a sense of travail and hardship. I commend the bill to the House.

The Hon. WALT SECORD (10:55): I speak in debate on the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016, which was introduced by The Greens' Dr Mehreen Faruqi. According to The Greens, the purpose of this bill is to adjust the statute law, to codify and mirror what I know already exists in the common law in relation to abortion. Let me say from the start that I, for reasons I will outline, will vote to support the bill. However, it will be a very reluctant vote in support of this bill and my support is based on my personal principles on the issue of choice. My support is not due to the efforts, but despite the efforts, of Dr Mehreen Faruqi in bringing forward this legislation. I have to say I am profoundly disappointed by Dr Mehreen Faruqi's approach.

Because of her approach, this important bill, and the whole area of abortion law reform, is likely to fail. My vote for this bill should not and cannot be seen as support for the manner in which this legislation has been introduced or raised by Dr Mehreen Faruqi of The Greens. Make no mistake, she has created a flawed bill with the scope of introducing unintended consequences. Overseas, efforts to replace or codify the common law have allowed groups to attempt to wind back this area of law. I have a number of concerns with how Dr Mehreen Faruqi has introduced this bill and approached this debate. Abortion law reform is very sensitive and it is a very important issue. Dr Mehreen Faruqi has been insensitive and irresponsible in bringing forward this partially developed bill.

In her second reading speech on 11 August 2016 Dr Mehreen Faruqi said that there were difficulties with the current legal status of abortion in New South Wales. This is not the case. This is absolutely untrue. Abortion has been settled in New South Wales for many years. It is not the subject of legal discussion or debate, as Dr Mehreen Faruqi claims. Abortion is allowed under common law. This area of law has been settled. Currently an estimated 27,000 abortions are performed in New South Wales each year—that is, about 500 a week. There have been no arrests for abortions, and on that point this morning, on *ABC Radio*, Dr Mehreen Faruqi was unable to point to a recent conviction, prosecution or charge. For the record, I think there may have been one charge in the last 25 years in relation to abortion, and that involved professional misconduct by a doctor.

The current legal position in New South Wales under the common law has provided for women to have an abortion in a safe and secure medically supervised environment. One would not understand that if one had taken the comments and recent commentary by Dr Mehreen Faruqi at face value. I must say that I have concerns about the approach taken by Dr Faruqi in her handling of this issue. She and her staff have cynically manufactured and manipulated the debate on this issue. Until she raised this issue in the public arena I, as shadow Minister for Health for the last three years, had not received a single representation on abortion or the need for legal clarification. I repeat: In three years as shadow Minister for Health, I had not received a single representation about the need to legalise this area of common law until Dr Faruqi began her campaign.

By Dr Faruqi's own admission in the *Sydney Morning Herald* online yesterday, this issue has been absolutely dormant for decades. In addition, at no point has Dr Faruqi approached me personally to ask my opinion as a member of this Chamber or as shadow Minister for Health, or to explain how she was going to progress the bill or her motivation—despite her introducing the bill in early August 2016 and despite the fact that I am Labor's health spokesperson. Her motivation and handling of this important and delicate area has been almost careless and reckless in its immature execution. To illustrate her reckless approach, it has been brought to my attention by those who strongly support access to terminations that Dr Faruqi's legislation does not provide a legal framework to allow medically approved abortions to occur. She has removed that and put nothing in its place.

As it stands, the bill in its current form places no limit on the gestation at which an abortion can be performed and does not mandate that it must be performed by a clinician. It does not provide a framework; it just takes away. This has allowed opponents to this bill and this area of law to mount very successful counterarguments. I fear, and I am disappointed, that such ham-fisted efforts by Dr Faruqi may in fact be counterproductive. The Governments of the Australian Capital Territory and Victoria put in a legal framework to address access issues once the common law had been overridden. Dr Faruqi's legislation ignores this important fact. Dr Faruqi's bill is all about politics. It is about her position within The Greens. I repeat: Dr Faruqi's bill is about politics and her position within The Greens. Although I will vote for this bill, it is regrettable that in her handling of this bill Dr Faruqi has shown the sophistication—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Interjections will lead to members being called to order.

The Hon. WALT SECORD: Although I will vote for the bill, it is regrettable that in her handling of the bill Dr Faruqi has shown the sophistication of a student candidate fighting for a position on a university student representative council. She has been primitive and clumsy in her execution. Yesterday when interviewed by the *Sydney Morning Herald*, I said:

I liken Dr Faruqi's actions to taking a giant stick and poking it into a beehive, shaking it like hell and then walking away.

A person could speculate that Dr Faruqi is aiming or striving for a righteous defeat rather than genuine legislative reform.

The Hon. Don Harwin: Point of order: I do not like to take a point of order on a speaker in a debate like this but for almost five minutes the member has been reflecting on another member and imputing her motives. This is not the way that this debate should be conducted.

The Hon. WALT SECORD: I know from the experience of dealing with the Shooters, Fishers and Farmers Party's Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2016 earlier this month that the Hon. Robert Brown, the Hon. Robert Borsak and their staff repeatedly checked in on the bill and asked whether the Labor Opposition and other members had concerns or were considering possible amendments. This cannot be said about Dr Faruqi and her bill.

I note that the Hon. Adam Searle last night circulated four amendments to try to address the many deficiencies in Dr Faruqi's bill. We will examine them later. In fact, the Hon. Penny Sharpe, the Hon. Greg Donnelly and the Hon. Trevor Khan, the Deputy President and Chair of Committees, as well as other members, have taken more time to try to explain or discuss the impact of the bill than Dr Faruqi has. While all three have very different views, they have approached this bill with more care, attention and responsibility than Dr Faruqi has. For the accuracy of the record, I note that Dr Faruqi sent an email containing her 2 May adjournment speech in which she responded to claims about late-term abortions. She also sent an email on Tuesday at 12.42 p.m., but we have had very little contact with her other than that this week, and it is almost 10 months since she gave her second reading speech on this bill. Overall, she has articulated her view only within the echo chamber of her own constituency.

As legislators we are all well aware that there are strong views on both sides of this matter, and I acknowledge this. While I am economically conservative, I find myself on the progressive side of politics in many areas of social policy, such as marriage equality, medicinal cannabis and responding to illicit drugs as a

health matter as well as a justice matter. That said, as I said earlier, I will vote for this bill, but I will do so with extreme reluctance and despite the manner in which it has been conducted. I am voting for it on a matter of principle and on the basis of my personal view on a woman's right to autonomy over her own body and personal choice. Admittedly, my support is somewhat in spite of Dr Faruqi's efforts, not due to them. Dr Faruqi has taken us down the rocky road of a divisive approach to this important issue, but I feel that on balance I have to vote for the legislation. I know not all members share my view, and I respect that.

I also note the sheer volume of correspondence on this matter, especially in the last 72 hours. I note, for example, that the Deputy President in a briefing paper circulated to members says that he supports the intention of the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 to decriminalise abortion but does not believe the bill in its current form should pass. The Hon. Trevor Khan cites concerns about the legal effect of decriminalisation by the means stipulated in the bill. He also has concerns about the unintended consequences, with which I tend to agree, but on balance I will have to cast my vote in favour of choice.

That said, I must look beyond these issues to the substance of the bill at hand and vote on principle. I note the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the NSW Nurses and Midwives Association and Family Planning NSW have expressed their support for the bill. But I also note that on 9 May Reverend Dr Glenn Davies, Archbishop of Sydney and President of the NSW Council of Churches, and Reverend Dr Anthony Fisher, OP, Archbishop of the Archdiocese of Sydney, have written a joint letter expressing their opposition to the bill. Furthermore, I note that yesterday the Hon. Greg Donnelly tabled a petition of more than 58,000 signatures against the Faruqi bill.

I welcome the fact that the Labor Party is allowing a conscience vote, or free vote, on this issue. Therefore, let me speak to my own conscience. I am on the record on the subject of choice. My views are well known on this issue. I believe that such matters as reproduction are between a woman and her doctor. I strongly support the principle of a woman's reproductive control over her own body. I also support the principle that a woman has the right to safe and accessible terminations, if she wishes or needs to do so. That is the principle I will take to this policy area if I am fortunate enough to be the Minister for Health in a future Labor Government.

Members will be aware that I grew up in a First Nation settlement in rural Canada. That community had high levels of teenage pregnancy that ensured contraception was an issue at the forefront of my childhood experience. Furthermore, my own mother was a very young teenager when she gave birth to me. While I do not wish to expand on this any further—nor do I have my family's permission to do so—my childhood and growing up in my unique Native American community has contributed to and shaped my views on these matters. It is according to my longstanding principle of supporting women's choice in reproductive health that I will vote for this flawed bill.

I caution that, as this issue will inevitably arise again in various forms, we should be cautious and patient in how we approach legislative debate on this important policy area. Dr Faruqi has not achieved this. If she was genuine about her approach, she would have established a cross-party working group or would have worked to establish a parliamentary committee. Abortion, like many subjects, is one where we, as legislators, will achieve more when we speak our truth a little more calmly and clearly. I finish on that note. I will be voting for this bill, but I do not congratulate Dr Faruqi on her endeavours.

The Hon. DANIEL MOOKHEY (11:09): Since 1971 the termination of a pregnancy in New South Wales has been legal in fact, even though it remains illegal under New South Wales law. I am astonished by that, just as I am astonished that in 2017 doctors and nurses, as well as the women who need an abortion, still notionally risk gaol for exercising their craft or exercising their choice over their bodies. They should not have those fears and they should not have to face those risks.

While I respect the people who think abortion should remain a crime in this State, my position is the Crimes Act is not the place for medical regulation. There is a need for further medical regulation, which this bill, the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016, does not provide. Other members, especially the Hon. Adam Searle, have flagged amendments that they intend to move in the Committee stage. Should the bill proceed to that phase, I will be supporting those amendments and then I will vote for the bill, because the principle I endorse is that abortion should not be in the Crimes Act and it should have been removed a long time ago.

The Hon. ERNEST WONG (11:11): The Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 has four main objectives: first, repeal offences under the Crimes Act 1900 relating to abortion; second, abolish any rule of common law that creates an offence relating to abortion; third, provide that a failure to advise a patient of a conscientious objection or refer the patient to another medical practitioner constitutes unsatisfactory professional conduct for the medical practitioner; and fourth, provide for exclusion zones, also known as safe

access zones, around premises at which terminations are provided. It carries penalties of up to \$16,500 or six months gaol.

I note at the outset that the fourth objective is also the subject of a separate bill proposed by the Hon. Penny Sharpe, that is, the Summary Offences Amendment (Safe Access to Reproductive Health Clinics) Bill 2017, which was read on March 30. I have no concern with that objective and would be pleased to support the Hon. Penny Sharpe's bill on this issue, were it to be brought to a vote. However, in the context of Dr Faruqi's bill that we debate today, that objective has been tied to a broader range of issues, and raises broader considerations. The Labor caucus has approved a conscience vote on this issue, so I approach my remarks in that context.

The primary purpose of these amendments—to adjust the statute law to mirror what is now effectively the common law—is, in principle, a fair idea. This is because, if for no other reason, consistency between common and statute law is a desirable thing for promoting equity and justice in our laws, as it allows citizens greater clarity about what is, or is not, their responsibility under the law. However, like other speakers here, I have concerns with how this bill has been introduced and how its sponsor has approached debate around this sensitive issue.

I support the earlier remarks of the Hon. Walt Secord, who noted the lack of consultation with him, even though he is shadow Minister for Health, on this important and complex change to health-related laws. That is no way to approach significant change on a bill as complex and emotive as this one. It is no way to build the case for change in an area of law that attracts diverse, contrary and deeply held views. One suspects, reading her remarks, that Dr Faruqi is of the opinion that many of those views do not belong in this debate at all, by virtue of her argument that abortion is purely and simply "a decision about one's own body".

Well, like it or not, a wide range of views on this issue, held by men and women, do exist, and as legislators we cannot simply ride over them. My starting position is that I respect, and place great weight on, the principle that a decision regarding pregnancy termination is, *prima facie*, a matter between a woman and her doctor. But this is an issue that cannot be lightly discussed without a thorough consultation with medical and psychological consulting professionals in relation to the safety and psychological health of the women who are going through the process.

In particular, I am very concerned about the risks raised in schedule 1.3, regarding unsatisfactory professional conduct under the Health Practitioner Regulation National Law (New South Wales). This, I believe, will create a real risk of leaving medical practitioners open to malpractice charges without real justification. I know that other members share similar concerns. You, Mr Deputy President, say in your briefing paper that you support the intention of the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 to decriminalise abortion, but that you do not believe the bill in its current form should pass.

I too have concerns about unintended consequences. This is the interesting thing about conscience votes. Those of us from differing sides of the House find we have more in common than we thought, and I do find myself in a similar position to the Deputy President—supporting the principle of this bill, but unable to support its passage without further consideration of its impacts, and further consultation with the stakeholders in our community who should be brought along with this change. That consultation is critical to the aim of reducing stigma and secrecy around abortion that Dr Faruqi spoke of when introducing the bill.

To suggest, as she did, that the complexity of views, emotions and opinions around abortion in our community can be traced solely to the technicality of its status in statute—and therefore resolved with the stroke of a pen—is not realistic in my view. In fact, I doubt that the average New South Wales citizen would even understand abortion to not be legal in New South Wales. It has, in effect, been settled in New South Wales for many years under the common law, so the change that is required to reduce stigma around this issue, and to avoid the kind of protest the Hon. Penny Sharpe wishes to outlaw—and I support that—needs to come from a broader discussion than the one that has occurred in preparation for this debate.

For these reasons, and because I am unsatisfied on the issues of risk to practitioners and current health protections for women, I cannot support the bill in its current form. The bill is sufficiently vague and silent on how abortion would be legally monitored in terms of protecting the health and safety of women, as well as the ethical duty of doctors. It is rushed; it is unclear; and that is not acceptable for such a significant health issue. I reiterate that I will be pleased to support the Hon. Penny Sharpe's bill, but would also be pleased to discuss a more considered approach to changes to the Crimes Act, following further consultation.

The Hon. JOHN GRAHAM (11:18): I believe that when we vote on this bill, the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016, it will represent a start to this debate in New South Wales, not the end of this debate. As has already been observed, I believe this bill is likely to be short of a majority, however, it will represent a start to the debate because a reassertion by this House that abortion is a crime will come as a

surprise to many citizens of New South Wales. I believe that reassertion will be out of step with community attitudes, and that even people with views on both sides of this debate may not believe or do not believe that this should be a criminal offence. Therefore, a reassertion by this House in that way will provoke debate and, not only that, it is a step that is likely to cause more confusion, more concern. I respect that there are strongly held views on both sides of this debate. I thank the people on both sides who have taken the time to write to members expressing their views. However, I support the decriminalisation of abortion, and I will be voting for the bill.

I will touch briefly on four principles that weigh most heavily on me in casting my vote. First, I believe these are decisions for the individual and not the State, and that that is the best way to reconcile the strongly opposing views on this issue. Secondly, there is a significant gap between the words of the law and the lived reality of New South Wales citizens. It is hard to think of a New South Wales law that has such a large gap. This law was written when women in New South Wales did not have the vote. Thirdly, there is great uncertainty about the current state of the law. I listened carefully to members' contributions to this debate, and note that this issue weighs heavily on us.

The attention of the House has already been drawn to the first consideration of the existing case law in the New South Wales appellate court, which occurred in 1995. That case was heard by three judges. First, Justice Kirby determined that neither the woman concerned nor her doctors would have acted unlawfully; secondly, Justice Priestley determined that the doctor would have acted unlawfully, but the woman would not have; and, thirdly, Justice Meagher determined that both the woman and the doctor would have acted unlawfully. That demonstrates the confusion about this law: If three senior justices come to three different conclusions faced with the same facts, what hope does a citizen of New South Wales have in navigating this law? Worryingly, Justice Priestley went on to say:

As the law stands it cannot be said of any abortion that has taken place and in respect of which there has been no relevant court ruling, that it was either lawful or unlawful in any general sense... unless and until the particular abortion has been the subject of a court ruling, is there anyone with authority to say whether the abortion was lawful or not lawful. The question whether, as a matter of law, the abortion was lawful or unlawful, in such circumstances has no answer.

That is the situation that applies to the tens of thousands of citizens who undergo abortion in this State. There is significant confusion, and I believe that that underlines the case for something to be done in this area. I refer finally to the fourth principle, which is probably of most concern to me; that is, equity of access to services, information and financial resources. I believe that as a direct result of that confusion this law applies unequally across the State. It applies unequally in rural areas and, as has already been observed, it applies unequally to people with different financial resources. I support the decriminalisation of abortion and the right of women to make their own choices in these matters. I look forward to the introduction of the Hon. Penny Sharpe's bill on safe access zones. I believe that the introduction of this legislation is only the beginning of the debate, particularly given that other jurisdictions have acted on this issue. I acknowledge your contribution, Mr Deputy President, which I believe was thoughtful and honest. However, the truth is that the sort of honest debate and discussion we need to have about this issue in New South Wales is impeded by having these laws in the Criminal Code. I look forward to the day when that changes.

