



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Thursday, 1 June 2017**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Thursday, 1 June 2017**

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

**The PRESIDENT** read the prayers.

*Governor*

## ADMINISTRATION OF THE GOVERNMENT

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

GOVERNMENT HOUSE  
SYDNEY

T Bathurst  
LIEUTENANT-GOVERNOR

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

Tuesday, 30 May 2017

**The PRESIDENT:** I report receipt of the following message from His Excellency General the Hon. David Hurley, AC, DSC (Ret'd), Governor of New South Wales:

GOVERNMENT HOUSE  
SYDNEY

David Hurley  
GOVERNOR

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

Wednesday, 31 May 2017

## *Announcements*

### DEATH OF KATHY SMITH, FORMER MEMBER FOR GOSFORD

**The PRESIDENT:** Members have no doubt been saddened, as I have, to hear news reports overnight of the death of our former colleague and former member for Gosford Ms Kathy Smith.

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

## *Motions*

### CURE BRAIN CANCER FOUNDATION GALA BALL

**The Hon. NATASHA MACLAREN-JONES (10:03):** I move:

That this House notes that:

- (a) brain cancer kills more Australian children than any other disease and more Australians under the age of 40 than any other form of cancer;
- (b) the Cure Brain Cancer Foundation was founded by neurosurgeon Professor Charlie Teo in 2001 and is now a leading organisation for brain cancer research, advocacy and awareness in Australia;
- (c) the Cure Brain Cancer Foundation works in collaboration with international partners such as the Society for Brain Mapping and Therapeutics in order to find new treatments and therapies to combat brain cancer;
- (d) the Cure Brain Cancer Foundation Enchanted Gala Ball was held on Saturday 6 May 2017 at the Sydney International Convention Centre in partnership with Blackmores, with the Hon. Natasha Maclaren-Jones, MLC, in attendance, representing the Premier, the Hon. Gladys Berejiklian, MP; and
- (e) the Cure Brain Cancer Foundation Enchanted Gala Ball is the major fundraising event for the foundation and raises funds for brain cancer research

**Motion agreed to.**

### WORLD RED CROSS DAY

**The Hon. NATASHA MACLAREN-JONES (10:04):** I move:

- (1) That this House notes that:
  - (a) for more than 100 years Red Cross Australia has been providing support to Australians during emergencies, personal crises and hardship;
  - (b) the Australian Red Cross was originally formed in 1914 as a branch of the British Red Cross before being recognised in its own right in 1927;
  - (c) the volunteers of Red Cross Australia support vulnerable and disadvantaged Australians through many initiatives including the Good Start Breakfast Club which offers schoolchildren in disadvantaged communities healthy breakfasts and nutritional education, the Community Visitors Scheme in which volunteers make social visits and provide companionship to isolated elderly Australians, and blood donation; and
  - (d) more than half a million Australians donate blood each year and Red Cross Australia collects almost 1.4 million blood donations per year to be used in life-saving medical procedures.
- (2) That this House acknowledges the significant contribution of the more than 2,300 staff, 20,700 volunteers, 19,600 members, 460,000 blood donors and 3,500 Blood Service staff working from more than 460 sites and thanks them for their service.
- (3) That this House notes that:
  - (a) World Red Cross Day was established to acknowledge the achievements of the Red Cross both nationally and internationally;
  - (b) the theme for this year's World Red Cross Day is "Celebrate You" and coincides with the start of National Volunteer Week, an opportunity to acknowledge volunteers and supporters of Red Cross; and
  - (c) the Australian Red Cross NSW Division's World Red Cross Day celebrations and award presentation were held on Friday 5 May at the Commercial Club in Albury with the Hon. Natasha Maclaren-Jones, MLC, in attendance.
- (4) That this House commends the recipients of the following awards:
  - (a) Service Award—Judith Boyle Anita Featherstonhaugh, Sonia Joy Fenton, Joyce Fleming, Kenneth Fleming, Kerrie Fuller, Gabrielle Glenny, Jean Harrison, Rosaleen James, Doreen Liddle, Joan McDonagh, Laurice McGilchrist, Marie Nichols, Rhonda Slender, Kay Squires, Jean Swayne, Margaret Voss, Sue Whelan and Lorna Wright;
  - (b) Outstanding Service Award—Angela Slater;
  - (c) Distinguished Service Award—Betty Levy, OAM, and Janet McKinnon;
  - (d) Distinguished Staff Award—Dorota Wilk;
  - (e) Distinguished Team Service Award—Jeanette Fealy, Judi O'Brien and Jill May Watters;
  - (f) Honorary Life Membership—Pamela Bell and Jillian Fielder; and
  - (g) Youth Meritorious Service Award—Grace McKittrick.

**Motion agreed to.**

**ROBE TO VICTORIA WALK RE-ENACTMENT**

**The Hon. ERNEST WONG (10:05):** I move:

- (1) That this House notes that:
  - (a) this year commemorates 160 years since thousands of Chinese prospectors arrived in Robe, South Australia, and were forced to walk hundreds of kilometres to the goldfields of Victoria where they hoped to seek their fortune;
  - (b) more than 16,200 Chinese migrants, including one woman, were subject to a tax of 10 pounds for entering a Port in Victoria based on their race, which subsequently forced them to make this journey on foot; and
  - (c) many died from sickness, exhaustion and starvation, and those who survived the trek were subject to racist riots upon their arrival at the goldfields.
- (2) That this House congratulates a group of approximately 20 walkers who recently re-enacted the journey from Robe to Victoria to honour the heroic effort and sacrifice of the early Chinese settlers, recognising their resilience and the significant role they played in shaping this nation.
- (3) That this House notes that Victorian Premier, the Hon. Daniel Andrews, MP, recently issued a formal apology in the Queen's Hall of the Victorian Parliament before hundreds of Chinese-Australians for what he described as a "shameful injustice of the past".

**Motion agreed to.**

**BACK TO SCHOOL PROGRAM**

**The Hon. BEN FRANKLIN (10:06):** I move:

- (1) That this House notes that:
  - (a) the Back to School Program is run by the Northern Rivers Community Foundation in partnership with the Foundation for Rural and Regional Renewal;
  - (b) the program provides financial support to "grandcarers" in the Northern Rivers to help purchase school items such as schoolbags and clothing for their grandchildren;
  - (c) "grandcarers" are the unsung heroes in our communities, who step up to parenting for a second time; and
  - (d) this year more than 520 "grandcarers" received support through the program, the highest number to date.
- (2) That this House thanks the community donors and supporters who help bring this program to life each year.
- (3) That this House congratulates John Callanan, Maggie Brown, Emily Berry, and the Northern Rivers Community Foundation team on all their work running the Back to School Program.

**Motion agreed to.**

**ST FLORIAN'S DAY HONOURS AND AWARDS CEREMONY**

**The Hon. SCOTT FARLOW (10:06):** I move:

- (1) That this House notes that:
  - (a) St Florian's Day is an international day recognising the sacrifices firefighters make for their communities; and
  - (b) Fire and Rescue NSW celebrates St Florian's Day by hosting an annual ceremony to present honours and awards to staff and members of the public who have been nominated for their courageous actions.
- (2) That this House acknowledges that:
  - (a) the 2017 St Florian's Day honours and awards ceremony took place on Sunday 28 May 2016 at the City of Sydney fire station; and
  - (b) the honours and awards ceremony was attended by Commissioner Paul Baxter; Deputy Commissioner Field Operations Jim Hamilton, AFSM; Deputy Commissioner Strategic Capability Graeme Finney; Area Commander Metro East Rick Griffiths, AFSM; Area Commander Metro South Craig Brierley, AFSM; Detective Superintendent Paul Pisanos; and Parliamentary Secretary to the Premier, the Hon. Scott Farlow, MLC, representing the Minister for Emergency Services, the Hon. Troy Grant, MP.
- (3) That this House congratulates:
  - (a) the recipients of the Unit Commendation for Courageous Action Rozelle explosion rescue, September 2014:
    - (i) Senior Firefighter Christopher Lyons (City of Sydney fire station);
    - (ii) Senior Firefighter Mark Thompson (City of Sydney);
    - (iii) Senior Firefighter Warren Whillier (City of Sydney);
    - (iv) Station Officer Bradley Giersch (Balmain);
    - (v) Station Officer Adam Standfield (Glebe);
    - (vi) Qualified Firefighter Dane Bastable (Glebe);
    - (vii) Qualified Firefighter Adrian Child (Glebe);
    - (viii) Senior Firefighter Stephen Koperberg (Glebe); and
    - (ix) Inspector Craig Wright (Commissioner's Certificate of Appreciation).
  - (b) the recipients of the Commissioner's Commendation from NSW Police:
    - (i) Detective Inspector Ian McNab; and
    - (ii) Inspector Gary Coffee.
  - (c) the recipients of the Unit Commendation for Meritorious Service Villawood Apartment Fire, August 2016:
    - (i) Inspector Kernin Lambert;
    - (ii) Station Officer Matthew Ruse (Parramatta fire station);
    - (iii) Senior Firefighter Damien Cartwright (Parramatta);
    - (iv) Senior Firefighter Trent Goddard (Parramatta);
    - (v) Senior Firefighter Patrick Kwong (Parramatta);
    - (vi) Senior Firefighter David Attard (Parramatta);
    - (vii) Senior Firefighter Benjamin Forner (Parramatta);
    - (viii) Station Officer Mark McKinnon (Guildford);

- (ix) Senior Firefighter Andrew Nagy (Guildford);
  - (x) Qualified Firefighter Luke Jackson (Guildford);
  - (xi) Qualified Firefighter Scott Lahiff (Guildford);
  - (xii) Station Officer Christopher McAuliffe (Chester Hill);
  - (xiii) Senior Firefighter Daren Mellor (Chester Hill);
  - (xiv) Qualified Firefighter Adam Robinson (Chester Hill);
  - (xv) Senior Firefighter David Weekes (Chester Hill);
  - (xvi) Senior Firefighter Thomas Morris (Chester Hill);
  - (xvii) Station Officer Geoffrey Wood (Yennora);
  - (xviii) Senior Firefighter Daniel Cunningham (Yennora);
  - (xix) Senior Firefighter Peter Cooke (Yennora);
  - (xx) Senior Firefighter Shane Stephens (Yennora);
  - (xxi) Deputy Captain Craig Ferns (Merrylands);
  - (xxii) Retained Firefighter Edmund Mather (Merrylands);
  - (xxiii) Retained Firefighter Christopher McDermott (Merrylands);
  - (xxiv) Retained Firefighter Mohammed Shobaki (Merrylands); and
  - (xxv) Qualified Firefighter Cameron Simpson (Chester Hill).
- (d) the recipients of the Unit Commendation for Meritorious Service Development and implementation of the Indigenous Fire and Rescue NSW Employment Strategy [IFARES]:
- (i) Chief Superintendent Craig Brierley;
  - (ii) Superintendent Philip Lindsay;
  - (iii) Station Officer William Spek;
  - (iv) Station Officer Patrick Albany;
  - (v) Senior Firefighter Dean Dobson;
  - (vi) Susan MacDougall; and
  - (vii) from TAFE New South Wales—Commissioner's Commendation, David Roberts, Karen Davies.
- (4) That this House commends not only the award recipients but also all the brave firefighters and members of our community who put their lives on the line year in, year out.

**Motion agreed to.**

### **MANCHESTER TERRORIST ATTACK**

**The Hon. ERNEST WONG (10:07):** I move:

- (1) That this House notes that on Monday 22 May 2017 a suicide bombing was carried out at Manchester Arena in England, which claimed the lives of 23 innocent adults and children and injured 116 more, some critically.
- (2) That this House:
  - (a) offers its heartfelt condolences to the victims, families and friends of all those who died or were injured as a result of this senseless and cowardly act of evil that targeted a crowd of young people who had simply been enjoying a concert;
  - (b) acknowledges the dedication and bravery of the emergency services personnel who responded to this tragedy with such professionalism and care, and expresses its admiration at the compassion and humanity displayed by the Manchester community and beyond;
  - (c) condemns all acts of terror and the hatred and evil these represent, and notes that the community will not give in to the fear and division that seeks to infiltrate it but will continue to stand united with people of all races and faiths; and
  - (d) continues to be mindful that terrorism is "political" violence and not based on any religious doctrines or teachings, and ensure that anger and hatred are not randomly directed at the Islamic and Muslim communities.

**Motion agreed to.**

### **TAMWORTH REGIONAL COUNCIL COMMUNITY VOLUNTEER OF THE YEAR AWARDS**

**The Hon. NATASHA MACLAREN-JONES (10:09):** I move:

- (1) That this House notes that:
- (a) on Thursday 11 May 2017 the 2017 Tamworth Regional Council Community Volunteer of the Year Awards ceremony was held at the Tamworth Community Centre;
  - (b) the awards, now in their third year, celebrate the achievements of residents who donate their time to others, making Tamworth a better place in which to live; and
  - (c) nominations were received from right across the region, including Barraba, Nundle; Tamworth, Moonbi and Kootingal.
- (2) That this House commends the award winners for their outstanding achievements including:
- (a) Stephanie Tutt-Steer, who was awarded Adult Volunteer of the Year for her work with Rebloom Flower Recyclers;
  - (b) Ronald McDonald House Volunteers, who were awarded Group Volunteer of the Year;
  - (c) Aimee Caulfield, who was awarded Youth Volunteer of the Year for her work with Youth in Search; and
  - (d) Suzanne Turner, who was awarded Senior Volunteer of the Year and Overall Volunteer of the Year for her work with News on Wheels.
- (3) That this House congratulates all recipients on their services to their regional community.

**Motion agreed to.**

**GOVERNOR JUDGE RAMZI NOHRA AND COLONEL WAJIH MATTA RECEPTION**

**The Hon. DAVID CLARKE (10:09):** I move:

- (1) That this House notes that:
- (a) on Tuesday 18 April 2017 a reception to welcome Governor Judge Ramzi Nohra and Colonel Wajih Matta on the occasion of their official visit to Australia from Lebanon was held at the White Castle Reception Centre, Lakemba, attended by several hundred members and friends of the Lebanese-Australian community;
  - (b) the reception was hosted by prominent members of the Lebanese-Australian community:
    - (i) Mr John Dib;
    - (ii) Mr George Dib; and
    - (iii) Mr Tony Jomaa.
  - (c) Governor Judge Nohra is the Administrative Governor of North Lebanon and Colonel Wajih Matta is the Head of the Police Department of North Lebanon; and
  - (d) those who attended as guests included:
    - (i) Reverend Father Louis Ferkh, Superior at St Charbel Maronite Catholic Church and Monastery at Punchbowl;
    - (ii) Mr George Bitar Ghanem, Consul-General of Lebanon in Sydney;
    - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
    - (iv) Mr Jihad Dib, MP, member for Lakemba, and shadow Minister for Education;
    - (v) Ms Julia Finn, MP, member for Granville; and
    - (vi) representatives of numerous Lebanese-Australian community organisations.
- (2) That this House extends greetings and best wishes to Governor Judge Nohra and Colonel Wajih Matta on the occasion of their official visit to Australia.