The Hon. LYNDIA VOLTZ (11:24): I do not think it will surprise anyone that I support the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016, although I do have reservations about some of its elements. As women, termination is a lived experience, and we form our views based on our life experiences. Some important people have informed my view on the fight to allow safe and legal abortions in Australia. One such person is Vicky Potempa, who was a member of the Granville Central Branch of the Australian Labor Party. Her son Julian was in Young Labor with me, and I have known his mother since I was very young. Vicky was 44 years old in the 1960s and had an alcoholic and abusive husband, a sick father, two children—Julian and Linda—and she was pregnant. She was desperate for a termination that she could not access. In the end, Vicky was sectioned and had to accept an insanity ruling to access a termination. She awoke from the procedure to find not only that she had had a termination but also that she had had a hysterectomy. Vicky, who was a great humanist—the Humanist Society was probably saved by people like her—fought her whole life for women to have access to safe and legal terminations because of that experience.

The reality is that it is up to a woman to decide what happens with her body and her life. My daughter came to Parliament House yesterday and said, "Mum, there's a lot of blokes in Parliament House." I replied that there were, but I was thinking, "Just wait until tomorrow when we debate the abortion bill; that will become even clearer to you." What is acceptable in New South Wales—particularly among women, who know our life experiences—is much different from what will happen in this place.

I do not understand how someone can think there is a problem with termination. If they had attended Birrong Girls High School with me and sat next to a 15-year-old who was pregnant to her father, they would think very differently. That young girl would not go to the police, even at the urging of her classmates, but she was

eventually convinced to have a termination. The alternative scenario is beyond my comprehension. The reality is that it is our right to make decisions about our lives and our bodies. The fact that this medical procedure is still in the Criminal Code of this State is an outrage.

That does not mean that I believe people are not entitled to their religious beliefs. I have always been of the view that people should be free to follow their religious beliefs, just as I am free not to do so. I am often surprised that members come into this place and lecture people of other religious persuasions about the impact of their beliefs on society, but they are happy to impose their beliefs. Ours is a secular society. Although those views are valid, they are personal, and I am happy for them to live their lives following them. I am not concerned about people's religious views with regard to this legislation; I am concerned about whether the legislation will work effectively. It is our role in this Parliament to ensure that legislation works and works effectively.

However, I do have problems with the fact that the bill provides that it constitutes unsatisfactory professional conduct for a medical practitioner who has a conscientious objection to abortion to fail to advise a person requesting an abortion advice and to refer them on as such. I am sorry, but if I believe that people have a right to a religious view, I also believe that a medical practitioner has the right to a religious view as well. I will not impose on them a view that they cannot have that right. That is one of the problems in this bill. I sit on the working party for the voluntary assisted dying bill, and I believe members of Parliament should get together to look at issues before bringing a bill to Parliament. Having all eyes of the parties looking at the detail of the bill is the best way to ensure that the broad views of the community are reflected in a bill and that the best outcomes are achieved.

I know my parliamentary colleague the Hon. Adam Searle has a number of amendments. They are sensible amendments, bar one. We had some negotiations on that amendment and he will clarify those issues in his contribution. The idea that abortion is still a criminal offence in this State belongs in another century—not the last century but possibly the one before that. It is time that people recognised that women have control of their own lives. If people want to take a step back in time, I suggest they watch series one of *Call the Midwife*, which is based on the diaries of a midwife and shows the lived reality for many women.

Our views and the views of my generation are formed by people like Vicky Potempa and Peggy Airey, a staunch Irish republican, who lived through the Second World War. She played a significant part in setting up a women's health centre after she saw what had happened to women during The Depression, the Second World War and the postwar era. It was at that time of peace throughout the postwar era that women were at last able to defend themselves before the law. For that reason, I will vote for the legislation. If it goes to the second reading, I will support the majority of the amendments to the bill. Hopefully, in the future it will not be controversial for us to introduce a bill into Parliament to decriminalise abortion. I hope that time is not too far away. These are stepping stones, but inevitably this legislation will be revised in this State as it has been in other States.

The Hon. ADAM SEARLE (11:31): I make a contribution to debate on the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016. Having thought about this issue over many years as an individual, a legal practitioner and now a member of Parliament, I am of the view that the termination of pregnancy should be safe, rare and legal. It is or should be a matter entirely and only for a woman and her medical practitioner. The choice is not whether to allow abortions: The choice is whether, as a society, abortions are legal or illegal. We still have in our memory the consequences of the criminalisation of abortion for many individuals—the legal dangers they were exposed to and the physical harms they suffered, sometimes with fatal consequences. If we want a civilised society, and I believe most of us do, I believe very strongly that we must ensure access to abortion is appropriately and fairly regulated, and that those services are safe for women.

The gateway should be left to women and their doctors only. To do otherwise will only result in more grief, danger and harm. My view has been informed by discussing the issues surrounding pregnancy termination with those who have been directly impacted, those who have made the decision to have a termination, and those who have decided not to, with the assistance of lawyers, medical practitioners, ethicists, religious persons—both lay and clergy—as well as friends, relatives and the wider community. While views have not been unanimous and are deeply and passionately held, the balance has clearly been in favour of ensuring that women can access this medical service lawfully, safely and without interference from any person. On this issue, members of the Australian Labor Party and Parliament are permitted a conscience vote. We may vote according to our own views and beliefs, rather than based on any party policy or discipline. As a result, I will vote for this bill, despite its many imperfections.

There are diverse views on principle involved as well as on the detail of the legislation before the House. I know there are deeply held convictions on all sides of this conversation, and I respect that. Anyone who knows me will not be surprised to learn that I am pro choice; that has always been my position. Equally, no-one should be surprised to learn that the bill we are considering is deeply flawed in a legal and technical sense. As I will touch on briefly, access to this medical treatment rests upon an interpretation by the courts of aspects of the Crimes Act.

On one view, prima facie, abortion is a crime, but there is a medical exemption based on a ruling by Judge Levine in the District Court. This bill removes those aspects of the Crimes Act. Therefore, the case that has developed that provides lawful access for women to abortion in this State will also be removed by this bill. What will be left is a vacuum, one not filled by the bill, one that will be left to be filled by further developments in the law, one case at a time, by judges.

Despite the enlightened approach of Judge Levine and other jurists, this is no guarantee that current rights will be reserved. There must be a real risk that those rights will be jeopardised and perhaps even lost. Despite this, I will vote in favour of the bill because there are ways to address the problems I see with the bill's current context and that is consistent with the approach I took some years ago to the euthanasia bill proposed by the Hon. Cate Faehrmann. This bill seeks to repeal offences under the Crimes Act relating to abortion, which I support. The bill also seeks to abolish any rule of the common law that creates an offence relating to abortion, which I also support. The bill provides that a failure to advise a patient of a conscientious objection or to refer the patient to another medical practitioner constitutes unsatisfactory professional conduct for the medical practitioner. I do not support this aspect of the bill, and it needs to be remedied. This aspect has been the subject of a lot of communication with me by medical practitioners and others. The bill also provides for exclusion zones around premises at which abortions are provided. I thoroughly support this, and if this bill is unsuccessful I will support the Hon. Penny Sharpe's bill that affects that change.

Originally, the criminalisation of carrying out abortions arose in the common law and migrated into the statutory common law here and in other jurisdictions. In New South Wales, the law is governed by sections 82 to 84 of the Crimes Act as determined by *R v Wald* [1971], a ruling of Judge Levine, and of course the Court of Appeal decision in *CES v Superclinics*. Those sections of the Crimes Act prohibit unlawfully procuring a woman's miscarriage and they carry maximum penalties of up to 10 years imprisonment. The Crimes Act, however, is silent on whether the word "unlawfully" implies that abortions are unlawful in all circumstances or that abortions are unlawful in some circumstances but not in others, and the courts have clearly adopted this second approach.

In the absence of Australian authority on the question of what constitutes unlawful abortion, it was genuinely assumed that the legal position was reflected in the 1930s English case *R v Bourne* where a leading gynaecologist and obstetrics surgeon was acquitted by a jury after being charged with performing an unlawful abortion on a 14-year-old girl who became pregnant as a result of being raped. Justice Macnaghten held that for the abortion to have been unlawful, the Crown would have had to prove beyond reasonable doubt that the doctor did not act in good faith for the purposes only of preserving the life of the girl and extended the situation to where the doctor believed:

On reasonable grounds with adequate knowledge, that the probable consequence of the pregnancy would be to make the woman "a physical or mental wreck". This was undefined, but there is little doubt that the test required a very high level of danger. The Victorian case of *R v Davidson* carried it a bit further where Justice Menhennitt confirmed that it all hinged on what the word "unlawfully" meant. Having particular regard to the deliberate and repeated use of the word unlawful and the nature of the offence, he determined that "necessity is the appropriate principle to apply to determine whether a therapeutic abortion is lawful or unlawful", which led us to the New South Wales case of *Wald*, where Judge Levine held that if operations to terminate pregnancies were skilfully performed by qualified medical practitioners with a woman's consent, the operation would be lawful, provided only that the accused: ... had an honest belief on reasonable grounds that what they did was necessary to preserve the woman involved from serious danger to her life, or physical or mental health, which the continuance of the pregnancy would entail, not merely the normal dangers of pregnancy and childbirth; and that in the circumstances the danger or the operation was not out of proportion to the danger intended to be averted.

The judge continued that it would be for the jury to decide whether there existed, in the case of each woman, any economic, social or medical ground or reason that in their view could constitute reasonable grounds upon which an accused could honestly and reasonably believe there would result a serious danger to her physical or mental health. The effect of this ruling was that economic and social factors could be considered when determining whether to lawfully terminate a pregnancy. This decision was affirmed and, I believe, extended in *CES and anor v Superclinics (Australia) Pty Ltd and Ors*. Previous speakers have spoken about that case, which was essentially a wrongful birth case turning on a claim for damages brought by parents against a doctor following the birth of a child who would not have been born but for the negligence of doctors.

To determine whether it was possible to claim damages, the court had to determine whether any termination would have been lawful. As the Hon. John Graham indicated, each of the three judges applied the test in *R v Wald* to the same set of facts but came to three quite different conclusions. This shows the dangers of leaving this important area to judges only. I make no criticism of those judges; it simply highlights the complexity of the issues involved and the dangers because of the different results you might get. However, the President of the Court of Appeal, Justice Kirby, held that a medical practitioner may take into account danger to the woman's health both during and after the pregnancy. The judges did not disagree on that point. I note that the Hon. Trevor Khan spoke of the cases of Smart and Sood, where doctors were convicted for performing abortions outside the ruling of *R v Wald*.

Termination of a pregnancy in New South Wales is lawful if the procedure is performed with the consent of the woman and by a registered medical practitioner, and if the medical practitioner procuring the termination has an honest belief, based on reasonable grounds that the procedure is necessary to preserve the woman from serious danger to her life, or physical and mental health—these grounds may be medical, economic or social—and that, in the circumstances, the operation is not out of proportion to the danger to be avoided. Although not ideal, this has provided many women, over the course of several decades, with the opportunity to access abortions in a safe, secure and medically supervised manner. Any move to change the legal basis for the provision of abortions in New South Wales must have protections at least equal to the current protections. I do not think that the bill before the House has that. I think that the bill, if enacted in its present form, would create an uncertain legal foundation for the provision of abortions in New South Wales.

Since Wald interprets the provisions of the Crimes Act, by removing those aspects of the Crimes Act and not replacing them with provisions that stipulate the conditions of when abortions would be legal and making clear that the carrying out of abortions is, in fact, medical treatment, this would, at least potentially, result in there being a very uncertain legal foundation. I do not think that this is in anyone's interests. The bill should contain a provision that would specifically set out the conditions under which abortions would be legal in this State. The bill should contain provisions specifying that abortions must be carried out by a qualified medical practitioner. At least for surgical abortions, terminations should be carried out in a medical facility or in a place approved by the health Minister. I note that in their current form my amendments do not address the issue—they do not currently distinguish between surgical and non-surgical abortions. My understanding is that most of the abortions now carried out are not of a surgical nature. So if we do get to the Committee stage I would have to recalibrate that amendment.

In its current form the bill would lead to a situation where it would be unclear whether carrying out an abortion would be deemed to be a medical procedure or a medical treatment. That again raises the question of the law being developed by judges without the protection and guidance of existing case law. I do not think that is sensible. I do not think that that is in anyone's interests. All this bill does is decriminalise abortion. The bill takes abortion out of the Crimes Act. I support that, but it creates a vacuum that must be filled. There must be a definition of what abortion is, when it can be carried out and by whom, and in what circumstances. The bill must also make clear that carrying out abortions is providing medical treatment. Otherwise, the ethical and legal protections that apply to medical practitioners and others who carry out abortions will not be engaged.

Mere abolition of the criminal aspects of the law leaves a situation where it is not even a requirement that only a medical practitioner may carry out these procedures. That is certainly in no-one's interest, because it raises the prospect of engaging in dangerous, harmful procedures. States and Territories that have decriminalised abortion often leave the decision to have an abortion to the woman concerned, at least during the first trimester, and have provisions ensuring that only registered medical practitioners—or a "person qualified to perform an abortion"—are legally allowed to carry out such procedures. For example, in Victoria, a registered medical practitioner may perform an abortion on demand up until 24 weeks. Thereafter only a registered medical practitioner may carry out such a procedure, but only if the medical practitioner reasonably believes that the abortion is appropriate in all the circumstances and has consulted at least one other registered medical practitioner who also reasonably believes the abortion is appropriate in all the circumstances.

The Australian Capital Territory has abolished the offence of abortion, but has taken a different approach. It does not set a period of time in which an abortion can be obtained on demand. It is left up to the medical practitioners. I have not yet met any medical practitioner who performs these procedures who would do so at a very late stage of pregnancy. Any law to decriminalise abortion should contain a clear definition of "abortion"; stipulate the conditions under which a woman may have an abortion—that is, with the woman's consent only—stipulate that only a registered medical practitioner may carry out abortion, and stipulate that abortions, or at least those carried out surgically, are to be carried out in a place approved by the Minister for Health. It is appropriate that the bill contain clauses protecting medical practitioners to be able to refuse to perform abortions or to refuse to assist in carrying them out. There is a lot of concern by medical practitioners and others that this legislation, although not requiring them to do so, makes it unsatisfactory professional conduct if they have a conscientious objection and do not refer a patient to someone who does not have that objection.

I think that any bill to decriminalise abortion should meet the needs of conscientious objectors by providing that no medical practitioner is under a duty to carry out or assist in carrying out an abortion and is entitled to refuse to assist in carrying out an abortion, and that a failure to refer the patient elsewhere not count as unsatisfactory professional conduct. The amendments should provide that only registered medical practitioners can perform abortions, that surgical abortions must take place only in premises approved by the health Minister; no person is obliged to participate in carrying out or assist in carrying out an abortion; and a person is entitled to refuse to participate in carrying out an abortion. Importantly, the amendments should also make clear that carrying out an abortion constitutes a medical treatment and is not prevented from being carried out by the common law.

Any amendment should also make clear that any person has the right to consent to or refuse any medical treatment including an abortion. These changes would make it clear that it is covered and regulated by the health practitioners legislative regime, which is appropriate.

Should this bill proceed beyond the second reading stage, I will move amendments in the Committee stage that achieve those aims because they are necessary to make the legislation safe, workable and fair to all. However, I note that there is some concern that this bill will not succeed at the second reading stage. I take the point raised by the Hon. John Graham that this is the beginning of the conversation rather than the end. Where important social reforms such as this are effected, a useful precursor is the development of the legislation through cross-party, non-partisan dialogue. That was absent from Ms Faehrmann's euthanasia bill, and that bill failed. Although I do not doubt Dr Faruqi's genuineness on this issue, dialogue was not the way in which she proceeded. If this bill fails I would certainly be interested in reaching out to other members across the Chamber in developing a cross-party working group to carry on the conversation. I thank honourable members for their consideration.

Mr JEREMY BUCKINGHAM (11:49): I make a very brief contribution to the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 introduced by my Greens colleague Dr Mehreen Faruqi. I associate myself with her comments and those of Ms Dawn Walker, the Hon. John Graham and other members who have spoken eloquently in support of the bill, including the Deputy President, who gave a thoughtful and well-considered speech. I believe this is a matter for women and their freedom of choice so I will not go into the details of the bill. Rather, I place on the record my disappointment with the contribution of the shadow health Minister, the Hon. Walt Secord—

The Hon. Greg Donnelly: Point of order: The member knows full well that the nature of the debate does not permit reflecting on another member in this House.

The PRESIDENT: Order! I remind members in the gallery of my earlier comments about not being involved in any way, including comments or laughter.

The Hon. Greg Donnelly: Mr Jeremy Buckingham has clearly commenced an attack on the shadow health Minister. That is his intention. That is not the nature of debate on a private member's bill nor indeed on any bill in this House. I ask that you caution him to choose his words carefully.

Mr JEREMY BUCKINGHAM: To the point of order: I began my comments by referring to the contribution of the health spokesperson. I was referring to the substance of his contribution. It was no reflection on him.

The Hon. Trevor Khan: To the point of order: First, at this stage Mr Jeremy Buckingham has not reflected upon the Hon. Walt Secord, whatever his future intention, so I would say there is no point of order. Secondly, if he is expressing disappointment at the remarks made by the Hon. Walt Secord, that does not reflect upon the Hon. Walt Secord.

The Hon. Niall Blair: To the point of order: During the contribution of the Hon. Walt Secord a point of order was taken by the Leader of the Government on the basis that the member was making a reflection and from memory that point of order was upheld. I remind all members that this is a sensitive issue involving a lot of emotion. The debate should continue in accordance with the rules of this House.

The PRESIDENT: Order! I had not formed the view that imputations were being made against a member by Mr Jeremy Buckingham. I was confident that Mr Jeremy Buckingham was well aware of the standing orders and would not have crossed the line. However, insufficient comment had been made by Mr Jeremy Buckingham to make that determination. I remind all honourable members of what I said in my opening remarks, that this is likely to be a passionate debate on a subject about which many members have strongly held views. I ask all members to approach this debate civilly and respectfully. Mr Buckingham has the call.

Mr JEREMY BUCKINGHAM: I note for the record that after his contribution the Hon. Walt Secord did not stay in the Chamber to listen to the contribution of other members. I was disappointed with his contribution in that he and other members suggested the flaw in this matter was the manner and process by which Dr Mehreen Faruqi had progressed the bill. I note in defence of Dr Faruqi that she gave notice of this bill on Wednesday 13 May 2015, nearly two years ago. As all members know, this matter has been the subject of debate and discourse in the corridors of this building and in the community for many months, in fact, years. In my experience there has not been a longer process under which a Greens' bill has been discussed and considered. I note also that after two years of the long title, since August 2016 when the bill was introduced, it was only last night that Labor amendments to this bill were received.

The Hon. Greg Donnelly: Point of order: This was actually a matter of some controversy overnight. The Labor Party has not circulated any amendments to this bill.

The PRESIDENT: What is the member's point of order?

The Hon. Greg Donnelly: The point of order is the Mr Buckingham is misleading the House. The amendments were circulated in the name of the Opposition yesterday afternoon, leading people to believe that the Opposition had submitted amendments. I had discussions with the Hon. Adam Searle and I had the matter corrected last night. The amendments are those of the Hon. Adam Searle and not the Labor Party.

The Hon. Trevor Khan: To the point of order: That is not a point of order; it is a debating point.

The Hon. Adam Searle: To the point of order: To the extent that Mr Jeremy Buckingham may have misrepresented things, I agree entirely with the comments made by the Hon. Greg Donnelly. The amendments that have been circulated are my amendments only and do not represent the views, as far as I am aware, of any other member of this Chamber. It is a personal explanation.

The Hon. Lynda Voltz: To the point of order—

The PRESIDENT: I have heard enough. I will not take up any more time of the honourable member. First, the Hon. Greg Donnelly knows full well that it was not a point of order. Secondly, he will have an opportunity to have his say in the debate and can put forward his views then. I ask that before he takes a point of order he seriously considers whether it is within the standing orders. Mr Jeremy Buckingham has the call.

The Hon. Lynda Voltz: Point of order: There have been previous rulings about reflecting on members of the House. The allegation levelled against the Hon. Adam Searle that the amendments were only received last night and that he had never raised those with the Hon. Mehreen Faruqi are not true, and I ask that the member stop reflecting—

The PRESIDENT: Order! I will not hear any more points of order. I remind the Hon. Lynda Voltz that that is not a point of order. It is a debating point and it is contrary to my previous ruling. Mr Jeremy Buckingham has the call and he will be heard in silence without any further interruption. Mr Buckingham is well aware that he should not transgress the standing orders.

Mr JEREMY BUCKINGHAM: I will conclude by saying that I commend the bill to the House. I stand with my colleague Dr Mehreen Faruqi, who has been incredibly brave in the face of considerable personal vilification over the past few years. I support her wholeheartedly.

The Hon. ROBERT BROWN (11:58): I have a conscience vote on the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 and I will be casting my vote in the negative. However, with respect to comments about the length of time that this process has taken and whether it has been a proper use of the House's time, I am sure all members should and do understand that private members' bills particularly, more so than motions, have a long gestation period. Therefore, there is nothing improper or unusual in Dr Mehreen giving notice in 2015, introducing and second reading the bill in 2016 and debating it in 2017, even though that is a long period of time.

Members of the crossbench understand that we have to operate without the expectation of the successful passage of our bill through the House after members vote on it. I commend Dr Mehreen Faruqi for having the patience to bring forward this bill and work through the process. The new rules relating to private members business in this place worked out by the Whips are all about the process. Finally every member has a shot at bringing forward their motions, but sometimes process takes a bit of time. Again, I commend Dr Mehreen Faruqi for her patience.

The Hon. PENNY SHARPE (12:00): I indicate I will support this very important bill before the House today, the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016. I support the objects of this bill. In 2017 abortion should not be in our Crimes Act. In 2017 women should not be intimidated or harassed when entering a reproductive health clinic. The sections of the Crimes Act that cover abortion were originally based on the United Kingdom's 1861 Offences Against the Person Act, and were passed into law by the New South Wales Parliament in 1900. These laws are now 116 years old.

After 116 years these laws are no longer in line with community expectation or modern medical practice. With thousands of safe, legal abortions conducted in New South Wales each year it is past time for our laws to reflect the reality in our community. Abortion should be regulated in the same way as all other surgical and medical practices. Our current law is archaic and unclear. It creates barriers for patients and for doctors. These barriers are greater for those already disadvantaged. The current reality is a two-tier system. In our cities, those with money can end an unwanted pregnancy safely and with minimal disruption to their life and their employment. For those who live in regional and remote areas, and for those struggling with the weight of financial disadvantage, the situation is far less simple.

As a result of our current laws, abortion in New South Wales is provided almost exclusively in the private system. Nowhere else in the health system are patients left without the safety net of public provision. The Crimes Act deters public provision of abortion to those who are most disadvantaged. In a country and a State that prides itself on our public health system, this should not be tolerated. It is also the case that in no other circumstances would the harassment and intimidation of women, their partners and their supporters be tolerated as they are accessing lawful medical services. In no other workplace would staff be subjected to the ongoing harassment that has become part and parcel of the workplace for those who work in abortion clinics.

I come to the abortion debate in New South Wales as a person who grew up in Canberra at a time when there was no access to abortion in the Australian Capital Territory [ACT]. This was the eighties. As a young woman, I knew the lengths my friends and I would go to try to obtain contraceptives without our parents finding out. I shared with my friends the anxiety of being worried about an unplanned pregnancy—the buying of the test at a chemist a long way from home to make sure you did not run into anyone you knew; the longest 10 minutes of your life after you peed on the stick and waited to see if there was one line or two. For some of my friends there were two lines. What happened next was hard—either go ahead with an unplanned pregnancy and hope for the best or wonder how or when you could get the money together, travel to Sydney and hope that your parents did not find out that you were going to have a termination. In most cases our parents did not even know that we were having sex.

This was my first inkling, long before I called myself a feminist, that access to safe legal abortion was essential for women to live their lives freely. Unplanned pregnancies are a fact of life. In fact, on some estimations, half of all pregnancies in Australia are unplanned. Some are a delightful and welcome surprise; some are not. Unplanned pregnancies happen for a range of reasons. No contraception is 100 per cent effective. Contraception can fail even when used correctly and consistently. The most common contraceptive in Australia, the oral contraceptive pill, is around 91 per cent effective, meaning that up to nine women out of every 100 using it will fall pregnant in a year. The World Health Organisation estimates that even if all contraceptive users used contraception perfectly in every sexual encounter, there would still be six million unintended pregnancies every year.

We do not live in a world where women always have a free and autonomous choice. We live in a world where one in three women experience some form of sexual assault; we live in a world with domestic violence; we live in a world where I have to tell my daughter not to leave her drink unattended at the pub. It is unconscionable that a woman should have the trauma and violation of sexual assault or violence compounded by being forced through nine months of a pregnancy. Moreover, I utterly reject the argument that a woman loses the right to decide what happens to and within her body if she has sex. The reality is, women have always been determined to make that decision. As Helen Garner wrote in her forward to Jo Wainer's book *Lost: Illegal Abortion Stories*:

It's an awe inspiring force, the iron determination of a woman who refuses to bear a child that she knows she cannot mother. Down through the ages, no religious anathema, no legal proscription has been able to weaken the adamant power of her refusal.

Women confronted with an unwanted pregnancy—for whatever reason—have always tried to find ways to end that pregnancy. The wealthy had access to discreet doctors and clean clinics. The poor had the back alley, the de-registered or never-qualified medical practitioner, the gin bottle and the coathanger. Years ago, at the New South Wales Justice and Police Museum, you could have seen the exhibit on illegal abortions—a room that was wallpapered from floor to ceiling with old black-and-white photographs of beds, the rumpled sheets flung back, the mattresses stained with blood. They were crime-scene photographs—photographs of the rooms women had died in, haemorrhaging to death or burning with the fever of septicaemia, after desperate recourse to any method of ending their pregnancy they could find. These were rooms in which women had suffered horrific, disabling injuries that left them with life-long pain; rooms in which women had risked their lives because the danger, the pain and the fear were all better options than a pregnancy they knew they could not continue.

We know the stories of many of those women. Some were pregnant because they were raped—by strangers, by members of their family or by their husbands. Some made every effort to avoid pregnancy. Some were kept in ignorance about even the possibility of contraception. Some were mothers who made loving, happy homes for their children but who did not have the money, the space or the time for another child. Whoever they were and whatever their circumstances, each and every one of them had the right to decide what happened to her own body and each and every one of them had the right to make that choice safely. This was not the Dark Ages; this was just last century. And it is for those women that I say never again. We should never, we can never, we will never go back. In the 1970s our legal system delivered a judgement through the Levine ruling that gave women and their doctors a framework to provide safer and legal abortion. This was further refined by the Court of Appeal in 1995.

I have been working for the right of women to choose since I first became politically active. It is one of the reasons I became politically active. Through university, through the Labor Party and in unashamedly

pro-choice organisations like EMILY's List I continue to pursue this. When I was first elected to be a councillor on Marrickville Council, one of the first questions I asked the mayor was, "How do I stop women being harassed outside the clinic on Salisbury Road?" There used to be a clinic there. I learned that there was nothing we could do without a change in the law. Years later I was elected to this Parliament. I have been in this place for 11 years. I have worked with pro-choice members from all sides of Parliament as we looked at what we could do to advance abortion law reform. This was challenging and, as we have seen today, it remains a challenging task. We have counted numbers—always counting numbers—and with the fierce, committed and clever women's organisations across New South Wales we have held off an erosion of access to abortion and stared down various attempts to erode women's reproductive rights.

During that time we have seen decriminalisation of abortion occur in the ACT, Tasmania, Western Australia, Victoria and, most recently, the Northern Territory. Yet here we are today with abortion still in the Crimes Act in New South Wales. Most people in New South Wales would be flabbergasted to know that this is the case. Most people in New South Wales would be astonished to know that our State's legal framework to allow a woman to end a pregnancy means it is not up to her, but up to her doctor. The medical and legal professions are overwhelmingly in support of decriminalising abortion. Women and men in New South Wales are overwhelmingly in support of decriminalising abortion. Yet here we are today and abortion remains in the Crimes Act.

After hearing the debate today I fear that abortion will remain in the Crimes Act for the time being. The women of New South Wales deserve better. If this bill is defeated today, know that those who support the right of women to make decisions about their own lives will be back here again in the future. This issue will not go away. In 2017 it is time for this Parliament to support a woman's right to choose if and when she will have a child—wherever she lives, whatever she earns. I commend the bill to the House.

The Hon. WALT SECORD (12:09): Under Standing Order No. 89—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I ask the Hon. Walt Secord to wait a moment to allow me to check the standing orders. Standing Order No. 89 states:

A member who has spoken on a question may only speak a second time to explain a matter on which the member has been misquoted or misunderstood. The member may not introduce any new matter.

I now understand what the member is doing. Things have gone fairly well up until this point—

The Hon. WALT SECORD: And that will continue. Under Standing Order No. 89, I speak a second time to clarify statements made about me in the debate. I was misrepresented by Mr Jeremy Buckingham. I did leave the Chamber during the debate. I was monitoring this debate closely in my office, but I was also monitoring the concurrent debate in the other Chamber on the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2017. I was monitoring proceedings very carefully but I was unable to be in both Chambers at the same time. I thank the House for its consideration.

Mr DAVID SHOEBRIDGE (12:11:2): The Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016 should not be controversial. It is 2017. We have an obligation to give women full control over their reproductive rights and remove abortion from the Crimes Act. That is why I support this bill, and I am proud to associate myself with the words and work of my colleague Dr Mehreen Faruqi for bringing it to this House. At present, abortions are undertaken in New South Wales under medical guidance. This will not change with the passage of this bill; what will change is the need to rely on a legal fiction to make the procedure lawful.

It is very tempting to respond in detail to the inflammatory contribution of the Hon. Walt Secord, but in the context of this debate, I answer his comments by restating my strong support for the dignified, collegiate manner in which Dr Mehreen Faruqi has brought this bill to the House. It is offensive in the extreme to suggest that bringing one bill every century to assert women's right to a safe and lawful abortion is an intemperate political act. Rather, I condemn the last 100 years of inaction. I also note that Dr Faruqi wrote to the Hon. Walt Secord in his capacity as shadow health Minister on 4 May 2016, more than 12 months ago, providing the draft exposure bill to him and inviting collaboration in achieving reform. Many other members of this House would have received similar communications from Dr Mehreen Faruqi. It is unfortunate that Dr Mehreen Faruqi did not receive a substantive response from the member.

For too many years men have had the majority of seats in Parliaments such as this and made laws about women's bodies, women's rights and women's choices. Today is an opportunity to remove a relic from the law and in doing so support women's right to choose. Today is a day for male MPs in this place to listen to the contributions of our strong female colleagues, such as Dr Mehreen Faruqi, Ms Dawn Walker, the Hon. Lynda Voltz and the Hon. Penny Sharpe. I have listened and I will respond in kind. It should not be a crime to seek and receive medical assistance or indeed to render it.

Opponents of this bill, and indeed a number of members who say they support it, have criticised the bill because, in removing abortion from the Crimes Act, the bill does not create a parallel non-criminal regime to regulate abortion. To that argument I say this: The Greens believe that abortion should be addressed as a medical issue between a woman and her doctor in accordance with the comprehensive regulatory and ethical regime that governs all medical practice in New South Wales. Just as there is no separate regulatory regime to address other medical procedures such as hysterectomies, spinal surgery or even brain surgery, there is no principled reason—apart from a moral argument, which I reject—to place abortion in a separate regulatory regime in New South Wales.

For those who seek to critique the legal drafting of the bill, I note the unambiguous support that this bill has received from a number of legal bodies in New South Wales. I note it has received that support from Community Legal Centres NSW, the Australian Council for Civil Liberties and the NSW Council for Civil Liberties, Australian Lawyers For Human Rights and, critically, Women's Legal Service NSW. The bill also requires doctors who have personal objections to abortion to refer any patients presenting for advice or procedures to another doctor. Some have suggested that this is an impermissible trespass upon the conscience of those doctors. I reject that argument. Anything less than what this bill provides is directly denying a person medical care. It should be obvious to everyone present that this is a necessary change.

In supporting this bill today I pay tribute to the many women throughout the community—in hospitals, legal centres, advocacy groups, workplaces and political parties such as The Greens—who have campaigned long and hard to get us to where we are today. To Dr Mehreen Faruqi and all her staff, as well as the many women inside my party who have worked on this for years: I commend your work. Today I am proud to provide my voice in support of the work and rights of women as championed by my close colleague, Dr Mehreen Faruqi.

An extraordinary amount of false information about this bill is being peddled by the likes of the Australian Christian Lobby and the Catholic Church. These bodies are peddling appalling and gratuitous misinformation. I only hope that a majority of MPs in this place have seen through their campaigns and have taken the time to read the bill and consider in detail exactly what it will do. As many members and critics of the bill have noted, this bill also makes changes that create safe access zones in a 150-metre radius around premises where abortions are performed. I note the contribution of the Hon. Penny Sharpe in relation to the real impact that will have on women.

The Greens are and always will be strong defenders of the right to protest. Indeed, my party has a proud legacy, both in this Parliament and on the street, of consistently supporting this right. We do not believe this bill is an infringement on this right. The stories of harassment and intimidation of women and staff at abortion providers is truly shocking. It is not hyperbole to call this violence against women—occasionally physical, but primarily emotional and psychological—at a time when women need support. We will not tolerate this kind of violence, and this Parliament should not tolerate it. Critics of safe access zones argue that they impose on the right to free speech, but this argument is specious at best. When similar laws were introduced in Victoria, the executive director of Women's Health Victoria, Rita Butera, said:

Freedom of speech does not entitle someone to a captive and unwilling audience, nor does it give them the right to harass others ...

I endorse those words. Denying someone the direct right to harass another person while they seek medical treatment is not an infringement of free speech, but it has a positive impact on the ability of women to access the medical care they need. Safe access to reproductive services is a fundamental human right and one that The Greens will always stand up for. I say again that this bill should not be controversial. It is 2017. We have an obligation to give women full control over their reproductive rights and remove abortion from the Crimes Act. I commend the bill to the House.