**Motion agreed to.**

**JACK LUCK FOUNDATION**

**The Hon. SCOTT FARLOW (10:10):** I move:

- (1) That this House acknowledges that:
- (a) the Jack Luck Foundation conducted the inaugural "How to Stop Youth Suicide" event at Killara High School on Thursday 18 May 2017;
  - (b) the event was the culmination of 10 months work and collaboration with Killara High School, suicide training professionals, education representatives and government;
  - (c) an education seminar was conducted with 600 year 11 and 12 students addressed by Mr Rob Luck and Mr Glen Poole;
  - (d) a symbolic "Tree of Life" provided by Mr Ross Bond was planted by Mrs Yulita Luck; Mr Rob Luck; Killara High School deputy principals, Ms Carla Marchesin and Mr Robin Chand; the member for Davidson, Mr Jonathan O'Dea and the Hon. Scott Farlow, MLC; and

- (e) an evening seminar was conducted with 85 parents and teachers from the school and other schools in the region, addressed by Killara High School Principal Ms Jane Dennett; Mr Rob Luck, Mr Glen Poole and the Hon. Scott Farlow, MLC.
- (2) This House notes that:
  - (a) the Jack Luck Foundation was formed by Mr Rob Luck and Mrs Yulita Luck following the tragic loss of their son, Jack Luck, by suicide in 2016 at the age of 26;
  - (b) the Jack Luck Foundation has been established by the Luck family to work with professionals to provide the support necessary to prevent future youth suicides, trying to reach every troubled young person, and eliminate suicide as a solution to their pain; and their problems;
  - (c) every day three young people take their own lives;
  - (d) suicide is the leading underlying cause of death in Australia for those aged 15 to 24 and 25 to 44; and
  - (e) in 2015 there were 3,027 deaths due to suicide in Australia and 76 per cent of those who died by suicide were male.
- (3) That this House commends the Jack Luck Foundation and Killara High School for their efforts in combating youth suicide.

**Motion agreed to.**

### ARTSTATE CONFERENCE AND FESTIVAL

**The Hon. BEN FRANKLIN (10:11):** I move:

- (1) That this House notes that:
  - (a) Artstate is a new four-year project which celebrates excellence in arts in regional New South Wales;
  - (b) the first Artstate conference and festival will be held in Lismore from 30 November to 2 December 2017; and
  - (c) the Lismore Artstate will run in partnership with Arts Northern Rivers and Lismore City Council.
- (2) That this House acknowledges the importance of the arts for our communities, especially regional communities.
- (3) That this House wishes Regional Arts NSW, Arts Northern Rivers and Lismore City Council the very best for a successful event.

**Motion agreed to.**

### *Documents*

### TABLED PAPERS NOT ORDERED TO BE PRINTED

**The Hon. SCOTT FARLOW:** According to Standing Order 59, I table a list of all papers tabled in the previous month and not ordered to be printed.

### TABLING OF PAPERS

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

Liquor Act 2007—Liquor and Gaming NSW entitled "Review of the Three Strikes Disciplinary Scheme: Final report".

I move:

That the report be printed.

**Motion agreed to.**

### *Notices*

### PRESENTATION

*[During the giving of notices of motions]*

**The Hon. Lou Amato:** Point of order: Mr President, like you I am a bit hard of hearing. You and I could not hear the member and I am sure Hansard could not either. I ask that he be shown the courtesy of being heard in silence.

**The PRESIDENT:** Order! I uphold the point of order. I am reluctant to call members to order during the giving of notices of motions, especially since our last sitting finished at 3.30 this morning. I am sure that no member wants to be removed from the Chamber before we begin the business of the House.

*Bills***PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT (CRIMINAL CHARGES AND CONVICTIONS) BILL 2017****Messages**

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the abovementioned bill.

*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 this day.

**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. 1211 outside the Order of Precedence standing in the name of the Hon. Paul Green relating to the Bible Society;
- (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 2017;
- (3) Private Members' Business item No. 1213 outside the Order of Precedence standing in the name of the Hon. Daniel Mookhey relating to penalty rates;
- (4) Private Members' Business item No. 1364 outside the Order of Precedence standing in the name of the Hon. Scott Farlow relating to Schizophrenia Awareness Week;
- (5) Private Members' Business item No. 1292 outside the Order of Precedence standing in the name of the Hon. Peter Primrose relating to spending caps for local government elections;
- (6) Private Members' Business item No. 1068 outside the Order of Precedence standing in the name of Mr Justin Field relating to the Gaming Machines Amendment (Transparency) Bill; and
- (7) Private Members' Business item No. 1453 outside the Order of Precedence standing in the name of the Hon. Catherine Cusack relating to the seventy-fifth anniversary of Robert Menzies' broadcast concerning the "Forgotten People".

**Motion agreed to.**

*Motions***BIBLE SOCIETY 200TH ANNIVERSARY**

**Debate resumed from 30 March 2017.**

**The Hon. DAVID CLARKE (10:29):** I identify myself with the fine motion moved by the Hon. Paul Green noting the establishment in Australia of the Bible Society 200 years ago. From that period, the Bible Society has had one core purpose: to promote the *Holy Bible* and its message of redemption and eternal salvation. I pay tribute to the Bible Society in its laudatory work over these past 200 years. I know it will continue its worthy work in the years ahead.

The *Bible* is the most famous, most printed book in the history of mankind. It has been published in more languages than any other book. Only recently in this very Parliament the Armenian community gathered together to celebrate the printing of the first Armenian language *Bible* 350 years ago. The *Bible* is the foundation stone upon which the Christian faith, the largest of all the world's faith traditions, is based, with more than two billion adherents. The *Bible* contains the inspired message and teachings of Jesus Christ, the Son of God and Jesus Christ, God the Son, for which millions throughout history have suffered persecution, deaths and martyrdom. Even at this present time, millions suffer persecution because they adhere to the *Bible's* message. Christianity is currently the most widely persecuted of all religious faith traditions.

The *Bible* must be a special book to have achieved so many statistical firsts and inspired so many people for 2,000 years. It is both special and unique. The *Bible* is the basis of Christian civilisation, as well as the legal system and moral code in many nations, including Australia. According to official statistics, the *Bible* gives inspiration to the great majority of humanitarian works around the world. The late and famous British journalist Malcolm Muggeridge, who in later life converted to Christianity as a result of reading the *Bible*, once remarked

that in his travels throughout India he saw many charitable and humanitarian initiatives by the likes of Mother Teresa and other Christians, but never once did he see any humanitarian or charitable initiative from the Humanist Society of Great Britain. The *Holy Bible* is the greatest book that ever was and ever will be. Its inspiration for good is unique. Today I give testimony to the truth that it proclaims and the message it brings to all the world.

**The Hon. PAUL GREEN (10:31):** In reply: I thank all those members who spoke in debate on this motion. I know it is difficult to fit all these motions into our agenda on private members' day and many members have indicated their desire to speak to this motion, but I would like to bring it to a conclusion, otherwise it may be around for another 200 years. I thank the Hon. Scott Farlow and Reverend the Hon. Fred Nile. I note that the Hon. Scott Farlow reflected on how in his lifetime the *Bible* has gone from being a little red book that the Gideons would give out and that was given to him upon his confirmation, to the version that now exists on iPads or smartphones. My colleague reflected on the memory of receiving his first *Bible* from the Bible Society. He said, "Receiving the *Bible* in scripture in school was the first place I came to find Christ."

During my speech on how the *Bible* has become very important to me, I mentioned that I also learned about God and his saving grace in Special Religious Education [SRE] class. Reverend the Hon. Fred Nile spoke on the motion as well. His love for the *Bible* is obvious, so much so that he spoke about how our party was built around the constitution of the *Bible*. Our policies and charter follow very much in line with the core principles of the *Bible*. I note that Pastor Brian Houston from Hillsong Church said that since his boyhood in Auckland and as part of the Salvation Army family the *Bible* has been "a source of life, hope, direction, wisdom and success". He also said:

The Bible is God's love letter to humanity.

I think that is a wonderful expression of the *Bible's* message. Pastor Houston said:

I believe with all my heart that it lifts up people, brings eternal hope, offers grace and shows us the way of salvation through Jesus Christ. All that God longs to tell us, show us and teach us about our lives and the fulfilling lives we are meant to live is hidden within this sacred text.

He congratulated the Bible Society, saying:

200 magnificent years of devotion to the cause of Jesus Christ and your commitment to get the Bible into as many hands as possible.

The Bible Society's Chief Executive Officer Greg Clarke also reminded us that even after 200 years:

There is an enormous amount of work still to be done. We're not content to simply hand out Bibles. We want to help people engage with the Bible and the answer their questions about it.

Many people misinterpret how the *Bible* works. The *Bible* exists in its own right as an historical document. It is on the shelf of every library with the same validity and weight as any other historical document. If people disqualified the things in the *Bible* they would then have to disqualify virtually every other book in every library across the world. The amazing thing I find about the *Bible* is that it is rather like a car. One can have a fully functional car and engine, but it does nothing until one puts petrol in it and turns it over. The impetus that the petrol gives that car is what drives and empowers it. Similarly, one can read the *Bible* 100 times but it comes to life only with the revelation of the Holy Spirit coming across as one reads it.

That is the power in the word: it enlightens us so we can adjust our sails and arrive at a different destination. Our past does not define us; our future does. The word gives a great truth and hope that Jesus Christ gave his life for us, was resurrected, went to sit on the right hand of the Father and waits to take us on that great day to the wedding feast. In the meantime, we can learn and love him through the word, the love letter that he left for mankind. I commend the motion to the House.

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

**Motion agreed to.**

### *Bills*

## **LOCAL GOVERNMENT AMENDMENT (AMALGAMATION REFERENDUMS) BILL 2017**

### **Second Reading**

**Debate resumed from 25 May 2017.**

**Mr SCOT MacDONALD (10:38):** I have concerns about the Local Government Amendment (Amalgamation Referendums) Bill 2017. I could not possibly support it. I do not speak of this in a theoretical or political sense. I live in Guyra. I have lived in Guyra since 1989. Some 28 years ago when I came to Guyra there was discussion about amalgamations. To the best of my knowledge, this round of discussions is at least the third

and possibly the fourth time that our community has stared down the barrel of amalgamation. Some of those occasions have been more serious than others.

I think Christine Kibble was tasked with investigating council amalgamation in the early 2000s, and the councils came close to the point of making an announcement about amalgamation through a backroom deal with the then member for Northern Tablelands, Richard Torbay, and the Labor Government of the day. However, at the time of the discussions no money was allocated to fund a possible amalgamation of the Guyra Shire Council and the Armidale Dumaresq Council. Instead the councils were told they were to amalgamate, and members of the community had to live through this political game that affected their lives. The latest discussions about council amalgamation started in about 2011 or 2012. I attended a Dubbo forum held by the then member for Ballina, Don Page, who at that time was Minister for Local Government. The forum was attended by about 1,000 people, including by members of the Guyra Shire Council.

**The Hon. Paul Green:** Destination 2036.

**Mr SCOT MacDONALD:** I acknowledge the interjection. This has been a long and difficult process, which has not been enjoyed by members of the Guyra community. Community members sit across the whole spectrum of opinions on council amalgamation, from being supportive of the process to being opposed to it. The amalgamation was gazetted last year. I spoke about it at two community meetings last year, the first one attended by more than 400 people and the second one by about 250 people. At both meetings I was jeered at because I was very passionate in putting across my views. In about 2009 I attended a similar community meeting when we were also staring down the barrel of council amalgamation. I get it that the affected communities of Gundagai, Young and Armidale feel strongly about this difficult process, but the amalgamation has happened.

On 25 May the Guyra paper and the *Armidale Express* reported on the amalgamation under the headline "Guyra Armidale amalgamation in the past". I believe that is how most members of the affected communities feel about the process, for better or for worse. I firmly believe that the community would not countenance going through this process again because it is a traumatic and divisive process. It would be almost impossible to unscramble this egg. I love my community—my kids were born and educated there and they played sport there. I do not want our community to be dragged through this process again.

The Stronger Communities Fund allocated \$10 million to the amalgamation process, with another \$5 million for the merger implementation fund. I understand the amalgamation process was relatively streamlined because there were shared services. That model was called an alliance at one stage, and it consisted of shared staffing, administration and finance services. The \$10 million allocation comprises \$1 million through the Community Grants Program, with the balance from the Major Grants Program. Through the Community Grants Program Armidale and District Cricket Association received \$11,500 for a new roller and \$5,125 for the Newling Oval.

The Armidale City Band received \$4,800 and the Armidale Dam Dragons received \$10,000 for new sheds on the Malpas Dam site. Armidale-Dumaresq NSW State Emergency Service [SES] received \$14,232 for an additional vehicle storage facility. Armidale Police Citizens Youth Club [PCYC] received \$18,234 and the Armidale Garden History Society received \$43,656. Drummond Park Pre-School received \$7,978 for the installation of a solar power system. Ebor Showground received \$50,000 for a new public toilet block. Many of us stop at this facility when driving to the coast. The Galloway Children's Centre received \$17,230.

Closer to my home the Guyra Campdraft Club received \$42,000 for cattle yards at the Guyra Showground. Guyra Community Garden Centre Inc. received \$1,000 for a garden expansion. The Guyra and District Historical Society Machinery Group Inc. received \$28,549.50 for revitalisation of the rail line infrastructure and railway station. Guyra Junior Rugby League Club received \$14,630 and Guyra Polar Bears Swimming Club received \$11,323 for structural work and materials. The Guyra Sports Council received \$25,000 for a new fence at Guyra Sportsground. Hillgrove Progress Association Inc. received \$50,000 for a picnic area upgrade. I could go on listing recipients of these grants, but I turn to the major projects and stress that most if not all of these projects would not have progressed under the separate councils, Armidale Dumaresq Council and Guyra Shire Council.

Under the Stronger Communities (Major Projects) funding, 3.3 kilometres of Kempsey Road will be upgraded. The proposed sealing of Rockvale Road has caused a lot of friction between the two affected communities of Guyra and Armidale because both believed the other council should take responsibility and pay for this project. Now \$990,000 has been allocated to this upgrade. A 2.32 kilometre section of Platform Road will be upgraded with a \$740,000 allocation of funding. It is terrific to see timber bridges being upgraded because they play an important role in, among other vital tasks, getting stock to market and fertiliser trucks to farms. When I started my career in the fertiliser industry, the product was delivered in 15-tonne trucks; by the time I left it was delivered in B-doubles with pressure to increase the size of delivery vehicles. There was funding for the upgrade

of Tenterden Bridge in 2016 and now Stronger Communities has allocated \$2.1 to upgrade timber bridges, with the hope of getting commensurate funding from the State and Federal governments. The great Dumaresq Dam recreation area has received \$340,000 for an upgrade. The beloved New England Regional Art Museum has received \$240,000 in funding.

The Guyra Shire Council had wanted to upgrade the main street in Guyra but had no money. Now Stronger Communities has allocated more than \$2 million to this project, with \$575,000 for a water main replacement through the council's water fund. This means about \$2.5 million will be spent on upgrading the main street. Armidale's Central Park will receive more than \$180,000 and the University of New England has been allocated \$330,000 for lighting at the Bellevue Sports Facility. There is a great annual show at Guyra Showground run by its president Rob Lenehan, which will receive \$142,000. Prior to amalgamation, councils aspired to complete these projects, but they did not have the required funds.

One of the arguments that I and others raised in discussions about council amalgamations is the significant road and infrastructure backlog in the area. The proposed merger came with funding from the Stronger Communities grants. The member for Northern Tablelands is doing a magnificent job in progressing water security for Guyra. We are on the edge of water stress, and not just for town water. This is about the foundations for expansion of the Costa Group, which has around 31 hectares and around 500 jobs. If water security occurs in the way proposed by the new joint Armidale Regional Council, it will underpin further expansion and jobs in Guyra and benefit not just Guyra but also the people who drive from Armidale and services across Armidale and the wider region.

Armidale Regional Council [ARC] got on with the new regional landfill, providing \$14 million. The project was complex—it stalled—and it was difficult to deliver, but the new council has done it. It has also delivered on the relocation of the Armidale War Memorial Library with \$3.5 million. That project had been talked about for 10 or 15 years. The new council, because of its strength and the direction of its leadership, has delivered and has moved the library into new premises in Rusden Street. It is terrific to have such decisiveness to get projects underway.

The previous council financed the new Kolora Aged Facility with \$6.5 million. Problems were found with the contract as it was left by the previous council. The new ARC has a project that is more sound and with better value for money, and it will end up with a better project. These are the things that can be done by a big council with planning departments and staff to look after tenders. There is \$9.4 million for the refurbishment and extension of the Armidale Regional Airport. This project will benefit not only Armidale but also the region. I come from Guyra and use the Armidale airport, and it is wonderful to see it being extended.