Dr MEHREEN FARUQI (12:19): In reply: Firstly, I thank all members who contributed to today's historic debate on the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016, including my colleagues David Shoebridge, Dawn Walker and Jeremy Buckingham; the Hon. Penny Sharpe; the Hon. Trevor Khan; the Hon. Mark Pearson; the Hon. Ernest Wong; the Hon. Daniel Mookhey; the Hon. John Graham; the Hon. Lynda Voltz; the Hon. Adam Searle; and the Hon. Robert Brown. I must say it is disappointing that only one member from the Government made their views known on this bill which will be voted on today and which is so important to so many in our State. I must also thank my staff, Matt, Maliha and Tamara, and all the volunteers who have spent countless hours, energy and passion on the campaign to decriminalise abortion. I also thank my Greens colleagues for their ongoing support on this long and, without question, difficult campaign. But what is the point of being in this privileged position if we do not stick our necks out on issues that our communities want us to address?

I also especially thank the thousands of people across New South Wales—in cities, in regional towns, in town halls, in universities and on the streets—who over the past three years have come out in support of this

reform, campaigned hard and joined with doctors, lawyers and women's groups to help draft this bill. I acknowledge that some of you are here today—thank you. You have all been vital in getting abortion law reform on the legislative agenda. Dr Philippa Ramsay, Julie Hamblin, Darelle Duncan, Dr Caroline DeCosta, Professor Alexandra Barratt, Dr Sue Jacobs and Associate Professor Kirsten Black deserve special thanks: From the day we started thinking about this reform to the drafting of the bill and this campaign, your work towards this reform has been instrumental.

The questions before this Parliament today are these: Do we want to remove criminal offences around abortion and leave it to be regulated the same way as other medical procedures? Do we want to make sure that women are able to access a medical procedure in safety, dignity and medical privacy? Do we want doctors who have an objection to abortion to refer patients on to another doctor who does not, and who can give them the full gamut of options available? A vast majority of people in New South Wales and Australia have said: "Yes, we do," to all three questions.

Polling has repeatedly shown that the vast majority of Australians and people in New South Wales support a woman's right to choose and the decriminalisation of abortion. People in rural, regional and metropolitan New South Wales, across party lines and irrespective of age and gender, overwhelmingly support the three changes proposed by the bill in front of all of us today. The bill that we are debating today is not a Faruqi bill, as has been claimed by some, or a Greens bill—we are just sponsors of this bill. I have brought it to this Parliament on behalf of the women of New South Wales, medical practitioners, lawyers and, most importantly, the community that overwhelmingly supports the decriminalisation of abortion and the enactment of safe access zones outside clinics.

Of course this legislation is personal as well. I am a woman, I have a 21-year-old daughter and I want women now and into the future to have the unambiguous legal right to bodily autonomy and to make their own health choices without fear or the burden of criminality hanging over their heads. We know making a decision about an abortion is never taken lightly and is made more difficult with the barriers that are present at the moment. I recognise that there are some deeply held religious views in this Chamber, but as lawmakers we must remember that this is a secular Parliament and a secular system of governance. Neither my religion nor yours should be allowed to deny women their rights and choices. I respect the rights of those whose faith or beliefs do not allow them to have or to perform an abortion, but an individual's religious beliefs have no authority over the right of other individuals who make different choices.

Abortion in New South Wales is procured through a legal loophole based on a District Court ruling which makes this procedure lawful if a doctor deems it is necessary to prevent a serious risk to the life or health of a woman. There is no doubt that this grey area of law creates a risk for doctors and women. Many public hospitals and doctors do not perform pregnancy terminations due to this position of legal limbo. Some have suggested that all is okay because prosecutions are rare, but it would be totally inaccurate to assume that there are no practical consequences of abortion in the Crimes Act. Criminalising abortion achieves nothing other than increasing the stigma surrounding the procedure and increasing delays in accessing services. It makes access harder and more expensive and privatises it.

If a person has the money and lives in an urban centre like Sydney, they probably will not have a lot of problems accessing a pregnancy termination. But what about women in Broken Hill, Walgett or Moree? People who do not live on the east coast are hard-pressed to find a specialist clinic. Access to terminations in public hospitals is largely based on the luck of the draw, dependent on a particular hospital's policy and even the opinion of the particular treating physician a person is allocated. Would we accept this for any other health matter? I think not.

I now wish to address some specific issues that have been raised in the debate. I have heard members' concerns about certain aspects of the bill. I have always been and still am open to discussing changes if they genuinely allay these concerns and do not further undermine the right of women to choose. However, I cannot accept the claim that the bill is badly crafted or deeply flawed. The bill before us today is the culmination of months of intense consultations with doctors, lawyers, health professionals, legal professionals, academics, women's groups and the community. The exposure draft of this bill was released more than a year ago and I introduced the bill into New South Wales Parliament in August 2016. This is a bill that has been crafted carefully and meets modern medical practice and public expectations in the twenty-first century. Elements of this bill operate—and operate well—in jurisdictions such as Tasmania, Victoria and the Australian Capital Territory.

The bill has been reviewed and endorsed by many organisations including the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the body responsible for training and examining obstetricians and gynaecologists in New Zealand and Australia; the New South Wales Council for Civil Liberties; the NSW Nurses and Midwives' Association; the Public Health Association; Women's Legal Services; New South Wales Teachers Federation; Australian Lawyers for Human Rights; the National Tertiary Education Union;

Family Planning NSW; White Ribbon; Marie Stopes; and the list goes on. More than 300 medical practitioners have written an open letter to members of this Parliament in support of this bill. More than 100 law and criminology experts have written a separate open letter to MPs imploring them to support the bill. It is time for New South Wales politicians to listen to them.

Consultation has been raised by some members as an issue, and I find this quite extraordinary. I first gave notice of this bill two years ago and introduced it last year under the Baird Government, contrary to the suggestions of the Hon. Catherine Cusack in the media that this is an effort to test the Premier on women's issues. This is not about testing anyone but about making a greatly needed and long overdue change. Developing this bill has been a considered, consultative and thorough process. It has been drafted with lawyers and doctors and included a three-month draft exposure process for public consultation. It has been far from a rushed process. How long are we meant to wait for politicians to catch up to the community? It has been more than 100 years already.

At the beginning of the three-month public draft exposure period in May 2016, I reached out. I sent copies of the bill to the relevant Ministers and shadow Ministers—I invited their feedback and asked for a meeting—including the Hon. Paul Lynch; the Hon. Walt Secord; the then MLC, the Hon. Sophie Cotsis; and the then Attorney General, Gabriel Upton, among many other Ministers in the new Berejiklian Cabinet. Many members have received information and updates from me and had one-on-one meetings. My door has always been open, and I do not think it is a fair assertion to say otherwise. That assertion has been made in the media on the eve of the debate to score cheap political points.

Some members have presented the unfounded argument that this bill allows abortions up to birth—that is, up to the day the baby is born. That is a myth being peddled by the anti-choice lobby. To suggest that women will carry a pregnancy to term and then to terminate it is offensive and has no grounding in reality. There is no evidence that this ever happens. With modern medical practice and ethics, no doctor would do that. This bill is about taking abortion out of the Crimes Act and ensuring that women and their health practitioners are not treated as criminals for performing or undergoing a medical procedure. This bill does not change current medical practice on late-term pregnancy termination, and to suggest otherwise is misinformed. A similar law has been on the statute books in the Australian Capital Territory since 2002, and there is no evidence of any increase in late-term abortions. In fact, several studies have documented that safe and legal abortions reduce the number of late-term pregnancy terminations. This demonstrates that we can trust women, doctors and nurses to deal with these sensitive issues.

The worst of the misinformation being peddled is the suggestion that women will now terminate pregnancies on the day of birth or an hour before birth. That is not only incredibly offensive and outrageous but also a lie that comes straight out of the playbook of the anti-choice lobby. The reality is that only 0.7 per cent of abortions take place after 20 weeks of gestation, and they almost always relate to severe foetal abnormality or serious risks to the health of the patient. The sensitive and difficult issue of late-term abortions will continue to be covered adequately, as it has been by guidelines provided by both the New South Wales Health Framework for Pregnancy Terminations and the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. The scenarios that have been outlined in some contributions are not grounded in any kind of reality or understanding of modern medical practice.

It has also been claimed that this bill will allow an abortion to be performed by unqualified people. Are people seriously suggesting that if this legislation were enacted and abortion were legalised and made easily available, women would bypass seeing their general practitioner or health specialist and deliberately seek out someone who was not medically qualified to perform a surgical abortion? A medical abortion requires medication prescribed by a doctor and dispensed by a pharmacist. That will not change when abortion is decriminalised. All these professions are regulated under the Health Practitioner Regulation National Law, which will continue to stop unqualified people from practising as doctors, pharmacists or nurses. Anything done without the permission of the woman constitutes now and would continue to constitute the offence of causing grievous bodily harm, which carries substantial penalties.

Members who have said that they are pro-choice but cannot support this bill cannot have it both ways. They cannot claim to be pro-choice and then vote against a bill that is all about choice. They cannot claim to be pro-choice and then support keeping abortion offences in the Crimes Act that effectively criminalise women seeking terminations and their doctors. This bill is far from radical. As Sydney lawyer Julie Hamblin puts it, "The changes proposed in this bill are straightforward and sensible." It repeals the existing offences in the Crimes Act, leaving abortion to be regulated in the same way as any other medical procedure.

The bill makes it unlawful to intimidate and harass women accessing abortion clinics. The medical privacy of patients must be respected, as we would expect in regard to any other medical procedure. The bill allows health professionals to express their conscientious objection, and they are no longer required to provide any advice related to abortion or to perform the procedure as long as they refer the patient to either another medical

practitioner or a women's health clinic. That is what we are voting on today. We have come this far, and we will not stop. Today is a historic day for women's rights in New South Wales. This Parliament has had to confront an issue that it has avoided for well over 100 years. This is only the start—we have created overwhelming momentum and we can only move forward from here.

I have been repeatedly asked why the New South Wales Parliament has never debated the decriminalisation of abortion. Well, today we have broken that barrier. I have also been asked again and again why New South Wales has not moved to give women a reproductive health choice with full legal backing when many other States have moved that way. Today is an opportunity for us to do that—to get rid of an archaic law and to take another step forward in ensuring the rights of women in this State, as many other States in Australia have already done. As women have said for decades and reiterated outside this place just this morning: Not the church, not the State, women must decide their fate. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that this bill be now read a second time.

The House divided.

Ayes14
Noes25
Majority.....11

AYES

Buckingham, Mr J	Faruqi, Dr M (teller)	Field, Mr J
Graham, Mr J	Mookhey, Mr D	Pearson, Mr M
Primrose, Mr P	Searle, Mr A	Secord, Mr W
Sharpe, Ms P	Shoebridge, Mr D	Veitch, Mr M
Voltz, Ms L	Walker, Ms D (teller)	

NOES

Amato, Mr L	Blair, Mr N	Borsak, Mr R
Brown, Mr R	Clarke, Mr D	Colless, Mr R
Cusack, Ms C	Donnelly, Mr G	Farlow, Mr S
Franklin, Mr B	Gay, Mr D	Green, Mr P
Harwin, Mr D	Khan, Mr T	MacDonald, Mr S
Maclaren-Jones, Ms N (teller)	Mallard, Mr S	Martin, Mr T
Mitchell, Ms S	Moselmane, Mr S (teller)	Nile, Reverend F
Pearce, Mr G	Phelps, Dr P	Taylor, Ms B
Wong, Mr E		

Motion negatived.

The PRESIDENT: Order! I again remind people in the gallery that they are guests in this Chamber. You have been incredibly courteous throughout the entire debate. I ask that you to continue that courtesy. If you wish to leave, you should do so. If you continue to interject or comment, I will have people in the public gallery removed.

LOCAL GOVERNMENT AMENDMENT (AMALGAMATION REFERENDUMS) BILL 2017

First Reading

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

Second Reading

The Hon. ROBERT BORSAK (12:45): I move:

That this bill be now read a second time.

It gives me great pleasure to introduce the Local Government Amendment (Amalgamation Referendums) Bill 2017. The object of the bill is to amend the Local Government Act 1993 to provide that:

- (a) plebiscites are to be conducted to ascertain whether the electors of the local government areas amalgamated during 2016 wish the amalgamations to be reversed, and
- (b) certain proposed amalgamations of local government areas are not to proceed unless approval to the amalgamation has been given by the electors of each of the areas concerned at a referendum.

The bill, if passed, will ensure that the council amalgamation issue that plagued the Government will be dealt with once and for all. More importantly, the bill will also ensure that local residents will finally have a say on their council's future. It is not often that the Shooters, Fishers and Farmers Party has been in lock step with the Opposition, the Christian Democratic Party, The Greens, and the Animal Justice Party on any particular issue. However, quite often we are in lock step with the Christian Democratic Party, and on this issue I note that they have campaigned longer than we have and as strongly as we have. Therefore, I feel that the bill is a culmination of that collegiate and resolute cooperation and the consensus is clear—we stand shoulder to shoulder on this important issue.

The Shooters, Fishers and Farmers Party has opposed forced amalgamations for many reasons, not least because the Government did not give local residents a vote on the issue. The bill will right the problematic wrong created by this Government. In many cases, councils are the largest local employer in their communities, particularly in regional areas. They play an important and vital role in delivering a broad range of services and employment opportunities. Without those services, many rural communities would struggle to survive or to attract and retain their local populations. Local government represents grassroots democracy. It is the closest government entity to citizens and it is best positioned to react to their concerns. This bill will ensure that grassroots democracy is protected.

The recommendation of the Government to amalgamate a lot of regional councils contradicts the intentions of those councils in their submissions for the Fit for the Future test. In fact, many of those councils passed the test and yet they were still being forced to amalgamate. Residents in regional New South Wales rely on their council for rubbish collection, child care, maintenance of sporting fields, water and sewerage services, and many other services. I have no doubt that forced council amalgamations will negatively impact on the provision of those services and residents know and understand this, which is why they must be afforded the opportunity to vote on their council's future. The present situation in which forced mergers were abandoned in some parts of regional New South Wales was no doubt as a direct result of the election of Phillip Donato in Orange, but what about the other communities across New South Wales, not just the ones where The Nationals know they are losing support? It is simply not good enough to have an accidental and politicised solution for some, and then tell the rest, "Too bad, already done." That is exactly what has happened and is happening in New South Wales.

The bill was not difficult to draft, and I thank parliamentary counsel for their work. It is a simple bill and very easy to grasp. We live in a democracy, and it is incomprehensible that this Government could so easily, with the stroke of a pen, take those democratic rights away from the people—and then we have the nerve to talk about autocratic leaders in other countries. The bill does two things. First, it provides for a plebiscite to be undertaken regarding the council amalgamations that occurred in 2016, in a form that shows the votes cast by the electors of each former area within the amalgamated area. Secondly, the bill requires a referendum take place before certain proposed council amalgamations can take place.

In fact, this bill allows the Government and the Minister a lot of latitude in respect of councils that were forcibly amalgamated in 2016. The onus would be on the Minister for Local Government to use his or her best endeavours to give effect to the vote should a majority of the electors vote for the amalgamation to be reversed. I hope that Government members in this House, and perhaps in the other place, give this bill due consideration and find the courage to support it. We on this side of the House are extending a hand of fellowship on this issue. We are offering a way out for the Government, to right a wrong and have this issue laid to rest before the 2019 State election. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I shall now leave the chair and cause the bells to be rung at 2.30 p.m.

Questions Without Notice

CENTRAL COAST LIBERAL PARTY PRESELECTION

The Hon. ADAM SEARLE (14:29): My question without notice is directed to the Leader of the Government and Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Will the Minister confirm he was on the Central Coast on Sunday 30 April and what ministerial activities did he undertake while he was there?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30): Yes, I can confirm that I was in Gosford that day. My parliamentary duty was representing my leader as her representative at the preselection of our newest member of the Legislative Council, the Hon. Taylor Martin. That is why I was there.

The Hon. Duncan Gay: He was there for the Government, not as a Minister.

The Hon. DON HARWIN: Exactly. I was there representing my leader, who is entitled to have a representative at every preselection of candidates.

The Hon. ADAM SEARLE (14:31): I ask a supplementary question. In light of the Minister's answer, will he elucidate that answer and assure the House that his visit to the Central Coast on Sunday 30 April was within the use of his ministerial entitlements?

The Hon. Scott Farlow: Point of order: That was a completely new question and should be ruled out of order.

The PRESIDENT: I will look at the original question. I am aware of the answer given. The supplementary question is out of order. It is a new question.

RENEWABLE ENERGY

The Hon. BEN FRANKLIN (14:32): My question is addressed to the Minister for Energy and Utilities. Will the Minister update the House on how New South Wales is installing more renewable energy capacity than any other State?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:32): I thank the Hon. Ben Franklin for his question. As this House knows, there is a revolution taking place in the energy market globally. Technology is advancing rapidly, underpinning a clean, affordable and reliable energy future, and this transformation is taking place right here in New South Wales. I can inform the House that the Clean Energy Council's latest market snapshot shows that New South Wales has the most megawatts of renewable energy under construction in Australia in 2017. We have made New South Wales number one again, even in this.

There is an unprecedented one gigawatt of renewable energy development taking place right now. This build will support more than \$2 billion in investment and almost 1,200 jobs in our regions. There are developments in the north such as the Sapphire and White Rocks wind farms near Glen Innes, developments in the Central West such as the Parkes, Dubbo and Griffith solar farms, and in the Far West, Silverton wind farm near Broken Hill to complement the impressive solar farm that was secured by this Government.

This critical energy infrastructure is boosting our energy supply and increasing our energy security. Because New South Wales has gas and hydro, including some pumped hydro at Snowy and in the Shoalhaven, with prospects such as Snowy 2, we in New South Wales benefit from renewables and are still secure when the sun does not shine and the wind does not blow. It is an exciting time indeed. The cost of renewables has fallen dramatically in the past five years, roughly halving, and wind and solar are now the cheapest new-build technology. Batteries are decreasing in cost and growing in capacity. While they have niche roles now, they will play an even bigger role in coming years.

We all know that wholesale prices have risen due to national factors, mainly the gas situation. Next month we will receive the Finkel review, and we need national market reform to secure the investment New South Wales needs. But due to this Government's investment attraction, futures prices for base load in New South Wales are dropping towards 2020. This additional supply is helping reduce prices in future years. On 11 February and 12 February we had record weather conditions across most of eastern Australia that put enormous stress on generating capacity and availability of supply in New South Wales. We could not have got through it without all our generation assets—coal, gas, wind, solar, hydro and even pumped hydro. We need all energy forms during the transition. We will keep working to deliver reliable, affordable and clean energy for New South Wales and that means jobs, jobs and more jobs for our regions.

CENTRAL COAST LIBERAL PARTY PRESELECTION

The Hon. WALT SECORD (13:35): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. In light of his previous answer, will the Minister now confirm that his ministerial driver was required to wait 5½ hours outside the meeting while he attended the Liberal Party preselection meeting to choose the replacement for the Hon. Michael Gallacher?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:36): Unlike the Australian Labor Party, the Liberal Party has a different approach to the way it

does preselection. We do not just get told who to vote for, turn up and put a piece of paper in the box. We actually have a robust process—

The Hon. Walt Secord: Point of order: My point of order is relevance. My question was very clear. It was not about Liberal Party processes; it was about the ministerial driver waiting for 5½ hours outside the meeting.

The Hon. DON HARWIN: To the point of order: I am sure I do not need to explain to you, Mr President, but I was being directly relevant and leading to an explanation.

The PRESIDENT: At the very least the Minister was being generally relevant.

The Hon. DON HARWIN: As I was about to say, there were seven candidates. At a Liberal Party preselection it is usual for each candidate to be given at least 20 minutes to make a presentation. There was an accreditation at the beginning of the day. The day started at about 10 o'clock, there was a break in the middle of the day and there was exhaustive balloting under our exhaustive preferential voting system, so of course it took some time; 5½ hours is not at all uncommon. Yes, that was the length of time I was there because that is the length of time our processes take.

The Hon. WALT SECORD (14:38): I ask a supplementary question. Will the Minister elucidate his answer in regard to how he justifies the use of taxpayers' funds on an internal Liberal Party preselection?

The Hon. Scott Farlow: Point of order: While the question may have used the word "elucidate" it did not actually seek an elucidation of the honourable member's answer. It was a completely new question and should be ruled out of order.

The Hon. Shaoquett Moselmane: To the point of order: The supplementary question clearly sought elucidation from the Minister. The Minister spoke about the process for preselection, and the supplementary question sought clarification of the Minister's answer.

The PRESIDENT: Order! The supplementary question is out of order.

REGISTERED NURSES IN NURSING HOMES LEGISLATION

The Hon. ROBERT BORSAK (14:39): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Minister for Health. Is the Minister aware that his office, including his chief of staff, and a policy adviser, held a meeting in the Shooters, Fishers and Farmers Party's office on 4 April 2017 in the presence of the Hon. Robert Brown, John Townsend and Filip Despotoski specifically about the Public Health Amendment (Registered Nurses in Nursing Homes) Bill, which passed this House last week? Why did the Minister for Health deny that our office had ever approached his office on this bill? Did he mislead the House earlier today in the other place during a debate on this bill about this matter? Will the Minister now retract his statement?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:40): I thank the member for his question, which is obviously directed to the Minister for Health as it is about a particular meeting and what may have occurred at that meeting and who might have attended that meeting. I do not have those details with me. I am more than happy to refer the question to the Minister for his consideration, and a detailed response will be brought back to the member. I will take the question on notice.

MURRAY-DARLING BASIN NATIVE FISH STOCK

Mr SCOT MacDONALD (14:40): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on how Local Land Services are helping to promote the recovery of the Murray cod population in the lower Murray River?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:41): I thank the Parliamentary Secretary for his question. Unfortunately, since European settlement, populations of native fish in the Murray-Darling Basin have declined substantially. This is as a result of several factors, including degradation, loss of habitat, barriers to fish movement, cold-pollution, river regulation and competition with introduced species. However, I would like to inform the House of a fantastic initiative by the Western Local Land Services [LLS], which is aware that our native fish need some help and have carried out a one-off stocking event to boost the lower Murray River.

Last month, 26,000 hatchery-bred Murray cod fingerlings were released into the Murray River. The fingerlings ranged in size from 80 millimetres to 130 millimetres in length. This stocking event was carried out across three sites in the lower Murray River. It is a great example of how projects with an environmental focus can bring together our communities. A key driver of this re-stocking was to help to promote the recovery of the

Murray cod population in the area after a recent hypoxic blackwater event. While re-stocking of fish is not the only answer to restoring native fish populations, it does provide the opportunity to help recover localised populations after these types of events.

The lower Murray River release sites were strategically chosen to take advantage of targeted environmental flows in that part of the system. Those flows help to spread water onto river banks that would otherwise be dry, but are ideal breeding and feeding grounds for fish stocks. They are more likely to provide sustainable habitats for Murray cod and help this fish population recover. As an added bonus, this project also involved local schools, angling groups and other community members at the Wentworth release site. I am pleased to say that more than 60 local people of all ages were able to take part in this project and increase their knowledge and awareness of the waterways.

Students from the Wentworth and Pomona primary schools were able to speak and learn about threats to native fish populations and their habitat requirements. Each student also received a promotional pack containing items relating to threatened species and sustainable fishing practices. I congratulate Western LLS and the Department of Primary Industries [DPI] Fisheries staff on the time and effort they put into coordinating the day and achieving such great outcomes. By organising community events that involve key stakeholders such as local angling groups and Aboriginal land managers, the New South Wales Government can pass on important information about native fish. This information will help bring about long-term benefits for the Murray cod population and the health of the river, not to mention other benefits such as building relationships within the community as people come together around a common project. This stocking event is also another example of how regions are making the most of funding provided under Catchment Action NSW and from the Dollar for Dollar Native Fish Stocking Program funded by DPI Fisheries.

The Hon. Mick Veitch: Getting rid of European carp would be a big help.

The Hon. NIALL BLAIR: I acknowledge the interjection of the shadow Minister, the Hon. Mick Veitch. We are also focusing on trying to rid the Murray-Darling system of European carp. We are very proud to have Matt Barwick, our fisheries expert in New South Wales, seconded to the department to lead the National Carp Control Plan. This key role is being undertaken by one of the brightest minds in New South Wales, who is working on an issue that will have an impact on all our communities and a great impact on the environment. It is a win-win plan, as is the re-stocking program. [*Time expired.*]

CONNECTED LEARNING CENTRES

Ms DAWN WALKER (14:45): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Assistant Minister for Skills. Will the Government confirm if Connected Learning Centres will reduce the range of courses offered at TAFE campuses? Will teachers be available at the Connected Learning Centres to assist students while they are accessing online courses?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:46): I thank the member for her question, which is directed to the Assistant Minister for Skills. I have some information on Connected Learning Centres that has been provided by the Minister. I am pleased to inform the House that last year the New South Wales Government unveiled a plan to provide greater access and choice for students in regional communities through new Connected Learning Centres. This is one of the many future-focused approaches by TAFE NSW that realise the New South Wales Government's vision of a world-class, innovative and flexible public provider that will deliver the new technologies and skills to support regional economies and provide the jobs of tomorrow.

Connected Learning Centres are a key element of the Government's One TAFE reforms. They will enable TAFE NSW to build on its competitive strengths and enhance the flexibility and efficiency of its service delivery across the State. When complete, each Connected Learning Centre will provide new active, adaptive, flexible, multipurpose and digitally enabled learning environments that enhance our capability to provide high-quality training and learning experiences and support services for all. Teaching staff will be located at each Connected Learning Centre to support students learning on site or through the expanded offerings provided through flexible learning.

Connected Learning Centres will not replace practical learning at TAFE NSW facilities. Practical learning will continue to be delivered by mobile training units, specialist facilities, simulation and virtual reality. Future students will experience digitally enabled facilities, capable of reflecting real-world work and social environments, along with access to a flexible learning and assessment model that will provide personalised and connected learning experiences, better access to teachers both on and off site, and the skills they need for jobs in regional communities. In addition to providing local students with access to a greater range of learning and course

options, the Connected Learning Centres are designed to be easily reorganised to suit a variety of community needs.

This approach, supported by the New South Wales Government, will allow TAFE NSW to significantly enhance its service and presence across regional New South Wales. It will also focus on communities where TAFE NSW does not already have a presence or where outdated facilities are not meeting the needs of students, employers and local communities. When completed, the first four Connected Learning Centres in Quirindi, Coonabarabran, Glen Innes and Tenterfield will help students to get the skills they need and the jobs they want. With regards to course delivery across the State, TAFE NSW is committed to delivering relevant and accessible training for students across rural and regional New South Wales, as well as in Sydney. I hope my answer gave the member the information she was seeking. I thank the Minister's office for providing the information to the House.

LIBERAL PARTY FUNCTIONS

The Hon. PENNY SHARPE (14:49): My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. How many internal Liberal Party meetings or functions has the Minister attended in his capacity of Minister and for which he used his ministerial driver?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:49:5): Since I have become the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, I have attended virtually no Liberal Party functions because I have been quite busy with my ministerial duties. I would have to check my diary to get an answer for the member, but I can assure the House that my focus is very much on my portfolios. To the extent that I have had to attend a function it has generally been because I have been representing the Premier, as in the case of the preselection—or, as any member of any registered political party would do, to attend the governing body of my party, which is and always has been quite a permissible use of members' entitlements under the Code of Conduct of Members, as every member is quite well aware.

EARLY CHILDHOOD EDUCATION

The Hon. SCOTT FARLOW (14:51:0): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on how the Government is continuing to support children in New South Wales preschools?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:51:1): I thank the member for his question and for what I am sure is a continued interest in early childhood education in New South Wales, given that he is the father of a couple of young kids. This Government is fully aware of the important role early childhood education plays in a child's development, particularly in the year before school. This New South Wales Liberal and Nationals Government works hand in hand with preschool services to ensure that they provide the best quality education for our children. This is monitored through strict ratings and assessment. This commitment extends to services in both regional and metropolitan areas.

KU Killara Park Preschool is the thirteenth early childhood education service in the State to achieve a rating of "excellent" from the Australian Children's Education and Care Quality Authority. In addition to this, Warrabee Care Centre and Hillsong Child Care Centre in Baulkham Hills have been awarded an "excellent" rating for the second time. This rating puts these preschools in the top 1 per cent of services in the State, and the achievement is testament to the exceptional quality of care and services provided at the centres, thanks largely to support from the New South Wales Government. I had the opportunity to visit KU Killara Park Preschool recently and I was very impressed with the relationships that exist between the staff, the children and their families. This service, amongst others, strongly values the importance of play-based programs. All of its high-quality programs are based on current research and planned by experienced and qualified early childhood staff. Play-based programs provide a wide range of active and meaningful experiences that incorporate choice for children while enabling them to experience many of the organisational elements that are important at school.

KU Killara Park Preschool ticks all the boxes. I am proud that the New South Wales Government is supporting quality early childhood education services such as KU Killara Park Preschool. The Government's \$115 million Start Strong program includes an \$85 million increase in support for community preschools, linked to fee reductions for eligible children. Research shows children who participate in quality early childhood education in the year before school are more likely to start school equipped with the social, cognitive and emotional skills they need to engage in learning, and this is particularly true for children from disadvantaged families. I encourage all members to read the Mitchell Institute's recent report on preschool programs—

The Hon. Adam Searle: Did you write it?

The Hon. SARAH MITCHELL: No, I did not write it. The report notes that a quality early childhood education produces the most notable benefits for children from disadvantaged backgrounds. I did not write the report but I have a copy of it here if members would like to read it. It is a public document, but if any members wish to line up to have a read, I would be more than happy to share it so that they can increase their knowledge of quality early childhood education. When my colleagues read this report—I know the Hon. Bronnie Taylor has—they will soon realise it backs what the Liberal-Nationals Government is doing in this space. The Government is significantly increasing funding for three-year-old children from Aboriginal and low-income backgrounds to make early childhood education more accessible and more affordable for these families. As a Minister from regional New South Wales, I am extremely passionate about seeing Aboriginal children and children from low-income backgrounds given the same chance at a quality education as their city counterparts.

This Government's Start Strong has been widely adopted by the majority of community preschools. Of the 732 funded, the vast majority has received the same or more funding compared to the previous funding arrangements. These funding reforms mean that all children—regardless of their background or where they enrol—will have affordable access to 600 hours of quality early childhood education in the year before school. The success of the implementation of these funding reforms to early childhood education means that this Government is delivering better affordability to the families that need it most, and we will continue to build on this momentum.

REGULATED GAS PRICES

Mr JEREMY BUCKINGHAM (14:55:2): My question is directed to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council, in his capacity as Minister for Energy and Utilities. In 2016 the Government predicted retail gas consumers would experience lower gas prices after the regulated gas price is abolished from 1 July. Does the Government stand by that prediction, and why?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:56:0): I have previously addressed the issue of gas prices in the House and made a number of points, but I will go over some of them again for the benefit of the member. New South Wales has a competitive retail gas market with nine authorised retailers supplying gas to residential and small business customers. More than 80 per cent of the 1.3 million gas customers in New South Wales have switched to a market offer, leaving fewer than 20 per cent on the regulated price. We have been working hard to address competition in regional areas, and we have already seen results. For example, in the 12 months to January 2017 the number of active retailers in Queanbeyan tripled, facilitating a fivefold increase, and for the first time the Shoalhaven area is now open to full retail contestability.

The situation we face with gas prices is largely a result of factors well beyond the control of any State Government. They are largely to do with the national pressures on gas as a result of the Curtis Island facility and the export of gas. They are serious issues, and that is why the Federal Government has been active in this space. That is why it has recently done work in the domestic gas mechanism that is designed to ensure that we have the gas available so that, in terms of demand and supply pressures, there is less pressure on supply, because obviously the lack of availability of supply is influencing gas prices. That is a very serious issue facing gas customers, be they residential or business customers.

Mr Jeremy Buckingham: Point of order: The Minister is required to be generally relevant in his answer. I contended that he has not been. I asked a specific question about regulated retail gas prices in New South Wales. The Minister has not used those words in his answer. I encourage him to address the part of my question that deals with gas prices and the regulated gas prices.

The PRESIDENT: I recall that the last word used in the member's question was "why". I find it extremely difficult to accept that the Minister is not being generally relevant when answering that part of the question. The Minister is being generally relevant. The Minister has the call.

Mr Jeremy Buckingham: What are you doing about prices and the cost of living?

The Hon. DON HARWIN: I am happy to come exactly to that point, and I was in fact addressing that. The tight supply situation, as I said, caused by liquid natural gas exports, is the reason wholesale gas prices are rising. This is not due to New South Wales policy. The regulated tariff requires us to pass on wholesale price rises, so a regulated tariff provides no protection against wholesale prices.

Mr JEREMY BUCKINGHAM (15:00): I ask a supplementary question. In his answer, the minister referred to rising prices attributed to export liquid natural gas [LNG]. Could the Minister please elucidate his answer by indicating when he first became aware that rising prices attributed to LNG was a factor?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:00): I do not know how anybody who opens a newspaper on a daily basis could not be aware of the fact that it is a factor. This is something that is in the newspaper every day. I am sure I would have been conscious of it well before I became the Minister for Energy and Utilities.

MINISTERIAL CAR USAGE

The Hon. WALT SECORD (15:00): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities and Minister for the Arts. Given the five previous questions today on the Minister's trip on 30 April to attend the Central Coast preselection to replace Michael Gallacher, is it acceptable and appropriate to use your ministerial driver to attend a Liberal Party function and make your driver wait outside for 5½ hours?

The Hon. Dr Peter Phelps: Point of order: What the honourable member is asking for is a legal opinion. The entitlements available to members of Parliament are clearly set out in the Remuneration Tribunal's determinations. What you are asking for is an interpretation of that. You are actually asking for an interpretation of a statutory instrument, which constitutes a request from a Minister for a legal opinion. Thus it is outside the scope of the Standing Orders.

The PRESIDENT: I ask the Hon. Walt Secord to show me the text of the question.

The Hon. Walt Secord: To the point of order: Everyone in this Chamber knows this relates to ministerial guidelines that are within the Premier's department. It is not a legal opinion. These are guidelines that exist in governing the public conduct of a Minister.

The Hon. Duncan Gay: To the point of order: The rules that govern this operate for Ministers but they also operate for those that have responsibility in their positions under the Crown. For example, the positions of Deputy Leader of the Government, Deputy Leader of the Opposition, Leader of the Opposition and Leader of the Government have different roles and are able to use those resources in a different way.