The two previous councils aspired to these projects and bickered about them. I will not cast aspersions on either of those councils, as they did the best they could in the circumstances and with the rate-paying bases they had. The problem that Guyra Shire Council had was that approximately 75 per cent of its rate base was a rural rate base and there was very little residential and commercial. The new council, which includes Armidale, has a better balance of rural, residential and commercial and can use this rate base to move forward. Guyra Shire Council was overreliant on a sometimes stressed rural community and found itself in the difficult position of embarking on capital works. I sat in on many farmers' meetings in Guyra where there were complaints about gravel roads and too much reliance on a rural rates base, and tension around doing projects in town when three-quarters of the rate base was rural. Now the ARC area has a population of close to 30,000, a balanced rate base and economic opportunities in the near future. An article in the *Armidale Express* regarding the new Armidale Regional Council contains an interview with a local business owner, Mr Dave Mills, and says:

... on a community level—an ideal platform to drive Guyra into the future, residents say.

"It's a positive move," local business owner Dave Mills told *The Argus* this week.

"Certainly no-one wanted an amalgamation because they are scary and it is the unknown," he said.

"It's a significant change for our community and trying to accept that change when there is so much historical value to a council.

"But I think I'm one to try and embrace change and I think it's extremely important for us as a community to work with the new council and the residents in Armidale."

In the past 12 months, community grants aimed at addressing our infrastructure backlog have included \$11,323 to the Polar Bears, \$25,000 for a new fence at the Sportsground—

The article refers to some of the projects I mentioned earlier. It continues:

Mr Mills said now was also the time for residents to band together and "create vibrancy".

The point Mr Mills makes so well is that this is now a time for our communities to work together—not to revisit and do a poll all over again. There is no question that there were wounds from this process. It divided families and friends and affected commercial enterprises in our community. People said they would not shop at particular

shops because the owners had backed certain things. It was very unfortunate. But we are a year past that, and we are moving on. As someone who lives in the Armidale Regional Council area, I strongly urge this House not to back this bill, because it is a recipe for dividing communities again. Was the amalgamation process perfect? Probably not. Could it have been done better? I am sure all such things could always have been done better.

**The Hon. Duncan Gay:** We saw a worse one.

**Mr SCOT MacDONALD:** Without money attached. This is my home and my community. This bill would drag my community through this process again. I urge members to pause and think about what they are doing, irrespective of their political motivations. Local government areas [LGAs] can always hold polls, so there could be an opportunity for a community to revisit something that has not worked out. I suspect the Hon. Mick Veitch will raise this later. Nothing can stop a local government area calling a poll to sort out some of those things. We have sorted out discrepancies and boundaries in our LGA. Tingha is 15 kilometres from Inverell and is now part of its LGA. A poll was held and a majority voted to go to Inverell. It was logical, as that is where people live, work, shop and go to school.

This is personal for me; it is not just a piece of legislation or political game playing. My community cannot go through this again. The wounds were real, and they are just at the point of healing. We are getting on with our lives and our jobs, and restoring friendships and embracing the future. The amalgamation may not be what everybody thought it was going to be. It was forecast, for example, that the playgroup was going to close; the playgroup has expanded. The ARC has improved the infrastructure in the region and is going gangbusters. Give us a chance and let us get on with it. Please do not play politics with our lives and our community. There is an opportunity to hold a poll to make adjustments, which I believe we will hear about from other speakers, but please do not tear asunder what has taken us 20 or 30 years to arrive at. I strongly reject the bill and I urge the House to do so too.

**The Hon. LYNDIA VOLTZ (10:57):** I speak in debate on the Local Government Amendment (Amalgamation Referendums) Bill 2017 and will clarify some of the statements made by Mr Scot MacDonald. He stated that Christine Kibble was responsible for the council amalgamations in the Armidale area. Christine Kibble was the chief executive officer of the area health services and had absolutely nothing to do with council amalgamations. In fact, Christine Kibble is a very strong supporter of democracy in local communities. Council amalgamations were probably the last thing on her mind, although I imagine she found dealing with 23 Nationals mayors problematic.

I note Mr Scot MacDonald's statement that amalgamations are about bringing communities together. As I am sure the President is aware, I live in the Rockdale City Council electorate in the area of Bardwell Park. Although in the St George district—where some people, for reasons best known to themselves, are St George Illawarra Dragons supporters, including my children—Rockdale Council was not amalgamated with the councils that represent our local community, Kogarah and Hurstville. For some reason we have been amalgamated with Botany Bay City Council. There are no direct transport routes between our local government area and Botany—

**The Hon. Duncan Gay:** What world do you live in? What is the Eastern Distributor, the M5, the rail?

**The Hon. LYNDIA VOLTZ:** Government members have just demonstrated their ignorance. I acknowledge the interjection of the former Minister for Roads, Maritime and Freight. What is the Eastern Distributor if it is not a link between Bardwell Park and Botany Bay? It has nothing to do with this region as it is nowhere near it, and it is certainly not a public transport link. What a ridiculous statement. The 491 bus which passes my house goes to Hurstville, the local community centre in the St George district. That is not what these amalgamations are about. People who live 500 metres from Parramatta council in areas such as Merrylands and Granville, which have always been considered part of the Parramatta district, are now no longer part of that district; they are included in the Cumberland council area. However, Sydney Olympic Park, which is six kilometres away, has been included in the Parramatta council area.

It has always been an accepted principle that Western Sydney suburbs start at Silverwater Road. But that is not what this Government believes. Sydney Olympic Park has been included in the Parramatta council area and will now form part of the central business district, in line with the wishes of this Government's Liberal mates. Suburbs such as Merrylands and Auburn, which are 500 metres from the centre of the Parramatta CBD and which have always been part of the Parramatta council region, will now be included in the Cumberland council area. Granville and Merrylands no longer have the transport links to which they have been accustomed. That is what is happening under this Government. There is nothing fair about these proposals. Joh Bjelke-Petersen would be proud of these gerrymanders which will ensure that Liberal councils in the eastern suburbs and in the Parramatta CBD remain part of the mix.

Do not worry about the St George district and who is in it, or Parramatta and where it is, or the way in which the city has grown naturally. Wolli Creek and Cooks River have always been natural dividers, as have Parramatta Road, the western harbour and Parramatta River. The Government has ignored all these natural and traditional community boundaries in order to create the councils that it can control. That is exactly what is occurring. It is ridiculous to include the communities of Bardwell Park and Bexley in Botany rather than in Kogarah where their schools are located. St George Girls High School, Kogarah High School and Kingsgrove North High School are in council areas that share garbage services and that realise economies of scale in the St George district. All of that has to be dismantled. The Parliamentary Secretary said earlier there would be a poll but that will not occur as we have already had forced amalgamations. Forced council amalgamations will not work. I welcome the introduction of this bill and I note the outrageous comments made by Government members. Christine Kibble has never been involved in council amalgamations in the Armidale area.

**The Hon. DUNCAN GAY (11:03):** I oppose the Local Government Amendment (Amalgamation Referendums) Bill 2017 which appears to have been cobbled together by a group of political opportunists. They do not want communities to heal; they keep picking at the scab for their own political opportunism. The Hon. Lynda Voltz referred to the history of local government in her community and said that all this will now be changed. In 1906 there were 327 councils in this State; in 1910 there were 324; in 1991 that figure declined to 176 during the enlightened period; in 1992 there were 177; in 2001 there were 173; in 2004 the figure reduced to 152; and now there are 139 councils. The number of councils has been changing all the time. It is nonsense to say that there has been a leap forward and that that cannot be changed. Members of the Labor Party are crying crocodile tears.

Two of the three Labor Party members who are in the House would have voted to support Tony Kelly's forced amalgamations when he reduced councils from 179 to 152. He obliterated 27 councils from this State without a hint of democracy. Opposition members who are screaming about democracy are salivating as they think they now have another opportunity to open up a wound. Communities have gone through all the angst and hurt but they are now benefiting from council amalgamations. Members of the Labor Party are engaging in corrupt, rank, hypocritical politics, which is disgraceful. They are already salivating at the thought of causing angst in our communities. Most communities in this State have already gone through the tough amalgamation process. Earlier Mr Scot MacDonald said that these amalgamations did not happen overnight and legislation was not forced through this Chamber in the small hours of the morning, which is what occurred under Labor.

**Mr Scot MacDonald:** It took four years.

**The Hon. DUNCAN GAY:** This Government was building roads in this State while Opposition members were dribbling around in local government. Some days I wonder what they were doing while we were talking to communities and allocating resources to provide better infrastructure. The council amalgamation proposal was formulated at a meeting in Dubbo between local government and Don Page, a former Minister for Local Government. Councils had problems such as cost constraints so we had to look at alternatives. As a group local government voted for change; councils needed to be fit for the future. When it comes to the crunch there is always a bit of back pedalling. After all, we are all human. Some councillors thought someone else might lose their job; not necessarily them. Whether or not they needed to go down that track, they still supported the independent process and came up with a solution that was pretty good.

The Government refined it because, like everything, it was not perfect in the first instance and it needed refinement. What we ended up with is what communities accepted. This might come as a shock but not many communities are fussed about their councillors; councillors are more fussed about them. When I was shadow Minister for Local Government there were 179 councils in New South Wales. During my term as shadow Minister I visited every council in the State and met some fabulous people. However, when I talked to them quietly at night they would say that their councils were a joke.

**The Hon. Paul Green:** Out come all the secrets.

**The Hon. DUNCAN GAY:** All the secrets would come out. I ran into some great mayors; there was a great mayor at Shoalhaven during that time.

**The Hon. Ben Franklin:** Name him.

**The Hon. DUNCAN GAY:** Or her; it was a him and a her at different times. We have gone somewhere we should not go. This bill is going nowhere. If it is passed by this House—wrapped in the cloak of political opportunism—it will not get out of the other place. I do not know why members opposite are doing this. Why are they not working with the Government to fix this situation? We should be looking after these communities. People say they want no more of this. People in the community are over this because nothing is happening in their communities while this uncertainty exists. Ratepayers in the communities where councils have launched legal

challenges are upset about this. They want something definite to happen; they do not want this uncertainty. All we are getting out of this is an opportunity to create more uncertainty rather than letting these communities come back together, putting their councils back in place, and using the extra resources that have been made available to go forward positively.

The Government could have forced through the amalgamations—it had an opportunity to do so—but it did not. This has taken an inordinate amount of time. In allowing this to occur democratically, the Government has played into the hands of people with less honourable ideals. That is a real concern. Some people are trying to spin that the Government was dishonest during the last election campaign. They say it did not tell the people that there would be council amalgamations. That is the greatest crock I have ever heard. I will cite one example demonstrating that that is rubbish. The Local Government Association [LGA] ran television advertisements against the Government and against the amalgamations until the last moment it could.

The LGA is a professional group of people, most of whom I know and like, although I have a different view of its president from that of some of my colleagues. I like the way the association operates. I also know that it would not have wasted its money on ads had it thought the Government did not intend to amalgamate councils. How do members address that when they spin that somehow the Government was dishonest? We started at Dubbo and we continued working through the State. The Government did go to the 2011 election with a policy of no council amalgamations, but it did not go to the 2013 election with that policy. The Government clearly said that it intended to go ahead with amalgamations. It was a tough call.

The campaign could have been a lot easier because we were dealing with some tough issues that we honestly took to the people, including leasing State infrastructure and local government amalgamations. If we were playing politics and if we did what members opposite said we were doing, we would have dumped the policy. If we wanted to dump it, we would have. We did not because we were honourable, we were up-front, we were decent, and we were trying to fix this State. The dribblers on the other side of the House, who simply want to create political mayhem, will not win. They might win the day on this vote. I hope they do not; I hope some sensible, decent people will stop this stupidity. However, they will not have a win in the long term because the bill is going nowhere. People across New South Wales need a chance to get on with their lives.

The Shooters, Fishers and Farmers Party has introduced a bill that plays with the City of Sydney. When it suits its political agenda, it will do things like that. The Labor Party's amalgamations policy interestingly related only to regional New South Wales. Members should ask the Hon. Mick Veitch—who will be contributing to this debate in a moment—how he addresses the way the Labor Party went about this process and the disdain for the Tony Kelly changes. The goodtime guys—The Greens—walked along with them each step of the way. Underneath all their values, they are also political opportunists. I hope there is a breakout of common sense and decency, and that this ridiculous political bill is defeated in this House.

**The Hon. BRONNIE TAYLOR (11:14):** I speak in debate on the Local Government Amendment (Amalgamation Referendums) Bill 2017. Members are aware that the Government created 20 new councils in 2016 because four years of extensive research and consultation found that the local government sector was in dire need of reform. In creating new councils, the Government took action to ensure that it was in a position to deliver and to improve the services and infrastructure that communities need now and for generations to come. This bill fails to recognise the significant benefits councils are already providing to residents and ratepayers.

New councils have already identified more than \$45 million in savings as a result of efficiencies that have been realised through the mergers. They have done that by getting better deals for ratepayers through realising economies of scale and improving their buying power. A better deal for ratepayers is a better deal for our communities. Ratepayers are not only getting better value for money but also benefiting from investment in community groups and services through the Government's Stronger Communities Fund grants. Up to \$15 million has been provided to each merged council through the fund to reinvest directly into the community. It is funding things like community festivals, support groups and improvements to sporting facilities, as well as major infrastructure such as roads and footpaths. These are the things that make an area worth living in; these are the things that keep people in their communities; and these are the things that matter to communities. This bill appears to forget that important point.

It also does not acknowledge the purpose of local government reform, which is to ensure that councils are financially viable for the future, and that they can support their communities and fund them. In addition, the bill fails to recognise that the Local Government Act 1993 already enables councils to take a poll of their electors to inform and to guide council decision-making on any matter. There is no need to duplicate this provision and to add further complexity to local government. I acknowledge that the Cootamundra Gundagai Regional Council has faced some serious issues. I inspected the local waste system last year, and I had some concerns about the state of the infrastructure.

Since the merger, and since it has been productively examined, the council has been consulting with the community and has completed the design of a new waste system, which appears to be going ahead. These are the good stories about this reform. It is fine if people want to disagree; that will happen. However, they should at least acknowledge that there have been some positive outcomes. As much as I adore the Hon. Duncan Gay, I believe there are some outstanding local governments. People see councillors as their community representatives. I come from Nimmitabel, which has a population of about 370 people. I was one of nine councillors representing the Cooma-Monaro shire.

**The DEPUTY PRESIDENT (Dr Mehreen Faruqi):** There is too much audible conversation in the Chamber. Members who wish to have private conversations should take them outside.

**The Hon. BRONNIE TAYLOR:** I am a very proud Nimmitabel girl, although I married into the area. One of the things Nimmitabel desperately needed was a reliable water supply. People would work in gardens that had been nurtured for generations only to see them destroyed by drought. Some may think that watering a garden is not important, but they are precious to those who love them. The water quality was bad, children were suffering with skin conditions, and so on. We needed a new water system. Water supply is expensive and, as members would know, it has been pretty hard to build dams in our communities. But our local council approved the building of the Nimmitabel Dam, which cost up to \$6 million. We received government grants, and I thank the Hon. John Barilaro for that, but we took money out of our water and wastewater fund for that project. Although I was only one person representing 380 people, and the shire has a population of 9,000, that decision to invest and build that reliable water supply for Nimmitabel was unanimous.

I get a bit upset with people when they say, "We will not have representation. No-one is going to care about my community because we will not have a councillor." Everybody cared about Nimmitabel. The nine councillors on the Cooma-Monaro Shire Council voted unanimously to invest in and build that dam. The community thought it was a great idea. No-one said, "Bronnie Taylor convinced everyone to vote for the dam." I did not do that. The councillors wanted to do that because they saw that that community had a basic right to a decent water supply to enable them to grow and thrive.