The Hon. Walt Secord: Further to the point of order: Our questions relate to the Hon. Don Harwin's activity as leader of the Liberal Party, which I do not think is a position under the Crown.

The PRESIDENT: I note the original point of order raised by the Hon. Dr Peter Phelps. I am not certain if that point of order is correct. I will reserve my decision on that point of order. However, the question is out of order. Standing Order 65 (2) (a) clearly states that questions must not ask for an expression of opinion and is therefore out of order.

SYDNEY LIVING MUSEUMS HEAD ON PHOTO FESTIVAL

The Hon. TAYLOR MARTIN (15:04): My question is addressed to the Minister for the Arts. Can the Minister update the House on the involvement of the Sydney Living Museums with the Head On Photo Festival?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:05): I thank the Hon. Taylor Martin for his excellent question. I am delighted to update the House on the Head On Photo Festival, one of Australia's most prestigious photography events and one of the world's leading photography festivals. The festival began on 5 May and will be running until 28 May at more than 100 venues, displaying works from some of the very best photographers from around the world. Members should be well aware of Head On because, for each of the last three years, part of Head On has been displayed in the Fountain Court—the landscape prize finalists, all 40 of them. There are three prizes awarded in terms of the landscape section. All of those three prizes for New South Wales photographs are in fact retained in the parliamentary collection.

The member asks about Sydney Living Museums. I was delighted to learn when I became Minister for the Arts, given my previous involvement here with Head On, that Sydney Living Museums has played an important role in supporting the Head On Photo Festival as well. Sydney Living Museums has hosted the Head On photo awards part of Head On Photo Festival at the Museum of Sydney each year since 2015. The museum entered into a three-year agreement with the Head On Photo Festival in May 2015 and the agreement is scheduled to conclude at the end of the 2017 event. Sydney Living Museums is a major festival project partner and exhibits three of the four festival awards including the Head On Portrait Prize, with 40 works and a slide show featuring photos by semi-finalists on display; the Head On Mobile Prize, with 30 works there; and the Head On Student Prize, with three winning works and a slide show featuring works by finalists.

The Hon. Greg Donnelly: Who is going to win Eurovision, Don?

The PRESIDENT: Order! I call the Hon. Greg Donnelly to order for the first time.

The Hon. DON HARWIN: In addition, the museum facilitates the people's choice competition for the Head On Portrait Prize. The museum provides a venue and staffing resources to support the exhibition design, installation, audiovisual production, editing and production of interpretation labels. Sydney Living Museums hosts an exclusive exhibition preview for the finalists of the photo awards prior to the festival launch each year. Head On Photo Festival visitors are offered discounted museum entry to view the three photo award exhibits. The festival and the photo awards are promoted through the museum's social media and digital channels. By hosting the Head On photo awards, Sydney Living Museums provides an opportunity for photographers, from amateur students to career professionals, to have their work on display at an Australian cultural institution—just like the Parliament's provision of its Fountain Court for the landscape prize. Parliament provides a wonderful venue for the entrants in that prize.

May I say, Mr President, congratulations. This year you and Madam Speaker have awarded additional prizes. I understand the President's prize was awarded to Paul Harman's *The Calling* and the Speaker's prize was awarded to Chris Round's *Boat Hire, Jindabyne, NSW*, which is actually a series of photographs all of a Snowy Hydro theme and well worth having a look at. I also pay tribute to the Desane Group, the sponsor who makes the prize possible here at Parliament House. [*Time expired.*]

COAL STOCKPILE CONTAMINATION

Dr MEHREEN FARUQI (15:09): I direct my question to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council, representing the Minister for the Environment. Given the article in the March 2017 edition of the *World Coal* magazine stating that the environmental effects of coal are well known, that fugitive dust and contaminated runoff negatively affect surrounding communities, vegetation and wildlife, and that environmental regulations across the globe covering existing stockpiles are and will soon be a requirement, will the Government finally commit to covering coal stockpiles and coal wagons?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:09): I thank the honourable member for her question. Obviously in very large part that also affects the portfolio of my colleague the Hon. Gabrielle Upton, the Minister for the Environment. I would like her input to ensure that the honourable member gets a complete answer to her important question.

MINE REHABILITATION

The Hon. PETER PRIMROSE (15:10): I direct my question to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Given today's Auditor-General's report showing that mine rehabilitation security deposits are not likely to cover the full cost of mine rehabilitation in the event of a default, and do not cover all activities required for effective rehabilitation, what steps has the Minister taken to guarantee the integrity of the mine rehabilitation scheme?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:11): The Audit Office of New South Wales, as part of its 2016-17 Performance Audit program, initiated a performance audit in August 2016 on the rehabilitation security bonds associated with mining in New South Wales. The Department of Planning and Environment Division of Resources and Geoscience has worked closely with the Audit Office over the past six months to provide information and evidence relating to the Government's oversight of mine rehabilitation.

All mining and exploration titleholders in New South Wales are required to lodge a security deposit to fully cover the Government's estimate of the total cost of rehabilitation of their mine or exploration site. These funds would be accessed by the State to rehabilitate the site in the unlikely event of default by the titleholder. The report acknowledges that the department's security deposit scheme processes have improved in recent years, and that there are well-advanced plans for further improvement. It further acknowledges that security deposits are a last resort or final safety net. The Government has a range of other legislative and regulatory tools available to ensure compliance with environmental and rehabilitation obligations well before accessing a security bond.

The report contains four main recommendations, all of which will inform and guide ongoing reforms in this space. In particular, the department is advancing a number of improvements through its Rehabilitation Reform Program. That program will streamline and improve enforceability, with an annual rehabilitation report and better maintenance of compliance records. It will also improve the methodologies used to calculate and collect security deposits, including a new rehabilitation cost estimate tool scheduled to be released in June 2017; deliver a new rehabilitation and assessment protocol to guide the assessment of rehabilitation performance; investigate alternative mechanisms to address longer-term residual risks and the development of innovative approaches to the management of legacy mines; and implement additional reviews of securities for higher-risk sites and more detailed closure plans earlier in the mine design process. The department will also be implementing the first

Australian rehabilitation geographic information system mapping tool to accurately record and to track areas of disturbance and rehabilitation progress at each site in late 2017.

Mining companies will be required to submit rehabilitation map data annually. These maps and other data will be available to the public through an online portal to demonstrate government transparency. The department will utilise this transparent and robust data during site inspections to verify that the extent and quality of rehabilitation is on the right trajectory. Together these reforms will help to ensure that New South Wales continues to be at the forefront of rehabilitation policy and practice in Australia, and so that New South Wales citizens can continue to enjoy both the economic and environmental riches of our great State now and for generations to come.

The Hon. PETER PRIMROSE (15:14): I ask a supplementary question. The Minister referred to other legislative measures that are available before needing to resort to the mine rehabilitation security deposit. Will the Minister elucidate his answer by telling the House what they are?

The Hon. Daniel Mookhey: We might have to wait 5½ hours for his answer.

The PRESIDENT: Order! I call the Hon. Daniel Mookhey to order for the first time. That did not take 5½ hours.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:15): I thank the honourable member for his supplementary question, and I am happy to provide him with a fuller response later.

CYBERSECURITY

The Hon. DUNCAN GAY (15:15): I address my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. How is the Government helping to protect our computer systems and to encourage the growth of a new cybersecurity industry in New South Wales?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:16): I thank the honourable member for his question and his constant use of computing systems. Safeguarding our computer systems is fundamental to protecting our critical infrastructure, our businesses, our personal privacy, and the basic functions of our economy. This is essential to the delivery of clean water, and the security of our energy networks and our food and transport systems. More and more of the systems we rely upon are connected to the internet, with the digital economy now growing twice as fast as the broader global economy. Cybercrime poses a threat to all these things. However, the Government also recognises that safeguards against cybercrime bring great economic opportunity.

This opportunity has sparked a growing demand for cybersecurity professionals. However, that rapid growth in demand means that Australia will be facing a major shortfall in cybersecurity skills by 2020. Fortunately, we are well positioned to bridge this gap, and the Government is committed to ensuring that talented students can grab employment opportunities here in New South Wales. For that reason, it hosted a special event in this building on 9 May, called the Cyber Security Pitch@Parliament. The event attracted blue chip companies, including IBM Australia, Google, Symantec, MasterCard, Telstra, Optus, Qantas and the four major banks. These leading employers were able to meet hundreds of graduates from a diverse range of fields such as maths, ICT, security studies, risk management, and project management.

Students such as Jacinda Erkelens, a third year security studies student from Macquarie University, said of the event, "It gave students the opportunity to hear from a range of companies about what they had to offer and to speak directly to their representatives." Blake Dutton, a 19-year-old majoring in computing at the University of New South Wales, captured exactly why it was so important for the Government to host the event when he said, "We need people to fight at the forefront of cybersecurity, to make the digital world safe and secure." The companies were impressed, as I was, by the talent and commitment of the students who attended. IBM Australia consultant Ruby Li said, "Cyber Security Pitch was a great concept to link talented students with prospective employers."

The New South Wales Government is committed to fostering partnerships across all levels of government, industry and academia to share knowledge and ideas. It is investigating the establishment of a Cyber Security Knowledge Hub as part of the Department of Industry's successful knowledge hubs program. It is also working closely with the Australian Government's Cyber Security Growth Network. In addition, it is in close collaboration with the CSIRO's research unit, Data61, and a number of universities. The new New South Wales Cyber Security Industry Development Strategy will canvass a range of initiatives, such as growing our capabilities, exports, skilling, investment and job creation in regional and metropolitan New South Wales.

We are also creating a foundation to attract and retain high-potential candidates in relevant disciplines, providing scholarships, incentives and networks to encourage more people to develop the skills employers need. The Cyber Security Pitch@Parliament provided a fantastic opportunity to highlight career paths in cybersecurity to new and would-be graduates. It showcased all the benefits of working in cybersecurity, including global work opportunity positions in regional areas, and it provided opportunities to bring together present and future professionals to network and learn from each other. It was a great initiative by the department. The department brings forward great people and today I say goodbye to one of my departmental liaison officers, Bavi—I will not try to pronounce her last name. It has been a pleasure working with her over the past 12 months. I thank her for her work and offer her congratulations.

BIODIVERSITY

The Hon. SHAOQUETT MOSELMANE (15:20): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Minister for the Environment. Given there are no targets, baseline measures, performance indicators nor principles to maintain and enhance biodiversity within the greater Sydney region, what steps will your Government take to ensure specific targets and measures are in the planning and delivery of the announced Green Grid?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:20): The member has got it wrong. We are delivering an election commitment to overhaul the State's ineffective and complicated environmental laws to create a new system that improves both environmental outcomes and the productivity of farmers. We are not Queensland. We have strong safeguards against excessive or harmful clearing, including exclusion of environmentally sensitive land and caps on clearing. We are also introducing tougher penalties for illegal clearing or harming threatened species and we have simplified the overall system of environmental protections.

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the first time.

The Hon. Scott Farlow: Point of order: Interjections are disorderly at all times. I know members are interested in the Minister's response. I ask that members opposite be asked to refrain from adding to the debate.

The PRESIDENT: Order! I remind members that interjections are disorderly at all times. I am surprised that after calling the member to order she interjected again. I also note that interjections were taking place whilst the Parliamentary Secretary was taking a point of order. Members who continue to interject will be called to order. The Minister has the call.

The Hon. DON HARWIN: Since the Hon. Penny Sharpe is a little agitated, I will take the question on notice.

The PRESIDENT: Order! I call the Hon. Don Harwin to order for the first time.

ABORIGINAL CENTRE FOR EXCELLENCE

The Hon. DAVID CLARKE (15:22): My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on what progress has been made to establish the Aboriginal Centre for Excellence in Western Sydney?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:23): I thank the member for his question. I am pleased with the progress of the \$20 million election commitment made by the New South Wales Government to establish an Aboriginal Centre for Excellence in Western Sydney. In March 2015, the Government committed to increasing the education and employment prospects of Aboriginal people in Western Sydney. In the longer term, this will build more prosperous and resilient Aboriginal communities in Western Sydney and ensure they share in the economic benefits stemming from the region's significant growth. Western Sydney is home to the largest population of Aboriginal people in Australia. This Government is committed to improving the life outcomes of our Aboriginal population and will focus its attention on Western Sydney.

The Aboriginal community in Western Sydney face many challenges, including employment and school retention, but recent data indicates although there is increased participation in the vocational education and training [VET] sector, they have a lower median wage than the non-Aboriginal adults, are less likely to be employed full-time, and are more likely to be unemployed. Data from 2013 identified that high school retention for young Aboriginal people is increasing but it was still lower than for young non-Aboriginal people. In 2014, Aboriginal people had higher participation rates in VET than non-Aboriginal people. This is the context in which the election commitment to establish an Aboriginal Centre for Excellence was made. The centre will support Aboriginal young people from Western Sydney to successfully transition from the school environment into further

education or training, with the aim of attaining sustainable and fulfilling employment whilst instilling a strong sense of cultural pride.

In 2016, the Government began a two-stage tender process to identify a suitable provider to lead the establishment phase of the project. This process is currently nearing completion. The centre will use innovative approaches to create a sustainable funding model, including a range of government, non-government and private sector investors. This will create diverse and flexible opportunities for Aboriginal young people to progress to further education and secure meaningful employment. As a result of this initiative, Aboriginal people, particularly young Aboriginal people, will be equipped to seize opportunities stemming from the region's economic growth, especially within the business and corporate sector in the region.

It is intended the centre will include world-class information and communication technology facilities as part of the commitment by this Government to provide Aboriginal young people of Western Sydney with access to facilities that support them to be competitive in a contemporary labour market. Importantly, the Aboriginal Centre for Excellence will provide the environment, resources and networks to support young Aboriginal people to achieve their aspirations and goals while striving to achieve excellence in their chosen field of study and/or work, including pursuits of cultural excellence.

The Government has engaged with local Aboriginal community stakeholders from day one in conceptualising and scoping the Aboriginal Centre for Excellence. The establishment and operation of the centre will be underpinned by a commitment to culture and healing, because the community has told us that Aboriginal culture must be at the core of the model. The tender process has been shaped by this advice. The old Whalan High School site in Mt Druitt was suggested by local community members during the consultation phase as an ideal location for the centre. Use of the location was approved by the Department of Education and is the preferred site for the centre in the current tender process. At this stage, the project plan is on track for the centre to be open and providing services to Aboriginal young people in Western Sydney by November next year.

This Government will ensure that Aboriginal participation is maximised at all stages of the project, providing guidance on service design and delivery to ensure Aboriginal cultural values are central to the model. The Government will work with the successful tenderer, providing support and guidance to ensure the establishment of the centre in accordance with OCHRE principles, including developing strong partnerships with local Aboriginal communities. I look forward to visiting Western Sydney very soon and talking with the local Aboriginal community as well as announcing the outcome of the tender process in due course and to providing further updates on the development of this outstanding initiative of the New South Wales Government.

EDUCATION FUNDING

Reverend the Hon. FRED NILE (15:27): My question without notice is addressed to the Assistant Minister for Education, representing the Minister for Education. What action is the Government taking to ensure justice for all schools in New South Wales concerning funding under the new Gonski formula? Will the Government ensure Catholic parish schools and Christian independent schools will not be discriminated against under the new Gonski funding formula?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:27): I thank the member for his question. Obviously it is a topical question this week, particularly in light of the Commonwealth budget being delivered a few days ago and the many media reports on schools funding. I inform the member that the 2017-18 Commonwealth budget impacts significantly on all sectors of education across New South Wales. As the level of government with the largest revenue base, the Commonwealth remains an important source of funding for all sectors. In relation to schools funding, which was the basis of the question asked by Reverend the Hon. Fred Nile, the 2017-18 Commonwealth budget has confirmed new funding arrangements for schools over the next 10 years.

The New South Wales Government supports the effort by the Commonwealth to improve the quality of education across Australia and welcomes its long-term recommitment to consistent needs-based funding. While the budget confirms an overall increase in school funding in New South Wales, it is substantially lower than our original agreement with the Commonwealth. Overall, New South Wales stands to lose \$1.8 billion from the signed National Education Reform Agreement. However, when compared to the 2014 budget of the Abbott Government, New South Wales schools will be \$1.4 billion better off, which we acknowledge and welcome.

The Commonwealth's proposed funding and reforms are consistent with the extensive evidence-based reform agenda being followed here in New South Wales. New South Wales is well-placed and willing to participate in the new Gonski review to ensure continued effective investment in the education of all students. Although the additional funding to be provided is a step in the right direction, New South Wales will continue to advocate for the full funding amount as in our original Gonski agreement. My colleague the Minister for Education

the Hon. Rob Stokes will discuss these funding proposals with Minister Birmingham at the forthcoming Education Council meeting. I will pass on to Minister Stokes the question from Reverend the Hon. Fred Nile so that the Minister is aware that it has been raised. I trust that the information that I have given in the answer is sufficient for the member.

The Hon. DON HARWIN: If members have further questions I invite them to place them on the *Notice Paper*.

MINE REHABILITATION

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:31): In relation to the Hon. Peter Primrose's supplementary question to me earlier, mining companies must submit and comply with an approved mining operations plan, which is the primary document for recording the rehabilitation methodology and monitoring the progress and success of rehabilitation to the standard defined in the development consent.