People in local government do not run for the salary. It was approximately \$9,000 when I was the deputy mayor in Cooma-Monaro Shire Council, but I loved that job and I did it because I wanted to do something for my community. That is how most people think. To say that all councillors are going to be parochial and work only on things for their own communities—for instance, that I wanted to do things only for Nimmitabel—is not right. People think about their whole region because they love where they live. I wanted to use that example. That was a bit of a diversion but I do love a chat. Recently all the councillors from southern New South Wales visited Parliament. They are a fantastic bunch. Southern New South Wales is really rocking. There are two great new female mayors, one in Eurobodalla and the other in Bega. Bega's mayor, Kristy, won the rural local government award, which was amazing.

**The Hon. Dr Peter Phelps:** Is she a Nat?

**The Hon. BRONNIE TAYLOR:** No, I think she is an Independent.

**The Hon. Dr Peter Phelps:** That's a shame. Sign her up.

**The Hon. BRONNIE TAYLOR:** She might be a Liberal. They are doing fantastic things. Some councils are merged councils and others are not, but they are all working well together. Queanbeyan-Palerang Regional Council recently approved 26 projects under the Stronger Communities Fund to the tune of \$8.8 million to be spread across the entire local government area. That is a really good story and it is doing a terrific job. I am going to be really honest and say that my own merged council—Cooma-Monaro merged with Snowy Mountains and Bombala—had pretty big challenges, particularly in the southern end of the Monaro, but it is now kicking goals.

In Cooma people are proud of the job that the council is doing and they are proud of its regional approach. Bombala is marketing itself as platypus country, which I am sure Deputy President Mehreen Faruqi would like. Platypuses are lovely, unique and very Australian. That marketing had never happened prior to the existence of the regional council. In winter when people go to the mountains to ski, there is often a blizzard—the weather there can be unpredictable—which means people cannot ski and all the lifts are closed. So councillors asked, "As a region, how can we increase our tourism?" They suggested that, on those days when families are on skiing trips with their children in the school holidays and they cannot ski, they can go down to platypus country at the other end of the Monaro and see Bombala, which will be fantastic for that town. That is what these mergers have done in these communities. It is important to tell both sides of the story, and I think that is terrific.

The merged councils are leading the way in the delivery of high quality, good value services and infrastructure in New South Wales. There are issues—we have to acknowledge that, because not to acknowledge

that would be disingenuous—but good things and meaningful change do not come without challenges. Let us all move forward, look to the future, embrace this and help our communities rather than bashing the mergers and saying they are not working. Let us find some solutions and let us find a way through this. I think we are doing that.

This bill is at best unnecessary and at worst disruptive to new councils. I acknowledge the words of Mr Scot MacDonald and of the Hon. Duncan Gay, but it is time to move forward. We need certainty, which is only fair. Councils are genuinely trying to get on with the job of delivering for their communities. Even where that has been a challenge, all those people are working in their own communities and they want things to be better. They want to make their communities places where people want to live. We need to give them that shot. The Government does not support this bill.

**The Hon. LOU AMATO (11:25):** I oppose the Local Government Amendment (Amalgamation Referendums) Bill 2017. The reforms to local government are about improving the strength and effectiveness of councils to deliver the local services and infrastructure on which communities rely. The Government has reviewed the evidence for the past four years, and the case for reform was compelling. General Purpose Standing Committee No. 6 tabled a report from its inquiry into local government in New South Wales in October 2015. The foreword from the chair of the committee, the Hon. Paul Green, stated:

The first local councils in New South Wales were established in 1842 and by 1858 there were 327 local councils in the state.

We also have to consider that those were still the days of the horse and cart. The foreword continued:

Over time there have been many reforms to local government. In the 20th century there were numerous amendments to the Acts governing councils prior to the passage of the current Local Government Act 1993. There have also been a series of reviews of council boundaries and rounds of amalgamations, the most recent of which, in 2004, reduced the number of councils from 172 to the present total of 152.

As the Hon. Duncan Gay correctly pointed out earlier, the 2004 round of amalgamations was under the watch of the Carr Labor Government. The foreword continued:

This short history makes clear that reform of the local government sector is not new.

It is clear that the Labor Government also supported it. It is what the community wants. People in the community want services, they want better playgrounds and sporting facilities, and they want potholes fixed. They are not interested in the politics—they do not care. I have been at council elections and people have come up to me and asked, "Is Joe Blow still the mayor?" I have said, "No, he died 20 years ago." They have then asked, "Well, who is it now?" And I have said, "I do not know. That is why you are voting for someone." Many people in the community do not even know or care who their local councillors are. They want to make sure their rates are kept as low as possible but, by the same token, they want councils to do what they are supposed to do—collect rubbish, repair roads, provide preschool services, provide library services and so forth. It is not about whether the community was consulted. Of course the community was consulted. It is ridiculous to say that did not happen. There was even an online questionnaire.

**Mr David Shoebridge:** Pat it on the head; give it a cup of tea.

**The Hon. LOU AMATO:** Mr David Shoebridge will have an opportunity to speak in debate. I am sure he will speak for a long time. The report states:

Many of the respondents to the committee's online questionnaire expressed support for local government reform ...

Sixty-five per cent of respondents supported local government reform.

**Mr David Shoebridge:** On the online questionnaire.

**The Hon. LOU AMATO:** It is 65 per cent—regardless, it is in the report. Mr David Shoebridge was on the inquiry and was instrumental in producing this report. Eighty-seven per cent of respondents believe that councils—

**The Hon. Trevor Khan:** Point of order: My point of order is that this Chamber is turning into a rabble. The level of interjection is quite excessive, and I invite Deputy President Faruqi to bring the Chamber back to order.

**The DEPUTY PRESIDENT (Dr Mehreen Faruqi):** The member is absolutely right. There are too many interjections and too much noise, which will make it really difficult for Hansard to hear what the member is saying. The member has a right to be heard in silence. I call all members to order.

**The Hon. LOU AMATO:** Eighty-seven per cent of respondents believed councils should have a revenue base to enable the delivery of services and infrastructure. Some of the respondents to the committee's

online questionnaire commented on the Fit for the Future process. One said, "Overall, a good initiative to make councils workable." Another said:

The process is important to get councils to review their future and try to tackle embedded protection of the status quo at the expense of the community and efficiencies.'

That is right. In a lot of areas, councillors were self-serving. They were worried about losing their jobs. They were not worried about the community or what was important for the community; they were interested in their own jobs and their mates' jobs. That is what some councillors were concerned about.

**Mr David Shoebridge:** If you are going to continue insulting local government we will continue to interject.

**The Hon. LOU AMATO:** The member had his turn. He had the opportunity to speak.

**Mr David Shoebridge:** Stop insulting local governments.

**The Hon. LOU AMATO:** It is here in the report. I am sure you read it.

**The DEPUTY PRESIDENT (Dr Mehreen Faruqi):** Order! I have just requested, very politely, that members listen to the member with the call in silence and not interject.

**The Hon. LOU AMATO:** The assessment of the Independent Pricing and Regulatory Tribunal [IPART] found that most councils in the State were not fit to deliver what their communities needed in the future. The Government took decisive action, in light of these findings, by creating 20 new councils in 2016 with the scale, capacity and revenue base to deliver improved services and realise savings that can be reinvested in projects that benefit the community. Earlier in this debate someone—I believe it was the Hon. Lynda Voltz—was speaking about Parramatta Road. If I am correct, Parramatta Road is about 23 kilometres long but at one point in time that road went through 10 councils. That works out to be about 2.3 kilometres of Parramatta Road per council. That is ridiculous.

As a result of the amalgamation the 20 new councils are in a stronger financial position to deliver better services and infrastructure for their communities. This is all about the communities. The Government has not just created more financially viable councils; it has also committed new funds to ensure that these councils hit the ground running. Councils have been provided with up to \$10 million to streamline administrative processes and cut red tape as part of changing councils so that they are new, better-performing organisations. This upfront investment will generate ongoing savings for the community. All the money that will be saved can go back to the community. I have been given a list of the 10 councils that share Parramatta Road. I thank the person who provided it. The road is shared by the councils of Sydney, Leichhardt, Marrickville, Ashfield—

**The Hon. Walt Secord:** Point of order: Yesterday there was reference in the Chamber to reading lists into *Hansard* being unparliamentary and outside the standing orders. I urge you to caution the member about reading lists.

**The Hon. Shayne Mallard:** Excessive lists.

**The Hon. Walt Secord:** Excessive lists.

**The Hon. Scott Farlow:** To the point of order: Outlining the 10 councils which the member previously referred to is in no way an excessive list, as the member opposite may claim.

**The DEPUTY PRESIDENT (Dr Mehreen Faruqi):** Order! I do not believe it is excessive to read the names of 10 councils. There is no point of order.

**The Hon. LOU AMATO:** Those 10 councils were Sydney, Leichhardt, Marrickville, Ashfield, Canada Bay, Burwood, Strathfield, Auburn, Holroyd and Parramatta. Merged councils are also provided with up to \$15 million through the New South Wales Government's Stronger Communities Fund. Some of this money has been delivered already to help build more vibrant and inclusive communities through grants of up to \$50,000 to not-for-profit community groups.

For example, Queanbeyan-Palerang Council has provided more than \$13,000 to renovate bathrooms at Bungendore Preschool. I point out to those who have not been there that Bungendore is a really beautiful spot. Canterbury-Bankstown Council has awarded almost \$50,000 to Metro Assist to provide training infrastructure to deliver skill development and employment readiness programs. The Snowy Monaro Regional Council has allocated \$33,000 to Upper Snowy Landcare to undertake native plant revegetation to address dieback in the council area. I note that there are no Greens members in the Chamber. I thought they would have been happy about that, but they are never in the Chamber to hear good news stories.

Hilltops Council has provided more than \$30,000 to the Young Dressage Association to erect a community use shed on the Bendick Murrell Crown Reserve Grounds. Georges River Council has granted \$50,000 to 3Bridges to provide purposeful, engaging and ongoing volunteering experiences for people who experience exclusions due to intellectual and physical disabilities. These examples show how many positive initiatives have resulted from these amalgamations. These positive initiatives benefit the communities, and that is what this Government does. The remainder of the funding is being invested in priority infrastructure and service projects. This means new and better roads, community centres, childcare centres, bridges, playgrounds, libraries and things that make a real difference to people's day-to-day lives. For example, our newest council, Bayside Council, recently announced that it will use the major projects funding to establish the Bayside Council Customer Service Centre at Eastgardens, and implement new infrastructure at two parks, including lighting and pathway connections at Cahill Park, and a beachfront promenade at Pine Park, Ramsgate Beach.

Dubbo Regional Council announced it will complete 10 projects using this funding, including developing a new Visitor Experience Centre at the Wellington Caves Reserve; reconstructing Wellington Pool; refurbishing and upgrading the Geurie tennis courts to provide for a variety of sports through the installation of hoops and line markings; and revitalising a number of playgrounds. The whole community across the State is seeing benefits from this funding. Members of this Government cannot support a bill that threatens the ability of our strong new councils to deliver substantial benefits like these to residents and ratepayers in the future. We are here to do the right thing for residents. We are here to keep downward pressure on rates. We are here to deliver the services that the ratepayers expect of local government.

*[Business interrupted.]*

*Visitors*

#### VISITORS

**The DEPUTY PRESIDENT (Dr Mehreen Faruqi):** I welcome to the Parliament student leaders from high schools in New South Wales who are attending the Secondary Schools Leadership Program conducted by the Parliamentary Education Unit. Welcome to New South Wales upper House. At the moment we are debating the Local Government Amendment (Amalgamation Referendums) Bill 2017.

*Bills*

#### LOCAL GOVERNMENT AMENDMENT (AMALGAMATION REFERENDUMS) BILL 2017

##### Second Reading

*[Business resumed.]*

**The Hon. DAVID CLARKE (11:38):** I do not support the Local Government Amendment (Amalgamation Referendums) Bill 2017. I will be voting against it. Members will be aware that the Government created 20 new councils in 2016 by reducing the number of councils in New South Wales. Contrary to the misguided belief of some members, this decision was not made in a vacuum. The decision to create these new councils followed four long years of extensive research and consultation that showed the local government sector was in dire need of reform. Public inquiries were held across the State, in which communities were empowered to have their say on the potential mergers.

This process found that two thirds of councils were not fit to deliver the services their communities needed. Councils were collectively losing as much as \$1 million per day in the years leading up to these reforms. Sixty per cent of the councils were found to be unfit by the Independent Pricing and Regulatory Tribunal. These are losses of ratepayers' money, families' money. All families need and deserve to have their money managed properly by councils. The Government took action before even more ratepayer funds could be wasted by inefficient councils. The result is 20 new councils that are in a stronger financial position to deliver better services and infrastructure for their communities. These new, larger councils reduce unnecessary duplication, realise economies of scale, and implement better governance and administrative practices. They do this while seamlessly delivering services to more than two million residents.

The new councils provide many benefits to residents and ratepayers across the State. The Stronger Communities Fund, an allocation from the State to amalgamated councils, enables new councils to benefit communities at a grassroots level. Some \$800,000 was provided to Disability Matters for improving disabled access across the Central Coast. The Jesuit Refugee Service received nearly \$50,000 to provide an employment support program for people seeking asylum. The Anglican Parish of Gundagai received \$18,600 to build a ramp access to St John's Church. Islam Relief received \$49,800 for a domestic violence program. The Salvation Army in Auburn received \$48,984 for the Cumberland Together 4 Hope program. Ashfield Baptist Church received \$12,000 to improve the functionality of its hall. Some \$7,000 was given to the Young Men's Christian Association

[YMCA] Cooma Cafe project. This list goes on. These grants are being delivered at a grassroots level in amalgamated council areas for the people of New South Wales.

New councils are consolidating resources and staff so that more money can be directed to frontline services. The Inner West Council has identified \$1.5 million in savings per year by redeploying back-office staff. The new councils also achieve savings by streamlining and aligning contracts, and using their increased purchasing power to negotiate better deals for ratepayers. Through streamlining back-office contracts and establishing new and larger purchasing agreements, Canterbury-Bankstown Council has identified long-term projected savings of more than \$90 million over the next 10 years, which will be used to improve services and address the extensive infrastructure backlog. Even apparently small administrative changes have produced big benefits. Hilltops Council has identified annual savings of \$125,000 and Inner West Council has already saved an impressive \$1.5 million by consolidating insurance policies.

The Government recognises the importance of getting new councils off to a good start. It has provided a total of \$375 million in funding to streamline administrative processes, cut red tape involved in implementing the mergers, fund local projects, and kickstart new services and infrastructure. This level of investment in local government is unprecedented and has seen councils invest in more than 480 new community projects and services. Councils are getting on with delivering the services that matter to communities and making a difference to residents in their everyday lives, services such as fixing footpaths, playgrounds and sporting ovals—things communities want and need.

Following its merger, Armidale Regional Council was able to purchase a property for a new library. The former library space was deemed unsuitable 15 years ago due to poor working conditions and limited storage, but the former council did not act. Through amalgamation, the Government has helped initiate projects like these all over the State. The larger, more modern library recently opened with better disability access than the former library. The Government remains committed to creating stronger councils that are effective financial managers with the ability to deliver the best possible services and infrastructure to ratepayers. The Government does not support duplicative and unnecessary administrative steps that jeopardise the ability of councils to deliver ratepayers the services, infrastructure and value for money they deserve. This bill needs to be defeated and I will not support it.

**The Hon. TREVOR KHAN (11:45):** I speak in debate on the Local Government Amendment (Amalgamation Referendums) Bill 2017. I will start by quoting a well-known parliamentarian from New South Wales, who said:

So let's come back to this conference next year with fewer but stronger councils. Let's bring an end to the annual ritual of the Minister naming poorly performing councils in Parliament. Let's see councils with stronger balance sheets, better equipped to serve the people who pay their way, the ratepayers of NSW.