Rulings

QUESTIONS SEEKING OPINIONS

The PRESIDENT: Earlier in question time the Hon. Dr Peter Phelps took a point of order that a question asked by the Hon. Walt Secord was out of order in that it asked for a legal opinion. Standing Order 65 (2) (a) states that questions must not ask for an expression of opinion. As ruled by President Burgmann and President Fazio, a question may not ask for an expression of opinion, legal or otherwise. President Burgmann and President Johnson have ruled that questions should not seek legal advice or a personal opinion. However, as ruled by President Primrose, a question requesting that a Minister explain the rationale behind a decision is in order. As *House of Representatives Practice* points out, ministers may be asked to explain the statutory authority for particular actions, or to provide factual information about legal subjects within their responsibilities. Members should take care in framing their questions to ensure they accord with the standing orders. The Clerks at the table are available to assist members in that regard.

Deferred Answers

WALLERAWANG POWER STATION

In reply to **the Hon. ADAM SEARLE** (6 April 2017).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised:

There were no forced redundancies from the retirement of Wallerawang Power Station.

EnergyAustralia ran a voluntary redundancy scheme at the time and was able to successfully redeploy remaining staff across the nearby Mount Piper Power Station and the Wallerawang Decommissioning, Deconstruction and Rehabilitation [DDR] project.

This is in stark contrast to the Latrobe Valley situation referred to by the Hon. Adam Searle in his question, as the entire 700 person workforce of Hazelwood was made redundant due to the power station's closure.

Further questions relating to this matter should be directed to the Hon. Niall Blair, MLC, Minister for Trade and Industry.

MANGROVE MOUNTAIN LANDFILL WATER CONTAMINATION

In reply to **the Hon. PENNY SHARPE** (6 April 2017).

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

The Mangrove Mountain Landfill operates under a licence issued by the NSW Environment Protection Authority.

While early reports related to the site did not indicate groundwater interception, a more recent inspection identified groundwater interception. As such, WaterNSW is in the process of determining whether a water access licence for the site is required.

Any operations involving works within 40 metres of a waterway require a controlled activity approval under the Water Management Act 2000.

MICHAEL GUIDER PAROLE

In reply to **the Hon. PAUL GREEN** (6 April 2017).

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

This question should be addressed to the Minister for Corrections.

Committees

PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS

Reference

The Hon. ROBERT BORSAK (15:32): I inform the House that in accordance with paragraph 2 of the resolution of the House establishing the portfolio committees, Portfolio Committee No. 4 this day resolved to adopt the following reference:

That Portfolio Committee No. 4—Legal Affairs inquire into and report on emergency services agencies, and in particular:

- (a) the prevalence of bullying, harassment and discrimination, as well as the effectiveness of the protocols and procedures in place to manage and resolve such complaints within emergency services agencies, including:
 - (i) New South Wales Rural Fire Service;
 - (ii) Fire and Rescue New South Wales;
 - (iii) New South Wales Police Force;
 - (iv) Ambulance Service of New South Wales; and
 - (v) New South Wales State Emergency Service.
- (b) the support structures in place to assist victims of workplace bullying, harassment and/or discrimination within emergency services agencies;
- (c) the support services available to emergency services workers and volunteers to assist with mental health issues resulting from workplace trauma and the effectiveness of those programs;
- (d) the appropriateness of uniforms provided to personnel in emergency services agencies;
- (e) the relocation of the New South Wales Rural Fire Services Headquarters to Orange, Dubbo or Parkes; and
- (f) any other related matter.

Motions

DEMENTIA AWARENESS MONTH

Debate resumed from 4 May 2017.

The Hon. SCOTT FARLOW (15:34): I thank the Hon. Bronnie Taylor for bringing this very important notice of motion with respect to Dementia Awareness Month to the attention of the House. This notice of motion has been before the House for some time. I think it was moved on 20 October 2016—20 October happens to be my birthday. That was a memorable day, and I thank the Hon. Bronnie Taylor for moving this motion; I know she was not thinking of my birthday but it was the first thing I noted when I looked at this wonderful motion.

This motion recognises Dementia Awareness Month, which is held in September. The pinnacle of Dementia Awareness Month is 21 September, which is World Alzheimer's Day. Across Australia there are more than 353,800 Australians who are living with dementia. Those 353,800 Australians are supported by around 1.2 million carers, families and friends. They are fundamental to people's care, and need to be supported in this process. My grandmother was a carer for my grandfather, who was blind and had type 1 diabetes and many complications, so I know that the life of a carer is not an easy one. Those suffering from dementia may have to leave employment. Inevitably, their carers—their husbands or wives, their children or loving friends and family members—may have to leave employment, as well. I am sure all members of this House, while being mindful of those who suffer with dementia and Alzheimer's, are also mindful of those who care for and support them.

The theme for Dementia Awareness Month was "You are not alone". Those 353,800 Australians are supported by a wonderful army of carers, supporters and family members, and members of this Parliament, as representatives of the community, say the same thing to them: You are not alone because we are with you, as well. We want to support those with dementia and their families and carers, as much as possible. The message, "You are not alone," is a very heartening message from Alzheimer's Australia to support those with dementia to show that there is support in the community, particularly for families, carers and supporters.

Dementia Awareness Month aims to raise awareness and understanding among Australians about dementia and, through this, to encourage our communities to support those living with dementia to live a high-quality life. Being able to raise awareness and understanding is fundamentally important. Today, I have come from the One Door Mental Health Schizophrenia Fellowship lunch. I have spoken in the House before about schizophrenia. The speaker at the lunch was David Astle, who is famous for the cryptic crosswords in the *Sydney Morning Herald*. He talked about the importance of language, the stigma that occurs with respect to mental

health and about making sure that more people are aware of that. He spoke about the *Macquarie Dictionary* definition of schizophrenia.

Lobbying is underway to change the definition. The *Macquarie Dictionary* has included a usage note with the word "schizophrenia" because the definition in the dictionary is not necessarily accurate for the condition but rather is accurate for the usage of the word. Dementia and Alzheimer's face similar issues with respect to community awareness as to what they entail and their progress. I note the comments of Alzheimer's Australia because during Dementia Awareness Month in particular it is important to have an awareness and understanding of what dementia is. Alzheimer's Australia states:

Dementia describes a collection of symptoms that are caused by disorders affecting the brain. It is not one specific disease. Dementia affects thinking, behaviour and the ability to perform everyday tasks. Brain function is affected enough to interfere with the person's normal social or working life.

We must all be mindful of the fact that dementia is not just one element or one disease; dementia is broad and has various stages. Some people suffering with dementia are able to function relatively well with minor issues while others have severe dementia; unfortunately their brain function is affected so severely that they cannot carry out their normal activities. Indeed, one of the myths is that dementia only occurs in later life. That is the most common form of dementia but in fact dementia can happen to anyone. The onset of dementia occurs more commonly after 65 years of age but some people in their 40s and 50s have been diagnosed with dementia.

The other night I watched the program *Designated Survivor*; I do not know if other members have been fortunate enough to watch this great program involving an attack on the United States presidency where the designated survivor becomes the president. Members should imagine it being the lowest person in the cabinet; it could happen to any of us. The president had determined that the attorney general was the best person to be appointed as chief justice of the supreme court, the person nobody could refuse. It was revealed in a very touching part of that episode that the attorney general actually had early onset dementia. She confided in the president about her condition stating that she could not take on the role.

It is important that through popular culture we increase awareness and understanding of dementia; highlight how it affects not just those in old age but those functioning in the workforce who seem to have the world in front of them but whose resolve and opportunities are stolen by this unfortunate condition. The New South Wales Government is at the forefront of working with those in our community with dementia and their carers. It acknowledges the important work done by those involved in Dementia Awareness Month. It acknowledges Alzheimer's Australia's efforts to assist those with dementia to feel less isolated. That is important. Even though the mind may deteriorate, there is still the beating heart and the living soul. I have known a few people who have suffered with dementia; their relatives are no longer around and they face difficulties and challenges so the Government must do everything it can to support people living with dementia, their family and friends. Increasing awareness, diagnosis and better management of dementia will assist those who have the disease, their carers, friends and families.

Dementia is not just one condition. Between 50 per cent and 75 per cent of people in Australia with dementia have Alzheimer's disease and a further 20 per cent to 30 per cent have vascular dementia. There are a range of areas covered by dementia such as Parkinson's disease, dementia with Lewy bodies, frontotemporal lobar degeneration, otherwise known as FTLT, Huntington's disease, alcohol-related dementia, otherwise known as Korsakoff syndrome, and Creutzfeldt-Jakob disease. It has been estimated that there are approximately 300,000 people living with dementia in Australia. Dementia is estimated to be the fourth leading cause of overall burden of disease and the third leading cause of all deaths in Australia. I am sure that the President, given his former role, would not be surprised that more than 74,000 people in New South Wales have dementia. Age is a risk factor for dementia and one in four people over 85 have some form of the disease. The incidence and prevalence will likely increase with our ageing population but dementia is not an inevitable part of ageing.

Reverend the Hon. Fred Nile: Hear, hear!

The Hon. SCOTT FARLOW: I note the interjection from Reverend the Hon. Fred Nile, who has exhibited none of those symptoms. He is going very strong in his eighties and no doubt will continue for many years in this Chamber.

The Hon. Bronnie Taylor: Let it rub off on us all.

The Hon. SCOTT FARLOW: Yes, indeed; hopefully that is contagious. The New South Wales Government acknowledges that not just those with dementia but also their carers, families and friends are impacted by the condition. NSW Health identifies carers as anyone who provides ongoing unpaid support to family or friends who need help because of a disability, chronic or mental illness or who are frail aged. This includes those who are carers of people with dementia. There are approximately 900,000 carers in New South Wales and, as the motion outlines, there are 1.2 million carers, friends and family supporting those with dementia.

The New South Wales Government provides support to carers in a range of ways, including through TOP 5, which is a strategy that facilitates communication between health professionals and carers to record valuable non-clinical information that personalises the care of a patient with cognitive or communication impairment. The New South Wales Government also provides grant funding to Alzheimer's Australia NSW to deliver a network of support groups to carers of those with dementia. Those support groups focus on providing relevant dementia education and information, opportunities for a break and social outings, sharing ideas and many more supports. In conclusion, I commend the Hon. Bronnie Taylor for moving the motion and commend the work of Alzheimer's Australia in supporting those with dementia and their carers.

Reverend the Hon. FRED NILE (15:48): I add my support for the motion moved by the Hon. Bronnie Taylor to note that September is Dementia Awareness Month, with World Alzheimer's Day on 21 September, which is a few days after my birthday on 15 September, when I think I will be 84. The motion goes on:

across Australia more than 353,800 Australians are living with dementia, with around 1.2 million carers, friends and family in support,

From my research on this issue, I discovered that it seems to be important for middle-aged and older people to remain active mentally because ceasing to be mentally active seems to be one of the factors in this disease. As we get older we need to continue to use our brains and keep a positive mental attitude to life, or apparently dementia can gradually take over without the sufferer being aware of the condition. I urge everyone who is middle-aged and older to remain involved with organisations and groups and to be mentally alert so that they live longer.

The Hon. BRONNIE TAYLOR (15:50): In reply: I thank the Hon. Paul Green, the Hon. John Ajaka, who is now the President of the Legislative Council, the Hon. Courtney Houssos, the Hon. Natasha Maclaren-Jones, the Hon. Shayne Mallard, the Hon. Lou Amato, the Hon. Ben Franklin, Mr Scot MacDonald, the Hon. Trevor Khan, the Hon. Scott Farlow and Reverend the Hon. Fred Nile for their contributions to this very important debate. In their contributions members gave some statistics on dementia that really bring home the gravity of the disease. In 2011 dementia was estimated to be the second leading cause of the burden of disease for people over the age of 65 in Australia and this has an enormous impact. Dementia is the single-greatest cause of disability in older Australians, who are categorised as being aged 65 or older. It is estimated there are about 115,000 people with dementia in New South Wales alone, and that figure is expected to grow to 128,500 by 2020. These are alarming statistics.

Members made some interesting and heartfelt contributions. I took great interest in what the Hon. Shayne Mallard said about the built environment, a passion of his, and that it is so important to future-proof our homes and communities to be able to care for this growing health issue. As the member said, this reinforces that by being sensitive "to the very specific needs of this growing section of our population we can make a real difference in the lives of those suffering from dementia". The built environment is part and parcel of the broader care for those with dementia. Each patient has specific needs, and it is important that their care reflects that. It takes an entire health team to get the best health outcomes, and in the care of individuals with dementia, this is most definitely the case. That means that in the area of diversional therapy—a health profession that is not often talked about—it is those people who are able to suggest to aged-care workers that they sit with dementia sufferers and go through photos to remind them of things that are important to them. Therapies such as music can all contribute to a higher quality of life for those with dementia.

I also thank members for sharing their personal experiences, such as my good friend the Hon. Lou Amato. It truly is an issue that affects us all, and that is a reflection of how deeply it affects our communities. More than 70 per cent of Australians admit that they know very little about dementia and almost half of Australians do not realise that it is a fatal disease. People with dementia are almost twice as likely to be lonely as the rest of the population. People with dementia and their carers are significantly more lonely than the general public. Too often people just do not know how to deal with their friends and family members affected by dementia. Mr Scot MacDonald articulated his feelings on dementia very well. I know it was difficult for him to speak about his personal experience and I thank him for his sincere contribution. He said:

One of the big struggles faced by many of us is the stop-start nature of dementia. They have good days and bad days, a good long-term memory and sometimes absolutely no short-term memory.

His words encapsulated this disease, which is so difficult for family members to deal with. It really is a disease that affects everyone. It is difficult to see a person you love and care about who one day remembers your wedding day or the birth of your first child, and the next day does not even know who you are. Thanks again to all those members who contributed to this debate. I congratulate all those involved in Dementia Awareness Month. I recognise the amazing carers, friends and families of dementia sufferers. As I said in the motion, I remind those living with dementia—you are not alone. I commend this motion to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Hon. Bronnie Taylor has moved item No. 968 outside the Order of Precedence. The question is that the motion be agreed to.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

BIODIVERSITY PROTECTION

Dr MEHREEN FARUQI (15:55): Everywhere we look around New South Wales, we see green space under threat—whether it is parks, a forest or trees on the roadside. Where the community sees recreation, environmental space and biodiversity, the New South Wales Government sees an opportunity for the chainsaw and the bulldozer for their developer mates. Just on Tuesday, the New South Wales Government released regulations for its devastating land-clearing legislation that puts huge amounts of the State at risk. Nothing short of a national park is safe. The regulations put in place the flawed biodiversity offset scam, the so-called self-assessable codes that create a pathway to clearing just about anything and the Vegetation State Environmental Planning Policy [SEPP] that will see these horrendous changes extended to urban native vegetation. The biodiversity, green space and climate change implications of these regulations will be enormous. The Greens intend to vigorously oppose them and push and push for changes that protect the future of our planet, our animals and our future generations.

What this Government does not understand is that a healthy environment, trees and their canopies and green space are not a luxury; they are essential for healthy communities. Even if people do not accept that the environment has intrinsic value or believe in environmental protection and the promotion of biodiversity, surely they must accept the significant social, health and economic benefits, including opportunities for recreation and exercise, that green spaces can provide as well as reduced heat island effects and better air quality.

The Total Environment Centre launched the SOS Green Spaces campaign at the end of 2016 in response to the threats facing our parks, trees and parklands across New South Wales. This project was launched in response to the New South Wales Government's legislative onslaught against the environment—the Crown Lands Management Amendment Act 2016, the erroneously named Biodiversity Conservation Act, which expands the biodiversity offset scam, and the Local Land Services Act, which makes land clearing much easier. The centre has identified an opportunity in amongst this carnage, and that is the green grid being proposed by the Sydney Greater Commission as part of its strategic planning of the Greater Sydney area. Whether or not the green grid becomes a reality is of vital importance to this city.

A whole suite of measures can be enacted immediately: ensuring the environmental, social and economic benefits of tree canopies are accounted for, making loss of public green open space a disallowable instrument and having tree canopy targets in district plans. As part of this campaign the centre released a map of all the areas under risk in Greater Sydney, and it is sobering to study this map. I have had the pleasure of visiting many of the places on this map, including St Helens Park at Campbelltown, the bushland at Manly Vale, the trees being cut down for the CBD and South East Light Rail in the eastern suburbs, as well as the green spaces and critically endangered habitat that is swallowed up by WestConnex at Beverly Grove. Some of them, sadly, have already been decimated. One particular example I want to highlight is the Cook Cove southern development proposal near Rockdale. This terrible proposal would transfer a significant amount of public land—including Barton Park, the Riverine Park Wetlands that include the Landing Light Wetland and the Spring Street Wetland, and parts of the heritage-listed Arncliffe market gardens—to a private golf course.

I repeat: the transfer of public land, including public playing fields, internationally significant wetlands and priceless heritage, to a private golf course. At a time when there is a significant increase in population planned for areas like Rockdale, as has been proposed in the Cook Cove Indicative Development Proposal, it makes no sense to be taking away public space and reserving it for private interests. Much of this development may include units, and thus there will only be higher demand for open, green space in the future. This area must be retained and its environment enhanced, not destroyed. The Greens are proud to support the SOS Green Spaces campaign. We urge the Government to stop the destruction of the environment and commit to not only reversing the decline of green spaces and trees but also expanding environmental protections, and improving and enhancing urban green spaces across New South Wales.

NORTH COAST SHARK NET BARRIERS

The Hon. BEN FRANKLIN (16:00:2): I have spoken previously in the House on the value of the beautiful coastline and surrounds of the New South Wales North Coast. The incredible beaches and ocean are the heart and soul of the North Coast. For the local communities, interacting with the ocean is a way of life, and each year hundreds of thousands of tourists are attracted to our spectacular waters. I have also spoken previously in this House about a number of shark attacks in the waters of the North Coast. They shocked and horrified our communities, and both this Government and the communities of the North Coast had to address the issue to protect our swimmers and surfers as much as possible. Over the past two years, we have worked very closely with scientists and the community to find the best approach to protecting both human life and marine life.

In 2015 the Minister for Primary Industries, Niall Blair, introduced the New South Wales Shark Management Strategy. The strategy is a five-year trial that aims to increase protection of bathers from shark interactions and minimise harm to sharks or other animals. The strategy includes a \$16 million investment to introduce innovative trials and fund continual projects over the duration of the trial. A key element of this strategy is consultation: constantly listening to and engaging with the community, and making adjustments based on community feedback. Two community shark forums have been held since October 2015 and have each attracted more than 500 people. In addition, I and other parliamentary colleagues have frequently met with the North Coast Shark Management Strategy Stakeholder Group, including at its latest meeting this Monday. I make it clear that the best approach and strategy to address this issue must and will be driven by the community, and that requires genuine consultation.

I am delighted to say that, due to the inspired leadership of Minister Blair and the dedication of the extraordinary staff in the Department of Primary Industries [DPI], that is precisely what has happened. Since October last year, there have been community drop-in stands at 18 locations on the North Coast. To date 1,600 people have visited these stands to provide their feedback. DPI has held regular meetings with key stakeholders—commercial fishers and environmental groups. DPI has also conducted an online survey, phone surveys and mail-outs to North Coast residents that have elicited thousands of responses, with a second round of these surveys to commence shortly.

For the past five months, five beaches on the North Coast have taken part in a trial of shark nets under the strategy. These are Lighthouse Beach, Sharpes Beach and Shelly Beach at Ballina, Seven Mile Beach at Lennox Head, and Evans Head Main Beach. These beaches were chosen for the trial following significant community consultation. These nets have been in use for the past five months as part of a six-month trial period. The end of this six-month period is approaching. On Monday the stakeholder group discussed removing the nets following this period. After these discussions, Minister Blair announced that on 13 June the nets will be pulled from the water, the data will be assessed by DPI scientists, feedback will be garnered from the community and the Government will then determine the best way to proceed into the future.

In addition to nets being trialled along these beaches, SMART drum lines have been deployed between Lennox Head and Evans Head. There are currently 25 drum lines deployed. When the nets are removed on 13 June, the number of SMART drum lines on the North Coast will increase to 35. SMART drum lines operate differently to standard drum lines as they are specifically designed to minimise shark deaths. DPI scientists are alerted by phone, email and message that an animal is hooked on the drum line. They then respond by tagging the shark and releasing it. Since first being introduced to the North Coast in 2015, these drum lines have proven to be very successful.

These strategies have been used in conjunction with drone trials, aerial surveillance, an eco-barrier trial, VR4G listening stations and the SharkSmart app. The Government has also offered \$200,000 in grants to support advances in areas including deterrence and detection in each year of the shark management strategy. We are working to find the most effective strategy, which both protects bathers and minimises harm to animals. I emphasise that addressing the concern of shark attacks will continue to be community driven. There is no one-size-fits-all solution, and we have heard this from the various communities of the North Coast. Through this trial we will work to find the best approach to protecting both bathers and ocean life and to ensure that our beautiful coastline on the North Coast remains the heart and soul of our communities.

I pay particular tribute to Geoff Allan and Kim Wolfenden from the Department of Primary Industries, who have led the communication strategy on the North Coast. Along with so many other staff of DPI, both Geoff and Kim have proven that they are taking their jobs extremely seriously, and are genuinely engaging and consulting with the community. They are a great credit to the organisation and the Government that they serve.

HOUSING AFFORDABILITY

The Hon. DANIEL MOOKHEY (16:05:1): Sydney is now the second-least affordable city in the world. We beat Melbourne, now the fourth least-affordable city in the world, although this is one title I would happily hand to our southern cousins. The median house price in Sydney is an incredible \$1.15 million. The price-to-income ratio is now over 12, having doubled in two decades. But this is not just a capital city problem: The 2016 Domain Group property study said that Wollongong is the third-most expensive city in Australia. The National Australia Bank's housing market report shows house prices in the Illawarra region rose 13 per cent last year.

The 2017 Federal Budget could have provided an opportunity to help the hundreds of thousands of Australians locked out of the housing market. Instead, as is the case with all Liberal Governments, it turned into another handout to the rich. Take the new superannuation policy: After Tuesday's budget, first homebuyers can now place \$30,000 of their pre-tax income into their superannuation. This can then be withdrawn at a tax rate of 15 per cent to pay for a first home. Under the Liberal Party's policy, a first homebuyer earning \$30,000, such as a part-time childcare worker, is taxed the same as a first homebuyer earning \$100,000-plus, such as the typical entry-level hedge fund executive. Even when Malcolm Turnbull tries to help, he cannot but help hand more money to those with the most money.

Meaningful action on housing affordability will require equal focus on the demand side of the equation. The evidence says that addressing investor privileges is the first priority. Who is buying Sydney's homes? How powerful are they in the Sydney market? How can power in Sydney's market be tilted in favour of working people, especially first homebuyers? Australia is alone among advanced nations in letting investors socialise their losses through the tax system using negative gearing. Australia is equally unique in allowing them to almost completely privatise their profits using capital gains tax concessions. This tax cocktail urgently needs remixing. That work could have started on Tuesday night, but it did not. It should have.

ROAD FATALITIES

The Hon. DANIEL MOOKHEY (16:07:5): More than 120 people have been killed and more than 12,000 people seriously injured on New South Wales roads since the start of the year. Too many of these deaths have involved the heavy vehicle industry. This is of no surprise to anyone who understands how dangerous it is to be a truck driver. Figures from Safe Work Australia show that this year, of the 51 people who have tragically lost their lives at work, 19 were transport workers. Last year 64 deaths out of a total of 178 were truck drivers.

If anyone wonders why truck drivers are more likely to be maimed or injured at work, they need look no further than their working conditions. A Macquarie University study released in February said, "One in 10 truck drivers work over 80 hours per week; one in six owner-drivers say drivers can't refuse an unsafe load; and 42 per cent of owner-drivers said the reason drivers do not report safety breaches was because of a fear of losing their contracts". If these conditions prevailed in the rail industry, we would shut it down. If it happened in the airline industry, we would never let planes off the ground. So why are these conditions acceptable in the trucking industry?

It should not be, and we, as legislators, should act. The starting point for our action should be the safe rates system, abolished by Malcolm Turnbull. Safe rates are higher rates of pay, structured to decrease the immense pressure to forgo maintenance, overload vehicles, or for drivers to skip breaks or speed. It is innovative because it lets an independent tribunal treat the supply chain as a whole. This allows for systemic reform. The system became law in 2012 and it operated for two years. The tribunal conducted national hearings involving employer groups, client groups, drivers and owner-drivers. It obtained independent research from KPMG and the International Labor Organization, and it has made its first order. Sadly, about this time last year, the Federal Government abolished the Road Safety Remuneration Tribunal. The Prime Minister said there was no safety crisis in trucking. Since that claim, another 70 truck drivers have lost their lives. How many more will be lost before Conservatives put politics aside and join those clamouring for reform?

PARENTING

Mr JUSTIN FIELD (16:10): Yesterday my son, Banjo, turned one. He was born four months before I entered Parliament. For much of his first three months he was strapped to my chest in a sling, while I went on big walks to make preselection calls. Perhaps that is one of the reasons some of his first words were "da da blah blah blah". When I gave my first speech in this place I talked about the experiences in my life that have fundamentally shaped my world view and my politics. I can update the House that my first year of being a father can be added to that list. I am involved in politics because of my commitment to the environment, and to create a fairer society and a peaceful world. The biggest risk to all of these things is failing to act on climate change. Becoming a father has sharpened my mind to these issues.

There is still so much resistance in this place to taking the action needed to mitigate the immense risks of failing to deal with climate change. It is the next generations that will suffer most from this failure. I am very privileged to live in Australia and to be able to raise my son here. He will face the challenges of climate change and a carbon constrained future, but I know he is also very lucky to escape the harsh realities facing the children of poorer countries that have fewer resources to cope and are far more susceptible to climate impacts. Australia risks being a climate pariah, siding up to the coal and gas industry and putting road blocks in front of the transition to a renewable energy future. We are not pulling our weight here in New South Wales or nationally. It hardens my resolve to be a champion for climate action, to get out of coal and gas, to invest in renewable energy, and to work to build resilient and sustainable communities.

I grew up at the beach and have a deep love of the ocean. I spent much of my youth in and around the water and camping in coastal national parks. I would love to share these passions with my son. Climate change, pollution and overfishing put all of this at risk. Despite the best evidence and even this Government's own assessment that shows climate change is the biggest risk to our natural marine environment and enjoyment of the coastline, we are failing to take the action we need in this State to mitigate those risks. It is one of the reasons I am championing a marine park for Sydney—a positive step we can take to give the next generation the best chance to enjoy the wonderful marine environment we all love.

I am very privileged in this role. I am able to manage my own time, to work during his sleeps and late at night. Outside of sitting days I have been able to spend a lot of time with Banjo during his first year, but I know this is not a luxury all new parents and particularly fathers have. For work or for other reasons, families are forced to make very tough choices that often means father's miss many things. It might be the first smile, the first word, the first steps. I was there for all of those and I am so happy that I have been there. It makes me reflect on what we can do in this place to ensure those opportunities are afforded to as many as possible.

Becoming a parent is everything everyone says. It is amazing and it is hard. There are absolute joys and massive challenges that can be overwhelming at times. There is laughter and many tears. I had no idea how I was going to make this job and being a new parent work, and I am still working that out. I cannot be everywhere for everyone. I need to be there for him and for my wife, Melissa, who runs her own business. We are share parenting, but starting a family very quickly reminds you of a few things about gender roles and the ongoing disparity of community expectations on fathers and on mothers.

The expectations on me compared to those on my wife, a small business owner who is juggling running a business, managing staff, teaching and also being a mum, is stark. We have a long way to go to change those expectations. Thank you, Melissa, for being such a wonderful mum and partner. Banjo's birthday will always fall very close to Mother's, which is something I am sure you are very happy about. Banjo is a great teacher. He teaches me about priorities, patience, humility and love. He reminds me every second of my humanity. What an important lesson for me in this role and one I will continue to strive to live up to.

STEEL INDUSTRY

The Hon. LOU AMATO (16:14): Governments can and do play a significant role in protecting local industry. Governments, through the use of fiscal policy, can direct spending on large scale infrastructure works. These works create jobs, which in turn maintain economic growth and the many social benefits of an actively employed population. The recent successful growth of New South Wales to the top spot has been due largely to increased fiscal spending in the form of public works such as WestConnex. Current growth in New South Wales has forecast a doubling of heavy vehicle, freight and passenger movement across Sydney metropolitan areas. This growth is expected to see an employment and population boom along the M5 and M4 corridors, needing critical infrastructure to meet Sydney's public and road transport issues. WestConnex is presently the Government's largest transport and urban renewal project. This huge undertaking will address Sydney's road transport challenges by easing congestion and supporting Sydney's future economic prosperity.

Projects such as WestConnex require heavy industry to provide raw materials such as concrete and, importantly, steel. The Australian steel industry is worth \$29 billion annually and directly employs 90,000 Australians. It is estimated that the industry creates a further four to six times that amount in jobs in related industries. Yet, our steel industry is under threat from cheap imports. Currently, West Australian steel producers are operating at only 10 per cent capacity due to the use of inferior imported steel. The importance of supporting local jobs and skills development cannot be underestimated. An independent report commissioned by the Industry Capability Network in 2012 concluded that for every \$1 million in increased or retained business output, Australian manufacturing provides \$713,400 worth of gross value added in terms of industrial support activity, six full-time equivalent jobs, \$64,900 in avoided welfare expenditure and \$225,300 in tax revenue.

Presently the Australian steel industry is under pressure. In 2012 OneSteel posted a \$74 million loss, resulting in the slashing of 470 jobs. OneSteel was placed into voluntary administration on 7 April 2016. During

2012, BlueScope Steel posted a \$530 million half-year loss, nearly 10 times the loss posted the same time the previous year. BlueScope Steel has been able to reverse its declining profit margins at the cost of jobs. Two hundred jobs were lost during 2016 at the Port Kembla steelworks, with remaining employees signing a three-year wage freeze. In April 2016 steel company Arrium, which owns OneSteel, announced it was going into voluntary administration. Arrium employs nearly 10,000 workers in South Australia, Victoria, Queensland, Western Australia and New South Wales.

Governments are the biggest spenders on large-scale infrastructure works. As a government, we have the ability to alter economic outcomes. As stated previously, positive economic outcomes provide infrastructure and jobs needed by the community. The planning and implementation of new infrastructure works provides the most economic benefit when local industry is supported. Support for local manufacturing not only provides jobs, but also maintains Australia's self-sufficiency and is a platform for technological advancement. I applaud the Government for investing in New South Wales with large-scale works such as WestConnex. I especially applaud the use of Australian steel which, as I stated earlier, is under pressure from cheap inferior imports. One such company that has benefited from the Government's decision to support local industry is OneSteel. Much of the steel needed in the construction of WestConnex will be sourced from OneSteel's Western Sydney Steel Mill. The support of the Western Sydney Steel Mill has secured more than 500 full-time jobs. It is of the utmost importance that we continue to support local industry and manufacturing. It is vitally important for the future of our young generations, and particularly for apprenticeships. I applaud the Government for its decision to support our local industry.

EDUCATION

The Hon. SHAOQUETT MOSELMANE (16:19): Given the recent Federal budget announcement, I draw the attention of the House to the importance of education and the ongoing efforts of the conservatives to rip away at the principle of education for all. What we see is a troubling pattern of destruction of the fair and equitable education system that has served hundreds of thousands of Australian citizens, who in turn have made great contributions to the development of a fair and harmonious society. Members of the Liberal-Nationals Coalition appear to be hell-bent on a destructive process from primary school through to tertiary and vocational education.

It is a narrative that tells our children, our students, and our community that education and training is not for all; it is only for those who can afford it and pay for it. That is not the fair go that we have all come to appreciate; that is not the way to make ours a clever country. I invite members to look at how the Federal Liberal-Nationals Government has backflipped on needs-based funding for education. A New South Wales Teachers Federation media release, entitled "NSW public schools robbed of proper support under savage Federal Budget cuts" and dated 10 May, states:

The Federal Budget has confirmed the Turnbull Government's intention to abandon the Gonski needs-based model and make massive cuts to funding to public schools across the country...

Joan Lemaire, the acting president of the federation goes on to state:

Turnbull's plan is not fair and will fail to provide the learning opportunities that so many of our students with learning needs require in order to achieve their full potential...

Cutting billions of dollars from public schools is an attack on our most vulnerable children.

The Government's policy threatens to hold the Higher School Certificate [HSC]—a passport into later education—to ransom for students as young as 14 or 15 years of age. Members should make no mistake, the need for year 9 students to achieve band 8 or above in the NAPLAN test is not only stressful but could also present a huge hurdle for many kids in our society. When more than half of year 9 students in 2016 achieved band 7 or below, there is a corresponding result that consigns a similar number of students to a world in which they will not be allowed even to sit for their HSC. This approach is an arbitrary line in the sand, and one that gives no consideration to economic circumstances, personal situation, learning difficulties, or even the hopes and dreams of students.

It does not stop there. The Liberal-Nationals Coalition believes that university and TAFE study is for those who have plenty of money. It is run on a pay-as-you-go basis. The New South Wales Government's Smart and Skilled TAFE reforms have closed campuses across our State, and those that remain have increased some fees by up to 7,000 per cent. In one case a diploma of early childhood education and care—a critical skills area facing constant shortages—was listed as costing a concession holder \$4,380 in 2015 compared with \$104 in 2011.

We must also deal with the Federal Government's insistence on deregulating our universities. It remains proud of potential \$100,000 degrees. It certainly has not been shy about increasing university fees, again and again, including only this week. The only conclusion must be that Coalition members want a culture of haves and have-nots. Australia's future prosperity hangs on good quality education. It is no surprise that those countries with

strong educational sectors are often associated with stronger economies and better standards of living. It is a shame that the Coalition is driven by ideology. An article in *The Saturday Paper* by Mike Secombe entitled "Turnbull's war on universities" states:

In the early days of his prime ministership, John Howard shared with some a private view about universities: don't spend money on them, the people there don't vote for us.

It is hardly novel to suggest that conservatives have always been troubled about the consequences of allowing the masses to be educated.

Ignorance advantages the political right, as John Stuart Mill noted in 1866—

[*Time expired.*]

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 16:25 until Tuesday 23 May 2017 at 14:30.