Fine words indeed.

**The Hon. Niall Blair:** Who said them?

**The Hon. TREVOR KHAN:** It was not the former Premier Mike Baird or the former Labor Government Minister Paul Toole. One has to delve back a little further into history to find this person: my former branch secretary of the Maroubra branch of the Australian Labor Party [ALP], Bob Carr.

**The Hon. Walt Secord:** That was when you were in the Labor Party, before you became a National.

**The Hon. TREVOR KHAN:** That is correct. The obvious conclusion is that council amalgamations have been around for many years. Let me be clear: the true hypocrites in this place are those on the other side, because they are now taking the opportunity to attack something they attempted to do years ago. I come from the Tamworth area and I still live there. I experienced this process in Tamworth in 2004. At that time Tamworth had a large and viable city council. We had a donut council around Tamworth, the Parry Shire Council. To the east, Nundle Shire Council had serious financial problems in part caused by a deficiency of insurance cover as the result of a serious motor vehicle accident that left a young lady as a quadriplegic. Manilla Shire Council was a small council west of Tamworth. To the north-west Barraba Shire Council was suffering economically because of the closure of nearby asbestos mines and a subsequent population drain.

There was a variety of councils suffering from many of the dynamics we see now in local government areas. Essentially, the commercial heart of the area was being sucked into the major regional centre, which was Tamworth. During that time, my firm acted for Manilla Shire Council. It was an interesting experience. It was plain to see that though small, Manilla Shire Council was committed to its local community. Nevertheless it had very serious financial problems. Many of its functions were being performed by Tamworth City Council because Manilla Shire Council could not afford to run them. The engineering and planning sections were contracted out to Tamworth. Still, even with contracting out there were significant financial problems. By way of example, they

were being sued over a rates issue by one of their residents. I have to say it was not a particularly reasonable case formed by the resident, but we went through the process in my favourite jurisdiction, being the Tamworth Local Court, and she lost.

**The Hon. Walt Secord:** Lower traffic court.

**The Hon. TREVOR KHAN:** Yes, lower traffic court. We then ended up in the Supreme Court, where she again lost. We then went to the Court of Appeal, where she again lost. Frighteningly, we were confronted by the fact that she was heading off to the High Court. The council was in such a financial plight, so the question became: How do we run a case in the High Court? I had my Dennis Denuto moment—

**The Hon. Niall Blair:** You would have been cheap anyway.

**The Hon. TREVOR KHAN:** Yes, I lied, "It'll be fine. I will do it for you."

**The Hon. Niall Blair:** Cheapest six-minute rate in the State.

**The Hon. TREVOR KHAN:** I can tell you I earned my quid that day. It was the most terrifying experience of my life. I think I had difficulty saying my name by the time I finally stood up. It was a demonstration of the problems that these small councils have. Their capacity for performing basic functions becomes marginal at best. If we went to the residents of Manilla at the time the amalgamation was imposed upon them by the then Minister for Local Government, Tony Kelly, to a man and to a woman they would tell us that they were outraged by the experience. It did not matter that the council was not capable of delivering the services or that the council was teetering on the edge of disaster. They believed they were entitled to have their local council. It was the same with Barraba, where one of the problems when there was a hot, sweaty day was that the town ran out of water. They were pulling water out of bores where it was marginal at best.

Still the residents wanted their local council, when what they really needed was a reliable water supply. Barraba council was not capable of supplying water, but still the people of Barraba said they wanted their local council. The amalgamation was imposed upon them and there was uproar in Manilla and in Barraba. It took some time for the people of those communities to recognise that their way forward to becoming viable and having reliable delivery of services was in the regional council structure that had been imposed. I was agnostic about the whole thing. I have to say that we lost a client, which was pretty disappointing, but the client was struggling to pay my bills anyway.

**The Hon. Rick Colless:** So you didn't lose anything

**The Hon. TREVOR KHAN:** No, we did not really lose that much because we can only discount for so long. After the amalgamation the area was capable of providing effective services to residents. I think one would still find a section of the Manilla community, notwithstanding that they are getting far better services now, that would say they want to go back to having Manilla Shire Council. To their credit, they see their identity purely through the name on the sign as they enter the town. But the services now are better than they were. As many other contributors to this debate have said, it took time to deliver many of the benefits for smaller communities around Tamworth—Nundle, Manilla, Barraba. That is the nature of improving services. It took considerable time for the amalgamation process to be bedded down, and so it took a considerable amount of time for the residents of the area to understand the benefits of the new local government structure.

The reality is that the majority of people throughout the region will now say that what occurred was the best thing for the people of the Tamworth region. Apart from the Labor point of view that demonstrates the hypocrisy of those opposite, the problem with the Local Government Amendment (Amalgamation Referendum) Bill 2017 is that it fails to recognise that it takes time for people to understand the implications of council amalgamations. It takes time for the new body that is set up to demonstrate the improvement in services from the new structure.

**The DEPUTY PRESIDENT (Dr Mehreen Faruqi):** Order!

**The Hon. TREVOR KHAN:** Unlike the cynicism evident from those on the other side of the Chamber, I accept that the Hon. Robert Borsak introduced this legislation with the best of intentions. But I have to say that he is sadly mistaken because this bill will not achieve what is best for the people of these areas. We can give to the people in these local government areas a far more effective local government model that would provide the services people not only want but also need. The provision of services will come gradually, and people will accept that council amalgamation is the way forward. Holding a plebiscite would achieve the reverse of what we all want for the people of New South Wales, that is, good services. De-amalgamating any of these councils would be both costly and counterproductive, because it would not achieve what former Labor Premier Bob Carr said in 2003—that is, the aim of council amalgamations is "stronger balance sheets with councils better equipped to serve the

people of New South Wales". This was right; we all have to achieve this aim. We have to achieve effective services for the people of New South Wales.

The process of local council amalgamations has been a bit ragged around the edges, one would have to concede. But the outcome of the amalgamations will be positive for the people of New South Wales. The people of New South Wales deserve that, and we should stay strong. We should hold the course, we should deliver the services to which people are entitled and we should defeat this bill because, whilst the motivations may be good, the outcomes would be negative for the people of New South Wales. I will be voting against the bill.

**The Hon. Dr PETER PHELPS (11:55):** I have a caveat to start my contribution to debate on the Local Government Amendment (Amalgamation Referendums) Bill 2017: My views in no way represent the Government's views on this bill. When we think about local government in New South Wales, our minds invariably turn to the wonderful documentary *Rats in the Ranks*, which featured the first public appearance of the Federal member for Grayndler, the Hon. Anthony Albanese. That was in the days when he was a Labor Left power broker in the inner suburbs of Sydney doing nefarious deals in a style that would make even Federal Senator Sam Dastyari blush, which is hard to do when you consider Sam. *Rats in the Ranks* was evidence of a particular style of local government in place in New South Wales at the time. I think it is fair to say that generally speaking, when one looks at local government in New South Wales, if there were to be a level of government to be abolished, local government should be it.

A lot of people say we should get rid of State government and just have Federal and local governments. My view would be to get rid of local government in its entirety and let local communities determine for themselves what they want. It is not necessarily *Rats in the Ranks* that draws our attention to local government, but a wonderful episode of *Yes Prime Minister* called *Power to the People*, where the astute observation was made that councillors were elected by people with no idea about their policies or competence, that inevitably local council elections were based more on the performance of national or State governments and that once installed in local government councillors spent four years on a "subsidised ego trip with the most minimal level of public interest or accountability". I think that statement from the United Kingdom is generally also relevant to local government in New South Wales. Indeed, what we have is an oligarchic system that places control in the hands of party hacks and overpaid bureaucrats.

If we really want to make local government accountable we would not make it bigger. We would make it smaller—radically smaller. We would make it so small—and this is my dream for all government—that it could be drowned in a bathtub. That is my ideal government. In my view we want to make government small, poor and weak. If that were to occur we would also help to stamp out corruption, because corruption is directly linked to the power of a government. Government that is powerful has a lot of control over people's lives, and hence the marginal utility of corrupting an individual in charge of that power is much higher than it is for a government that has no power. If we want a reduction in corruption, reduce the size of government, reduce the scope of government, reduce the power of government. So I say, let us go back to a system that was again espoused, with tongue in cheek, however with a degree of interest and effectiveness, in *Yes Prime Minister*. In that episode they spoke about making each councillor responsible for 200 households with a large local council reporting to an executive. The councillors would then be in close contact with the people they purport to represent, and they would have to listen to their concerns.

I have to say that is very attractive. For example, I would love to see a democratic reform where the councils of Marrickville, Camperdown, Newtown, St Peters, Petersham, Leichhardt, Annandale, Balmain, Glebe, Alexandria, Darlington, Erskineville, Redfern, Waterloo and Paddington were all revived. That would be fantastic: Imagine how small, weak and feckless they would be. That is my glorious idea of local government—small, weak, feckless, useless and unable to use coercive power to impinge upon the lives of ordinary citizens. If a newly developed Marrickville Council decided to impose a ban on Israel and Israeli products, at least we would know it for the small, ridiculous thing that it is rather than what it purports to be—the genuine voice of the inner west.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call the Hon. Rick Colless to order for the first time. His mobile phone is ringing in the Chamber.

**The Hon. Dr PETER PHELPS:** If we want democratic councils, let us return them to their heartland and to what they were. The Labor Party, which is so opposed to council amalgamations, was responsible for almost all of these amalgamations. Marrickville, Camperdown, Newtown, St Peters and Petersham were amalgamated into Marrickville Council. Leichhardt, Annandale, Balmain and Glebe were amalgamated into Leichhardt Council. Alexandria, Darlington, Erskineville, Redfern, Waterloo and Paddington were amalgamated into the City of Sydney council. Labor Party members—the great liberators of local government—are the ones who decided for political expediency from the mid-1950s onwards to amalgamate councils so that they could have additional power.

In this respect I refer to a decision put into effect on 11 February 2004. My historical knowledge is sufficient to know that in 2004 there was a Labor Government in New South Wales, one that I believe was headed by Bob Carr. On 11 February 2004 a new council was created: the Eastern Capital City Regional Council made up of Tallaganda shire, most of Yarrawlumla shire, parts of Cooma-Monaro shire, Gunning shire and Mulwaree shire. It was created without any community consultation and to deliberately exclude the city of Queanbeyan. It was created to fail. Everyone knew it did not have the economic capacity to survive, but a Labor Government created it and offered no financial incentive for it to be amalgamated and no financial reward to it after it was. It was a disgraceful act. Why did Labor do it? Why did it put together these rural shire councils and leave out Queanbeyan? The simple reason is that it wanted to save the Labor polling booths of Queanbeyan and excise the Liberal-Nationals polling booths in those areas.

It was a deliberate rort to look after Frank Pangallo, the cat's paw of the Labor Party in that area. It was done to look after Sue Whelan and Anne Rocca, both of whom I note have now left the Labor Party. Obviously Labor has some problems with women in the Monaro region, something which Councillor Brown should address rather than spending his time talking about the excellent work of Minister Barilaro. Councillor Brown should probably look at what is so wrong with his party that Labor women are fleeing it in droves. Eastern Capital City Regional Council was created and subsequently became Palerang Council, and there was no way that it was economically viable. Labor knew that at the time but still created it and deliberately excised the only thing that would have made it economically viable—the city of Queanbeyan—because it wanted to look after its Labor mates there. It had concerns that any sort of regional council that included Queanbeyan would be not under the control of the Labor Party.

Fortunately, time and the electors of Queanbeyan proved it wrong, because when the 2008 election came around there was a new mayor in Tim Overall and the first appearance on the public scene of a wonderful, energetic and brilliant local small businessman from Ryleho Windows—a man by the name of John Barilaro. That was the first time I met Barra. He was at a polling booth and I thought, "This guy is great. He is fantastic. This is the sort of person—"

**The Hon. Scott Farlow:** Why didn't you sign him up to the Liberal Party?

**The Hon. Dr PETER PHELPS:** The Liberal Party did not run there. I saw John Barilaro and said, "This is the sort of person who should be in local government." He was not there for his own interests or to look after himself. He was not there to do deals for his own benefit. He was there for the same reason he is in this place—to fix problems. He came into politics for the purest of reasons. He saw what was wrong and said, "You know what? I want to do something to fix it." That was his entire motivation, and it is great to now have him as the Deputy Premier of New South Wales, because that same impetus drives him to this day.

Returning to my original point, Labor members talk about how terrible these amalgamations are in rural and regional New South Wales and how terrible it is that there has been no consultation, when Labor itself did this in my own area in 2004. Labor did it without offering a cent of compensation and without any local input. The local input Labor did have indicated that it was not going to be financially viable, and that was a fact. It was not financially viable. Palerang Council was not financially viable. This Government has done something that should have been done in 2004. If we accept that a council should be large and wonderfully economically efficient, which I accept is the majority view in this place, and that it should be able to claim efficiencies of scale, we should have a council that actually works. In the recent council amalgamations we have brought Palerang and Queanbeyan together.

A lot of people are not happy about that. Many of people in Palerang are unhappy because they believe they will be outvoted electorally by the pig in the python that is the population centre of Queanbeyan. Many people in Queanbeyan are not happy because they say, "We are on a pretty good deal at the moment. We do not want to have to subsidise the roads in Bungendore and Braidwood. We do not want to have to take care of that." Everyone has their own level of misery. We will find—as people have found over the ages with large council amalgamations such those in the inner city of Sydney—that there will be an accommodation. The worst features claimed by the opponents of amalgamation will not come to fruition.

There will be friction on transition but ultimately people will get down to business. They will accommodate themselves and they will accommodate the needs of others. Then there will be a local government that just gets on with the job. The sooner the elections happen, the happier I will be. I say with purely cynical political motivation that once there is a cohort of people whose existence is based upon their being elected according to the new electoral boundaries there will be a sudden diminution in the complaints from people whose electoral existence is based on the current boundaries. In other words, a new cohort of people will be absolutely dependent upon the existence of these new boundaries.

I have previously mentioned privately but not publicly that I believe the amalgamation elections should have taken place last year. I think it was silly for the Government to have delayed it for another year. It would have been better to rip the bandaid off in the first instance rather than have this prolonged saga of claim and counterclaim, but we are where we are. I say bring on the 2017 elections and the cohort of councillors whose entire existence is dependent upon the new boundaries. That will be better for everyone because the new councils will be able to get on with the business of doing what they were elected to do. I hope that is the case and they will get on with doing what they were elected to do in a reasonable manner with a strong economic future ahead of them and the support of the population behind them.

**The Hon. SHAYNE MALLARD (12:09):** I oppose the Local Government Amendment (Amalgamation Referendums) Bill 2017. Essentially, it is disruptive to communities and plays politics with them. It seeks to unwind the fundamental microeconomic reforms this Government has made at the local government level. The Hon. Robert Borsak moved his private member's bill which seeks to amend the Local Government Act 1993. The bill requires non-compulsory plebiscites to be conducted in the 20 merged councils which will ask residents whether the merger should be reversed. It also requires compulsory referendums to be held in the 14 councils subject to five merger proposals to determine whether these mergers should proceed.

I welcome the opportunity to put on record my views on local government reform. Whilst there have been debates and some adjournment speeches made I have not had an opportunity to speak on this issue. Like many members of this Chamber, I come to this place with a local government background. I have been elected, sacked, compulsorily merged and I have seen the issues and benefits on both sides of the process. That all occurred under Labor, which I will return to in a moment. A fundamental problem with this bill is that it seeks to kill off the microeconomic reform to local government that the Government has embarked on since the 2011 election through the Fit for the Future program.

I strongly support local government reforms. I believe that local government is a key player in the economy of our State and in the delivery of services to communities. It is a key partner with the State Government—and to a lesser extent the Federal Government—in efficiently and effectively delivering resources to our local communities. Since 2011 this Government has embarked on a bold reform program which has taken New South Wales from the worst performing State in the nation to the best and made New South Wales number one again. For it not to do something about local government—which is fundamental to the delivery of reform over the next decade—is to turn its back on a key reform in this State.

That is not the record of this Government. It has always been prepared to grasp the nettle and make the hard decisions. The last State election when the Government took the leasing of electricity poles and wires to the electorate is a good example. I remember doorknocking in Leumeah and Holsworthy and explaining to scared and sceptical constituents the benefits stemming from leasing the poles and wires. This Government was rewarded at the ballot box for its honesty and commitment to reform. It is why we sit on this side of the Chamber. As other speakers have said, local government reform is long overdue. Labor was unable to make meaningful changes. They members were unable to take on the war lords in their local areas who controlled their preselections.

**The Hon. Walt Secord:** The war lords.

**The Hon. SHAYNE MALLARD:** Yes, the local mayors and Labor Party branch presidents who controlled the outcome for many lower House members. But the Liberal-Nationals Government has invested political and economic capital in this reform. I can only speak on behalf of the Liberal Party but let me be clear that this is not happening without pain within our party. This is a painful process because some councillors with interests in local government are not happy about the reforms. This Government is about the bigger picture. Unlike Labor, it is not prepared to squib on reforms because of vested interests in local areas.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I remind members that interjections are disorderly at all times.

**The Hon. SHAYNE MALLARD:** If I pause for effect I hope members will not take the opportunity to fill the space with their interjections. From his contribution it is clear that the Hon. Dr Peter Phelps and I do not agree on where local government reforms should be heading. I think councils should be bigger, not smaller. Local government reform has been a difficult process for all governments. The Hon. Dr Peter Phelps talked about microscopic councils that were eventually amalgamated in the 1970s. Reforms were also put in place after World War II. As an inner city councillor I was amazed to see that there was a Waterloo Town Hall, which is now a library, and a Redfern Town Hall, which is now a community centre.

I have also visited Glebe Town Hall and the Alexandria Town Hall. They were all polling booths where we did very well. I was surprised to see how small local government areas once were and amazed to think how handicapped they must have been in delivering basic services to their communities. They must have struggled.

A review of local government was conducted in the 1970s. The Boundaries Commission was created and the Wran Labor Government amalgamated 38 of the 223 councils into 17. In the 1980s nothing happened. In the 1990s the Carr Labor Government initiated further local government reform reviews.

**The Hon. Walt Secord:** Trevor had a different view.

**The Hon. SHAYNE MALLARD:** The 1980s, I said.

**The Hon. Walt Secord:** Trevor was singing the praises of the Carr Government.

**The Hon. SHAYNE MALLARD:** The interjector is not listening to what I am saying. In the 1980s nothing happened and in the 1990s the Carr Government initiated the Local Government Reform Taskforce. It did not want to push the envelope and so it tried a process of voluntary amalgamations; however, only four councils entered into voluntary mergers to avoid forced amalgamations. They were unsuccessful as well. In 2000 the Sproats inquiry conducted a review of inner city local government. I attended that inquiry and am familiar with it. It recommended that there be four large councils in the inner city. It is believed that the then Minister's office wrote a minimalist proposal—perhaps the Hon. Walt Secord has some knowledge of this as he is smiling widely—that cut a chunk off Leichhardt Council and South Sydney Council and added them into the city to try to gerrymander that election.

Subsequently, when South Sydney Council took Sydney City Council to court, both were sacked in the early hours of the morning and compulsorily amalgamated. There was no plebiscite and no referendum. There were protest rallies out the front of Parliament House. I remember attending those and seeing Clover Moore standing on her milk crate campaigning against the compulsory amalgamation. I do not want to verbal him, but I vaguely remember Mr Shoebridge being there as well in his role as a Woollahra councillor. As the Hon. Dr Peter Phelps has pointed out, the Labor Party does not come to this debate with clean hands or a clear conscience. Based on that history, for Labor members to be supporting bills such as this shows that they cannot lie straight in bed.

**The Hon. Paul Green:** You don't want plebiscites; people might tell you what they really think.

**The Hon. SHAYNE MALLARD:** I am glad the Hon. Paul Green is in the Chamber, although I know he pays attention to debates from his office. I will return to my views on plebiscites in a minute. I am sympathetic to plebiscites; they are a good tool for finding out what ratepayers want—except in relation to certain issues. I think I am being led down that path.

**The Hon. Dr Peter Phelps:** You fell into that trap.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! It was obvious where that was going.

**The Hon. SHAYNE MALLARD:** I am focusing on the long title of this bill. I need some water after that.

**The Hon. Walt Secord:** That has been there for a week.

**The Hon. SHAYNE MALLARD:** I now drink tank water in the Blue Mountains, so I am familiar with that. The Carr Government abandoned its policy of no forced mergers after the 2003 State election. Within a year, super councils were legislated for in inner Sydney, the Canberra surrounds, and Goulburn and Tamworth. The so-called non-compulsory amalgamations policy was on the Carr Government's agenda. A key objective of Fit for the Future is capacity building in local government. It is important that local government move away from splintered, self-interested organisations. That is not true of all of them; not all were deemed not to be fit for the future. However, those that were to be amalgamated in the city would clearly benefit from amalgamation and capacity building. That is what happened with the amalgamation of the City of South Sydney with the City of Sydney. By building capacity, local government can become a meaningful partner with the State Government. That is where my views diverge from those of the Hon. Dr Peter Phelps.

I have had a career in local government as a councillor and as a staffer. My experience is that councils that have capacity and resources attract the best talent; not only as councillors but also as senior staff. They also have the resources to engage consultants as needed to help them prepare cases. While I was involved in local government at Liverpool City Council, the State Government and the Federal Government came to the table to talk meaningfully about projects, infrastructure and other areas of government responsibility. However, every time governments of both persuasions have announced master plans for Parramatta Road—none of which have come to fruition; I think we are at mark 20—inner-west councils were not invited to the conversation; they found out by press release.

**The Hon. Paul Green:** You guys will deliver it.

**The Hon. SHAYNE MALLARD:** We will, because we have a record of delivering. Members can travel around Sydney and see the fluoro vests and hard hats demonstrating that this Government is delivering. Local government will be stronger, it will have more capacity, it will partner with the Government, and the Government will take it more seriously. The Government is working in areas other than infrastructure, including public transport corridors, regional planning issues, management of water catchments, water tables and floodplains, and environmental issues. The Greens are in the Chamber only when they want to attack the Government; they are never here when we are having a good conversation. They might be interested to know that local government will have more capacity to deal with climate change. The infrastructure programs that the Government is rolling out, which include stormwater projects, would be much better managed if local government had better capacity.

The Government is not only dealing with nuts and bolts issues; it is also dealing with social housing reform and the provision of affordable housing. Local government can be a meaningful partner if it has the capacity to do so. The notion of lifting councils above the control of small minority groups in the community is attractive. I have seen that happen as a result of amalgamations. The Hon. Dr Peter Phelps's proposal would have the opposite effect. We could have councils that take a broader interest in the wider community, although theirs would still be a local voice. I draw the attention of the House to the role of local government and its relationship with the State.

**The Hon. Daniel Mookhey:** Tell us.

**The Hon. SHAYNE MALLARD:** It is a central question for me, and I said earlier that it is about service delivery. Local government is the subject of an Act of Parliament; it is not in the Constitution. It has elected representatives who engage with their communities. As I said, they are key to the significant economic reforms to which this Government is committed.

**The Hon. Walt Secord:** Four minutes left. The member has finished.

**The Hon. SHAYNE MALLARD:** No, I have simply paused for effect. This bill seeks to unwind the Government's reforms, and that would be dangerous and damaging to the economy of New South Wales. I have sympathy with plebiscites on local government issues because they inform government at all levels. However, they should not dictate or hijack the process.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! The Hon. Walt Secord will not address the visitors in the gallery.

**The Hon. SHAYNE MALLARD:** I will provide some information to members about the performance of councils that have been amalgamated. Of the 20 merged councils, 19 have now been operating for a full year, and they have made significant progress. For example, Cumberland Council has rolled out a new e-planning framework, enabling residents to review and to comment on development applications online; and Bayside Council has resolved to allocate \$9 million of Stronger Communities funding to projects in Pine Park and Cahill Park, and to establish the Bayside Customer Service Centre at Eastgardens.

**The Hon. Shaoquett Moselmane:** They are wasting that money at Bayside.

**The Hon. SHAYNE MALLARD:** I am picking out a few examples; I will not read the entire list. The Inner West Council won the inaugural Greater Sydney Planning Award for its GreenWay project; the City of Parramatta Council, which is exciting, is identifying funding options for up to \$30 million for the new Parramatta Aquatic Centre following the announcement of the State Government's contribution; Canterbury-Bankstown Council anticipates savings of more than \$90 million over the next 10 years as a result of streamlining contracts and using its increased scale to obtain better purchasing agreements; the Northern Beaches Council is investing \$32.6 million in projects to connect the community, including by providing 36 kilometres of coastal walkways and cycleways; and the Central Coast Council has delivered a range of benefits since the locally popular merger occurred, including aligning customer service processes, and delivering savings of \$750,000 a year by consolidating supplier contracts. Unlike the Labor Government, this Government has allocated funds to councils that were prepared to amalgamate.

**The Hon. Daniel Mookhey:** So you bribed them.

**The Hon. SHAYNE MALLARD:** No. I will read out the bribes, if that is what the member wants to call them. The Stronger Communities Fund provides \$15 million to each council. As a result of that fund, the Armidale Rifle Club received \$17,448 to improve its event capabilities; the Edwards River Boat Club received \$30,000 for riverbank redevelopment; the Edwards River Clay Target Club received \$16,225 to upgrade its amenity block; the Deniliquin Field and Game Club received \$35,000 to relocate a shooting range; the Edwards River Pistol Club received \$10,000 for the clubhouse and an air pistol range; the Boorowa Gun Club received \$25,000 for a shelter shed; Mathoura Fishing Classic Inc. received \$12,500 for a community catering trailer—it

is in the Murray River Council area; and the Mathoura Gun Club received \$10,870 to purchase an automatic trap and to enclose a tower to protect it from the weather.

In addition, the Coleambally Pistol Club received \$46,500 for a new clubhouse, a new pistol range and a water tank; the Coleambally Clay Target Club received \$49,700 for a new trap house; the Cooma Field and Game Club received \$20,000 for a solar power installation; the Cooma Gun Club received \$6,927 to replace a clay target thrower; and the Tumut Clay Target Club received \$3,258 for an automatic emergency defibrillator. That is a specific interest group that has benefited from Stronger Community grants, but I have pages listing grants to other areas such as domestic violence, heritage, and so on. This fund has been delivering to the community. If this bill were to pass, it would stop all the benefits that have been flowing to our communities. I oppose this bill.

**The Hon. RICK COLLESS (12:29):** I oppose the Local Government (Amalgamation Referendums) Bill 2017 introduced by the Hon. Robert Borsak. This bill requires non-compulsory plebiscites to be conducted in the 20 merged councils, asking the residents of those council areas whether they believe the mergers should be reversed, and to hold compulsory referenda in the 14 council areas that are subject to the five merger proposals to determine whether those mergers should proceed. I have great concerns about holding non-compulsory plebiscites in the 20 merged council areas, as this is an opportunity for small groups of highly vocal people to have their say though they may not necessarily represent the majority view.

It is not uncommon where such plebiscites or surveys are held for the results to show overwhelming support for one side of the argument or the other. One side can so dominate the debate that people who have an opposing view are unable to express their opinions for fear of being ridiculed, lambasted and abused by people holding the opposing view. This is a tactic that has been used in recent debates—in particular with respect to the gas debate, the local government debate and the greyhound debate—and it is apparent that there are some members of this House who strongly support this tactic as a legitimate method of pushing their own agenda. These people will not allow a sensible and logical debate about the issue at hand. They are more concerned with pushing their own views—usually minority views—upon an unsuspecting public.

The other point that I must make is that local government amalgamations have been happening since the early 1900s. The Local Government Act was first gazetted in 1906, but some villages were gazetted as municipalities prior to that date. For example, in August 1897, a public meeting was held in the village of Warialda to consider the "desirableness of transferring the village into a municipality". The residents decided against the proposal at that time, but they did petition the Governor two years later, and the Municipality of Warialda came into being in March 1900. With the gazettal of the Local Government Act 1906, shires were established all over New South Wales, including the Yallaroi shire, gazetted on 6 March 1906. Just a few years later, on 29 December 1924, Yallaroi shire and Warialda Municipality were amalgamated to form the larger Yallaroi shire. Yallaroi shire existed until 17 December 2004, when Yallaroi, Bingara and part of Barraba shires were amalgamated to form Gwydir shire.

During the 1990s, I was a member of the Inverell shire, created in 1979 by the amalgamation of Macintyre Shire Council, Ashford Shire Council and Inverell Municipal Council. Although I was not a member of one of those councils at that time, there was considerable community concern about the merger, largely focused around the fear of a lack of representation on the merged council for residents from outlying areas. If one of these activist-driven plebiscites had been conducted at that time, the campaign may have degenerated into the type of tactic that I was describing earlier. There have been many benefits for the people of Inverell from the amalgamation of those three councils in 1979. Should we also have a plebiscite on the possible demerger of councils such as Gwydir and Inverell? What should have happened during the current local government debate?

I believe that we should have put a big map of New South Wales on the wall, got some white out and erased all the local government boundaries that were on that map and started from scratch in identifying communities of common concern, and built a local government structure around that. Many members have outlined the many benefits that can accrue from sensible debate and subsequent mergers of local government areas. I do not intend to go through those arguments again. It is important to have proper and comprehensive consultation but to have a plebiscite now, that may be hijacked by overzealous activists, is not the answer. We must move forward and get on with the job of improving the governance and providing the services that these communities so richly deserve. Many other members have pointed that out. I am opposed to this bill.

**The Hon. PAUL GREEN (12:34):** On behalf of the Christian Democratic Party I speak in debate on the Local Government Amendment (Amalgamation Referendums) Bill 2017. The bill says:

The object of this 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.

As members know, I served a long time in my local government area. I continue to reiterate that across New South Wales we have really good people in local government who are serving diligently and doing the right thing by their communities. Unfortunately, some of these amalgamation laws have come about because of a small number of people who continue to do some wrong things. Sadly, no laws will deter those people from trying to make a quick buck or benefiting from greed. Indeed, local government will be in a mess if we continue to make laws that try to capture these people. We talked a bit about that earlier this week.

The lessons from a previous era have taught us that local government is not a regime to which we can apply the concept of one-size-fits-all. Each community sees itself as unique and each community needs to have the ability to address these things through this filter. History has also shown that when State governments do not acknowledge the unique needs of communities, or listen to their local government counterparts, their days in office are numbered. The Australian Centre of Excellence for Local Government released a report in 2017 concerning the value of local government to all. Project leader Associate Professor Roberta Ryan said of the landmark research:

The view of local government as being confined to roads, rates and rubbish is long gone, in both practice and in terms of what communities expect. Australians want local government to be responsible for a diversity of activities in their local community, with planning for the future being among the most important.

Individual councils should be able to determine what they need to ensure the peace, order and good governance of their municipalities. Essentially, each council makes its own decisions based on its collective beliefs, the advice it receives, various financial considerations, legislative powers and so on. The Christian Democratic Party believes that everyone—and, more importantly, the Government—needs to liaise continually and consult with relevant stakeholders, including councils, Local Government NSW and local communities to ensure that local concerns are heard, understood and implemented.

As we have seen, councils are committed to their communities. We recognise the efforts of councillors and council staff. Councillors give up many hours of their time for very little or no remuneration, with the aim of improving their local communities. The Hon. Bronnie Taylor gave us a snapshot of that earlier. She spoke about the small amount of remuneration that there is for councillors who really work for the love of the community. Local government reform is not new, but it is vital to have the right reforms at the right time and in the right order if we want this sector to get back on track. The bill introduced by the Hon. Robert Borsak represents a sturdy case of procedural fairness. In the words of my colleague the Hon. Robert Borsak:

Councils are the largest local employer in their communities, particularly in regional areas. They play an important and vital part 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.

Regarding the importance of regional councils, the Legislative Review Committee considered this bill and stated:

As it is not compulsory to vote in a plebiscite, it is possible that the result of the plebiscite may not accurately reflect the wishes of the electors in the affected council area.

We could have an outcome similar to America's elections. Imagine that! Those who turn up make the policy.

**The Hon. Walt Secord:** I am Australian. What are you talking about?

**The Hon. PAUL GREEN:** The Hon. Walt Secord is all things to all people.

**The Hon. Walt Secord:** I am Australian, Paul.

**The Hon. PAUL GREEN:** I acknowledge the interjection of the Hon. Walt Secord. That committee refers to Parliament for its consideration whether failing to implement the results of a plebiscite is an undue trespass on personal rights and liberties on the grounds that the democratic expression of electors has not been given effect. The Hon. Robert Borsak made some other poignant comments which I do not have to hand.

**The Hon. Walt Secord:** The Minister's office did not give you the rest of the speech.

**The Hon. PAUL GREEN:** My staff, Marie Mirza and Danielle Dieckmann, are amazing young ladies with an incredible capacity. I would love to take credit for many of my speeches; however, it is only through their tireless work that we can fit in all our speeches. Reverend the Hon. Fred Nile requires members of the Christian Democratic Party to speak on all bills where possible. Those two awesome young ladies in my office—never mind Fred's staff—are measured and courteous. Happy birthday to Danielle for tomorrow. The House wishes you a wonderful thirty-third birthday and a great year.

The Premier of New South Wales should cut her losses, move on from local government reform and get on with the job of governing New South Wales. As the amazing former Minister for Roads and Maritime Services,

the Hon. Duncan Gay, said earlier, "Let the communities heal." I acknowledge that many communities in New South Wales are struggling. Amalgamation is just one more problem on top of all of the infrastructure, maintenance, upgrades to local services and budgeting issues with which this Government is confronted. Some local councils are struggling to keep their heads above water. The bill introduced by the Hon. Robert Borsak is not unreasonable.

**Debate adjourned.**

*Documents*

**TABLING OF PAPERS**

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

- (1) Community Services (Complaints, Reviews and Monitoring) Act 1993—Report of Official Community Visitors for year ended 30 June 2016.
- (2) Crimes Act 1900—Report of NSW Department of Justice, entitled "Statutory Review of sections 25A and 25B of the Crimes Act 1900", dated May 2017.

I move:

That the reports be printed.

**Motion agreed to.**

*Motions*

**PENALTY RATES**

**The Hon. DANIEL MOOKHEY (12:44):** I move:

- (1) That this House notes that:
  - (a) on 23 February 2017, the Fair Work Commission varied seven awards by cutting penalty rates for Sundays and public holidays, and
  - (b) notwithstanding record low-wage growth, the Fair Work Commission's decision will cut the take home pay of an estimated:
    - (i) 153,580 workers in Western Sydney;
    - (ii) 23,511 workers on the Central Coast;
    - (iii) 22,631 workers in the Far West and Central West;
    - (iv) 24,733 workers in the Riverina; and
    - (v) 38,011 workers on the North Coast, by up to \$77 per week.
- (2) That this House notes that even though the Leader of the Opposition, Mr Luke Foley, MP, the Premier of Queensland, the Victorian, ACT and South Australian Governments, the Federal Opposition, and the Leaders of the Opposition in Western Australia and Tasmania made submissions defending Sunday penalty rates, neither Premier the Hon. Gladys Berejiklian, MP, as Minister for Industrial Relations, nor the Government made any submissions to save Sunday penalty rates.
- (3) That this House:
  - (a) calls on the Premier to explain her decision not to make a submission to the Fair Work Commission to save Sunday penalty rates;
  - (b) supports the Federal Parliamentary Labor Party's bill to overturn the Fair Work Commission decision; and
  - (c) calls on the Premier to make a submission to the Fair Work Commission regarding transitional arrangements, and any future penalty reviews.

I move this motion proudly on behalf on the 153,580 workers in Western Sydney, the 23,511 workers on the Central Coast, the 22,631 workers in the Far West and Central West, the 24,733 workers in the Riverina, and the 38,011 workers on the North Coast of New South Wales who in February this year were told by Fair Work Australia to take a pay cut of up to \$77 per week, or \$4004 per annum—an effective wage cut of up to 8 per cent of their household income. As a result, hundreds of thousands of workers have had to accept lower standards and have had to make a sacrifice that not one chief executive officer from Australia's top 200 companies has been asked to make for the prosperity of our economy. This pay cut tells these workers that the needs of the most powerful and the largest economic actors in this country—massive retailers and big banks—have been put first, ahead of legitimate aspirations that workers have to meet their household costs.

Let us not be mistaken about this: This pay cut is the culmination of a longstanding campaign waged by the Business Council of Australia and many others to dismantle this nation's wages system. That wages system,

the foundation of Australian equality, created a prosperous, stable, healthy middle class and gave each of us enough economic autonomy and independence in our lives to make meaningful choices. They desire to replace that system with an American-style labour market in which a rich, elite and urban group have a lot and everyone else is made to serve them. We have seen what happens when a two-track economy is allowed to emerge in a nation such as Australia. Look to the United States of America and at the level of social division, conflict, destruction and disharmony that plague that country, that has not enjoyed a pay rise in 30 years. If this penalty rate decision goes through the result will be same levels of social tension and social conflict that plague countries such as the United Kingdom and the United States of America.

Let us not be in denial about the context in which this campaign has been raised. There is no mass breakout in wages in Australia. Australia is not experiencing a 1970s style explosion in pay. Wage growth as released by the Australian Bureau of Statistics [ABS] only two weeks ago is at 1.8 per cent—the lowest rate in 30 years. The consumer price index is at 2.2 per cent. This means that the households of New South Wales and Australia are taking a real wage cut. Other members of this House may be happy to embrace a real wage cut for many people in this State. If that is their position they should say so in this debate. These pay cuts come at a time when the wage share of the economy is at a record low.

The profit share of the economy is at the highest level since 1954. These changes to penalty rates are happening in an era of growing inequality where a lot of wealth is being handed to the top 1 per cent, the top 5 per cent and the top 10 per cent of this country while the bottom 40 per cent are being told to fall to the back of the queue—to make a sacrifice for those at the top. These statistics do not reveal the human impact of this decision. To understand that I look to people like Ian and Kate, two shop assistants in Coffs Harbour. When asked what it would mean for them to lose \$77 per week, their views were simple. They will have to cancel their mobile phone contracts and go without communications.

They will have to delay the modest holidays for which they have been saving. They will have to cut the level of their participation in the local restaurants scene and no longer take their kids out for dinner on a Friday night. These are the types of things that they are set to lose in circumstances in which they are already internalising a lot of risk. We should not be under any illusions about prevailing conditions in the hospitality industry, the retail industry or any other sector in which these workers are employed. These industries already have the highest levels of precarious employment and casualisation in this country. We all take for granted employment security, but these employees have no employment security. Each week they wonder whether they will be offered hours of work and when those hours will be scheduled. Often they are not given sufficient notice of their roster to plan for the care of their children while they are at work. These are the consequences of this Fair Work decision, and those pressures are set to get worse.

The effect of the decision will not be confined to individuals; it will affect communities as well, especially those in rural New South Wales. Communities in rural New South Wales depend heavily on tourism, hospitality and catering. These sectors are often the lifeblood of private employment in small towns like Gunnedah, Wee Waa and Kootingal. The combined impact of the penalty rate cuts on the economies of rural New South Wales is forecast to be \$220 million in the first year. Disposable incomes of households in towns in rural New South Wales are set to fall by \$106.2 million. This is happening at a time when economists say that the fastest way to ensure this country's economy continues to grow is to lift wages, because those wages are spent in local economies.

Major economic agencies worldwide—from the Federal Reserve, to the International Monetary Fund [IMF] to the OECD—advise that handing more money to the corporate sector by way of profit share and taking that money out of the wages of employees is a recipe for secular stagnation that will destroy the prospects of a return to economic growth. Secular stagnation will affect rural communities like Gunnedah because a strong middle class in such towns is good for the future of these towns. The spending of disposable income boosts local economies in a way that no form of tax or transfer system can provide. This decision means that disposable income from wages will be cut.

I understand that the level of penalty rates is a heavily contested area, and that groups hold different views on the level of penalty rates. All of those groups had the opportunity to come before Fair Work Australia to have their views heard. The Australian trade union movement was very clear about its views, but so were employee federations such as the Australian Retailers Association and the Restaurant and Catering Industry Association. State governments appeared before Fair Work, with the Premiers of Queensland, Victoria and South Australia making submissions. Other people with significant public responsibility also made submissions to Fair Work. The New South Wales Leader of the Opposition, Luke Foley, on behalf of the State parliamentary Labor Party in his submission to Fair Work called for no cuts to people's penalty rates.

One person who did not make a submission, who apparently had no view on penalty rates, who was not prepared to mount any argument whatsoever in the Fair Work proceedings happened to be the then Minister for Industrial Relations in New South Wales, Gladys Berejiklian. She became Treasurer of the State and now is

Premier of New South Wales, but in the most significant proceedings to come before Fair Work Australia since its establishment, which would form a decision affecting a minimum of 700,000 people in New South Wales, and which would have huge effects on the economy of the State, she did not have the gumption to turn up and give any view. There were arguments available for the then Minister to mount before Fair Work Australia. She could have given the stock standard Liberal Party talking point that weekends are no longer special and there is no difference between weekdays and weekends. This argument is always mounted by people who have Saturdays and Sundays off work.

She also could have taken the opposite view and adopted the views of sensible small businesses like the Fernleigh Cafe in Newcastle, Blatchford's Kitchen in Collaroy or the Glover Chemist in Sydney. Since the decision was handed down all these small businesses have said that they will not cut their workers' pay. They say that it is in the interests of small business to have happy, healthy, productive workers. The Minister could have made either of those arguments to Fair Work Australia, but she ducked it. She also could have made another standard right-wing trope that cuts to penalty rates equal more jobs. I cannot wait to hear certain members of the Government mount that argument in this debate. That argument is interesting because in answer to any argument to cut the pay of chief executive officers we are told that the whole world would collapse.

We have record compensation at executive level, with bank executives raking it in hand over fist, but if we were to cut their pay we are told that there would be calamity and a return to communism. The Minister also had the option to tell the truth and be genuine in giving her views on penalty rates. She could have mounted the arguments that the Liberal Party's paymasters pay her to make. These are the arguments of people like the Business Council of Australia, the Restaurant and Catering Industry Association of Australia, the Australian Bankers Association—all of the people who support the Liberal Party.

**The Hon. Ben Franklin:** Point of order: I have been listening closely to the member's contribution, and he has sailed close to the wind in casting aspersions on a member in the other place. He did not cross the line until he used the term "paymaster", implying that the Premier was in the pocket of these organisations, which is patently untrue and unfair. I ask that the member withdraw his statement.

**The Hon. Daniel Mookhey:** To the point of order: My statement was very clear. I made no reflections on a member. I said "Liberal Party paymasters".

**The Hon. Ben Franklin:** And then you named them.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I did not hear what the member said, and nor did the Clerk. It is disorderly to reflect on a person, and I accept that the member said that his statement was about the political party. I warn the member to be aware of the standing orders, but I do not uphold the point of order.

**The Hon. DANIEL MOOKHEY:** I was saying that it was open to the Government to tell the truth and mount the argument of the Liberal Party's paymasters. The message would be that, "We like cutting workers' pay because it makes it easier for us to turn a profit. It is a cheap way to increase our bottom line, regardless of our social obligations to our workforce." The Minister could have made that argument at Fair Work Australia, but she did not. The view of the New South Wales Government on this important decision is no different to the attitude of an ostrich when hunted—to put its head in the sand and hope that it goes away. That is the position adopted by the Liberal Party in the proceedings before Fair Work Australia.

Sadly, that position cannot last because the proceedings are not over. Fair Work Australia has said to all and sundry, "Come forward and tell us what transitional assistance should be provided and how the cuts should be introduced. Should we do things like increasing the hourly rate on ordinary hours? Should we stagger the introduction of the cuts over time? Should we allow workers more rights in rostering? Should we give workers an entitlement to minimum hours?" All these concessions would ameliorate the consequences of losing 8 per cent of their pay per week. My motion tells the Government to put in a submission to Fair Work Australia. We do not tell the Government what to say or to adopt our arguments. We simply ask the Government to have an opinion, because the people of New South Wales, especially those who will suffer a pay cut, deserve nothing less. Of course, it is possible for the Government to support other actions, and those actions are laid out in this motion.

There is legislation before the Federal Parliament to reverse this cut, which the New South Wales Government can support. Of course, Government members will say, "We can't interfere with the proceedings of the independent umpire." I am waiting for them to put that position, but I simply note this: It is almost one year to the day that the Federal Government organised legislation in the Federal Parliament to overturn a decision of the independent umpire when it came to truckers' pay because in that decision workers were getting more. It was more than happy to use the arms of the State and the power of the Parliament to cut workers' pay when it came to trucking, but now when it has an equal opportunity to use the same powers to ensure that workers' pay stays where

it is, Government members will say, "It would be anarchy if we were to use the powers of the Federal Parliament to reverse the decision."

In reality, as is always the case in circumstances where the workers get more from tribunals, groups such as the Business Council of Australia rush to the Federal Parliament to intervene, but whenever it goes the other way we are told that the Federal Parliament has no rules. In order to make these decisions it is incumbent upon the New South Wales Government to decide precisely whose side it is on. In this debate and in public debate it is possible for it to say to hundreds of thousands of workers, "Sorry, you are on your own," and to thousands of communities, "Your needs are secondary to the big end of town." Of course, the alternative available to the Government is to adopt the Labor position, which is to make sure the middle class keeps its pay and is not asked to take an unfair pay cut at a time that the big end of town is making regular profits. I commend the motion 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.

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

*Questions Without Notice*

**WOLLONGONG COAL LIMITED**

**The Hon. ADAM SEARLE (14:29):** 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 the Minister's answer in this place on 8 March and the development yesterday that the Australian Stock Exchange has halted trading in Wollongong Coal Limited shares, what is the status of the NSW Resources Regulator's investigations into whether that company is a fit and proper person to hold a mining licence in this State?

**The Hon. Greg Donnelly:** What an excellent question. I could see that coming from a mile away.

**The Hon. Shayne Mallard:** No-one mentioned a word yesterday.

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30):** I am sorry to get in the way of the discussion between two members.

**The PRESIDENT:** Order! It is clear that some members want an early mark. If I could give myself three calls to order, I would do so and take an early mark, but I cannot. However, I can call members to order. I suggest that members let this hour pass in an appropriate manner.

**The Hon. DON HARWIN:** Of course, Wollongong Coal Limited is the owner of the Russell Vale Colliery and Wongawilli Colliery located in the southern coalfields near Wollongong, and Jindal Steel and Power Limited owns a 60.3 per cent holding in Wollongong Coal. On 29 April it was announced that Jindal Steel and Power Limited, and one of its directors had been investigated by India's Central Bureau of Investigation on potential criminal corruption charges. The courts in India decided that there was sufficient evidence for a case to be brought to trial. I am advised that no conviction of criminal corruption has been made at this stage. The chief compliance officer of the NSW Resources Regulator approved a full review of Wollongong Coal's fitness to hold an authority under section 380A of the Mining Act last year, and that review is ongoing. In light of recent events, I have asked for an update on that review, which I have not yet received. However, when I do receive it I will be happy to pass it on to the House.

**The Hon. Walt Secord:** Mr President, wakey, wakey!

**The PRESIDENT:** Order! For the benefit of members and anyone reading *Hansard*, I assume that "Mr President, wakey, wakey" was not directed to me. "No" would be a suitable response.

**The Hon. Walt Secord:** No, Mr President.

**RENEWABLE ENERGY**

**The Hon. CATHERINE CUSACK (14:33):** I address my question to the Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, and Vice-President of the Executive Council. Will the Minister update the House on Sydney Water's innovation in using the wastewater treatment process to generate green power through the addition of food waste?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:33):** I am sure the House would be aware of the old adage "waste not, want not". In that spirit, I am glad to inform members that households and businesses across Greater Sydney, the Blue Mountains and the Illawarra are set to benefit from collaboration between Sydney Water and the University of Wollongong in turning

food waste into renewable energy. I had the great pleasure of visiting Sydney Water's Shellharbour Wastewater Treatment Plant on Friday 12 May to officially launch the project.

Food waste is being added to sewage in what is called a "co-digestion process". The first stage of the research uses waste from beverage production. The project involves turning beer, wine and soft drink waste into power for New South Wales homes and businesses. It is a potent cocktail that will power us through the night. The waste is blended with sewage and the mixture is converted into methane through a process called "anaerobic co-digestion". The resulting biogas produces electricity to power the plant. While Jesus turned water into wine, Sydney Water is turning wine into green energy. To be honest, I did not think it was a good line and I told my staff it would not work. It is just too late in the week.

A typical Sydney Water customer is now saving nearly \$100 a year on his or her water bill, and this sort of innovation could drive future savings. This means more power can be generated by the co-digestion process, waste can be diverted away from landfill, greenhouse emissions can be reduced, and operating costs can be lowered, which in turn will put downward pressure on customers' bills. There will be no crying over spilt beer here. This project will be a world-first tool to predict biogas production of a range of food wastes and to determine the correct amount of different types of food waste required to maximise energy production. Sydney Water will be able to roll out the processes at its wastewater treatment plants across its areas of operation, accepting a range of additional food waste products.

Sydney Water currently generates more than 20 per cent of its total energy needs across its network from wastewater treatment, along with hydro and solar power. That is enough energy to power more than 11,000 homes each year while reducing greenhouse gas emissions by more than 70,000 tonnes a year. That is the equivalent of keeping 17,500 cars off the road for a year. Sydney Water also extracts more than 170,000 tonnes of biosolid fertiliser from the treatment process, and that is provided to New South Wales farmers each year to fertilise animal feed and crops, and to condition the soil. That takes paddock to plate full circle with plate back to paddock. I urge members to drink responsibly, because it is good for them, and Sydney Water will ensure that what is left over will be good for the planet.

#### **WOLLONGONG COAL LIMITED**

**The Hon. WALT SECORD (14:36):** 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 that Delta SBD Limited went into administration yesterday, putting in jeopardy hundreds of jobs at the Wollongong Coal Limited Wongawilli mine, will the Minister now guarantee that the workers will receive their full entitlements?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:37):** As I said in response to the earlier question, I have asked for a report on the situation in relation to Wollongong Coal. I am waiting to receive that report. No doubt it will address important matters such as the future for workers. I am sure that is a matter of keen interest to all members in the Chamber, as it is to me. I gave an indication earlier that when I receive that report I will share it with members.

#### **GET QUALIFIED AUSTRALIA**

**Ms DAWN WALKER (14:38):** I direct my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry, representing the Assistant Minister for Skills. Given that following the collapse of Get Qualified Australia in March a second private vocational training provider operating in New South Wales, Careers Australia, has now gone into administration, what criteria is the Government using to evaluate a policy of contestable funding for vocational education?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:39):** I am advised that Get Qualified Australia was not a registered organisation in New South Wales; it was an education consultant that advised job seekers about obtaining qualifications. Get Qualified Australia was not funded by the New South Wales Government under our Smart and Skilled program. Further, Careers Australia is not contracted to deliver training subsidised by the State Government under Smart and Skilled. Its contract was cancelled by the department in 2016. Of the 3,000 or more training providers operating in New South Wales, approximately 440 are contracted to deliver training under Smart and Skilled, and these providers are subject to strict regulatory controls to monitor and safeguard quality.

The New South Wales Government operates a contestable market for vocational education and training through its Smart and Skilled program. Public and private registered training organisations [RTOs] have to apply to the NSW Department of Industry to become approved providers under Smart and Skilled. The NSW Quality Framework sets strict criteria for the rigorous assessment and approval of RTOs seeking to deliver government-subsidised training in the New South Wales contestable market. The framework ensures close monitoring of the performance and outcomes of RTOs, including seeking feedback from students and employers

on training results. Under the framework, RTOs need to show that they deliver high-quality training and assessment, and demonstrate sufficient diversity of income.

The New South Wales Government has in place a "Statement of Expectations for Smart and Skilled Providers", which sets out the principles and obligations for RTOs approved to deliver Smart and Skilled training. Our approach to managing the contestable market ensures that training is delivered where there is demand, by those RTOs that deliver the best outcomes. Smart and Skilled has been evaluated three times in the past two financial years. In 2014-15 the NSW Auditor-General conducted a performance review of Smart and Skilled, in 2015-16 the independent NSW Skills Board conducted a two-staged review of the first year of operation, and in 2015-16 the New South Wales Legislative Council led an inquiry into the vocational education and training market in New South Wales. In response to these whole-scale evaluations of Smart and Skilled, the New South Wales Government published its "Directions Statement for Vocational Education and Training" in July 2016. The Minister said in the directions statement:

Our focus remains on being student-centred, industry driven, promoting quality training providers and an effective and efficient TAFE NSW.

In relation to the current issue of Careers Australia, I am advised that at this stage Careers Australia has gone into voluntary administration and operations are suspended. The administrators are working quickly to make a decision about the future of Careers Australia. All parties are working as quickly as possible to provide students with updated support and information. TAFE NSW has set up a hotline offering impacted students the opportunity to express their interest in continuing their studies with TAFE NSW as soon as the future of Careers Australia is determined by the administrator. The responsible Commonwealth tuition assurance cover provider, TAFE Directors Australia, is ready to step in and help students move to an alternative training provider. [*Time expired.*]

#### PEST ANIMALS MANAGEMENT

**Mr SCOT MacDONALD (14:43):** My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on what the Government is doing to protect the New South Wales economy, the environment and the community from the threat of pest animals?

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:43):** I thank the Parliamentary Secretary for his question. The New South Wales Government recognises the importance of protecting the economy, the environment and landholders against the risks posed by pest animals. We are committed to ensuring effective pest animal management in New South Wales now and in the future. Today the New South Wales Government released its response to the Natural Resources Commission's [NRC] statewide review of pest animals. Last year the NRC provided a comprehensive report to government identifying key focus areas and 33 recommendations for opportunities to improve pest animal management across all landholdings.

We will establish a State pest animal committee to provide advice on the best way to manage land and freshwater based pests. We will also have a number of regional pest animal committees to coordinate localised plans, bringing together all of the agencies responsible for pest management. This will assist in targeting resources and funds while also identifying major pest threats in each of those regions. In some parts of the State dogs are a problem, while in other parts the challenge is deer. The plan will be developed in each of the 11 Local Land Services regions to help all land managers meet their general biosecurity duty under the new Biosecurity Act.

General biosecurity duty is a term members will be hearing a lot more about. We can no longer pass the problem on to our neighbours or shift responsibility onto another agency. General biosecurity duty demands that under new legislation responsibility for the management of pests and weeds applies equally to all land managers, both public and private. I have already touched on the issue of wild deer. They are another key focus of the Government's response to the NRC review. A New South Wales wild deer management strategy will be developed by the end of this year to identify knowledge gaps for wild deer management in New South Wales and help guide those regional pest plans.

We have already moved to expand the Ecological Deer Management program to suspend hunting licence restrictions in nine local government areas that are deer hotspots. These are Port Macquarie-Hastings, Tenterfield, Glen Innes, Upper Hunter, Liverpool Plains, Snowy Valley, Bega Valley, Snowy Monaro and Wollongong. It is important to clarify that restrictions on hunting deer do not apply to landholders, members of their household and/or their employees. They are all exempt from game hunting licence requirements on their own land. I encourage all of us here to help spread that message. To further assist landholders with pest management, we have a hunter and landholder register on the Game Licence Unit website that acts a bit like a dating service. It will seek to match up landholders with reputable licensed hunters to assist with targeted pest management. It is the

Tinder of the hunting game. There is so much more the Government is doing as part of its response to the NRC review, but it is a case of so much to tell and so little time to do it.

**The Hon. Mick Veitch:** You are using Don's speech writers, aren't you?

**The Hon. NIALL BLAIR:** We will not be doing that again. The NRC review reflects our unwavering commitment to improved biosecurity outcomes. We are the farmers' best friend and our approach to the challenge of pest animals highlights that yet again. We are here to help and we will continue to be vigilant in this area. [*Time expired.*]

**The PRESIDENT:** I remind the Opposition Whip, the Hon. Greg Donnelly, that he cannot call time expired when there are still one or two seconds left on the clock. I will call him to order if he does it again.

## RENEWABLE ENERGY

**Mr DAVID SHOEBRIDGE (14:47):** My question is directed to the Leader of the Government. Which local councils is the Government working with to deliver local renewable energy projects, and what investment is the State Government making in conjunction with local government to ensure regional and rural communities gain the benefit of the renewable energy revolution?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:48):** As the member would probably be aware, there is a great deal happening in renewable energy in rural New South Wales. There are already three large-scale solar plants in operation in New South Wales and advanced plans for four more. The investment benefit for regional New South Wales is substantial. The number of new jobs in regional New South Wales is substantial. Obviously in advancing those projects quite a bit is done with local government to ensure that those benefits are obtained for regional communities. I will get more information from the member with respect to the specific detail of individual councils.

As I think has been agreed by a number of people around the House, it is a good question—to know exactly what local government is doing. The member should be pleased that New South Wales is showing lots of leadership in working in regional areas. New South Wales is leading Australia in commercial solar photovoltaic [PV] capability, with 186 megawatts of solar PV capacity in rural New South Wales, which is double the next best State, which is Victoria, at 97 megawatts. That installed capacity has increased six times in just four years. As I mentioned earlier, New South Wales is the national leader in the three plants that are available. There is a capacity to generate enough electricity to power more than 50,000 homes as a result of those plants that are already on line.

Turning to the economic value to New South Wales, the State Government's contribution has been \$64.9 million towards these projects, and 450 jobs were secured during the construction of these solar farms. The Moree Solar Farm alone is the second-largest project in Australia, and the only project using single axis tracking technology. That is a fascinating piece of technology. It has the capacity to follow the sun. The great challenge of intermittency is that when the sun does not shine or the wind does not blow we do not have power coming from renewable sources. With single axis tracking technology the PV panels can trap the sun from early in the morning right through the off-peak period in the middle of the day and into the afternoon peak. The Moree Solar Farm generates enough power for 15,000 homes. It created 130 jobs during construction, so it is significant. In response to the member's question relating to working with councils, I am happy to get more detail for the member on working with councils. [*Time expired.*]

## SOUTH EAST LOCAL LAND SERVICES

**The Hon. PENNY SHARPE (14:52):** My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. What is the Minister's response to community concerns about the appropriateness of the plan by South East Local Land Services to place a deer carcass chiller inside an Illawarra children's park on Darkes Road, Kembla Grange?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:52):** I thank the member for her question. She is obviously asking a question relating to another one of the ongoing emails that is being circulated by a group, the members of which are hiding behind their keyboards in the south-east of the State. They continue to run a campaign against the South East Local Land Services. I have said in this House before that if people have concerns about any of the government agencies they should bring them forward.

**The Hon. Penny Sharpe:** It is about a development application.

**The Hon. NIALL BLAIR:** Yes. I am explaining that this is the same issue that was raised in an email that was circulated to all members by the group that I just mentioned. The Northern Illawarra Wild Deer

Management Program is a leading example of South East Local Land Services [LLS] facilitating a landscape-wide multiple stakeholder solution to address an issue that is affecting the Wollongong region. The program is managed by a stakeholder committee, including representatives from LLS, the NSW Police Force, the Royal Society for the Prevention of Cruelty to Animals [RSPCA], Wollongong and Sutherland councils, National Parks and Wildlife Service, WaterNSW and ratepayers.

The program has well-documented management plans that include ground shooting and trapping, as well as actively collecting and distributing performance data. The program has removed close to 2,000 wild deer from the northern Illawarra region, and will continue to investigate new management options. It is up to Local Land Services to work with the appropriate consent authorities to look at what assets they may locate in particular areas, and what planning or approval processes they need to go through.

**The Hon. PENNY SHARPE (14:55):** I ask a supplementary question. Will the Minister elucidate his answer in relation to the appropriateness of locating a deer chiller right next to a children's park?

**The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:55):** The appropriateness of that facility is up to those who give the approvals for such facilities.

**The Hon. Walt Secord:** Dragging the deer in front of the kids?

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

**The Hon. NIALL BLAIR:** The appropriateness is up to those who will assess the application for its location.

#### **MOREE ABORIGINAL COMMUNITY**

**The Hon. BEN FRANKLIN (14:55):** 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 New South Wales Government is supporting Aboriginal communities in Moree and regional New South Wales?

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:56):** I thank the Parliamentary Secretary for his question. I lived in Moree for three years, and know it well. As a member of this House, proudly from regional New South Wales, I have made it my priority to meet with Aboriginal people in regions to discuss their concerns and to see firsthand the great work that they do. Since becoming Minister I have met with a number of Aboriginal organisations supported by the New South Wales Government, and I have been able to see the results of the hard work being done in our communities, including Moree.

Moree is home to the Yaama Ganu Art Gallery—a not-for-profit Aboriginal art gallery and cafe that supports and features consigned works from artists from the local area. It is great to visit the cafe and gallery. I would recommend that any member in this House who visits Moree should go there, see the artwork and take the opportunity to meet with community members. Through constant discussion with community members I have been able to develop an understanding of the issues affecting Moree and hear about initiatives that are currently underway to curb the rates of inequality that many of our regional towns face.

It was heart-warming to see the passion and commitment being shown by people working at a grassroots level to provide an invaluable service to the Moree community. A number of these programs are led by the Miyay Birray Aboriginal Corporation, which runs a youth service providing activities to young people and their families in Moree. This organisation not only supports disadvantaged youth and their families to engage with services but also runs a number of programs such as playgroups and holiday programs. I was able to drop in on a homework session for Aboriginal students, then hear about services that the organisation is currently providing, including the Night Rider Bus, which focuses on keeping kids off the street and taking them to responsible, culturally appropriate activities.

I was also able to visit the Dhiyaan Centre, which is part of the Moree Plains Shire Council library and which holds a large collection of Aboriginal publications, artefacts and historical records. The centre performs a number of functions, such as a lending library, a keeping place for cultural, historical and spiritual items, and tracing of family history. The centre is currently undergoing a large refurbishment and will be a massive drawcard for the town of Moree once it is completed. I am very aware of the importance of preserving Aboriginal culture, and I am excited by the opportunity to visit the centre later this year to see the outcome of countless hours of hard work. It was great for me to spend some time in Moree to hear of and to see some of the work these Aboriginal organisations do in supporting their communities. As Minister for Aboriginal Affairs, I will continue to keep

working directly with the people of regional and remote New South Wales to gain an understanding of the issues facing our communities.

In the time that I have left for this question I acknowledge and welcome into the House this afternoon an outstanding young achiever who is spending some time in my office today—Isaiah Dawe, who is sitting in the President's gallery. I have mentioned Isaiah in the House before, but for benefit of the members I will repeat that Isaiah is 22 years old and lives in Redfern. He is a graduate of the Indigenous Police Recruitment Our Way Delivery Program [IPROWD], for which my office and I have a deep affection. He was also one of six people to represent New South Wales as a member of the 2017 Indigenous Youth Parliament. I recently had the privilege of meeting Isaiah at Government House and was overwhelmed by his life story. Without going into detail, it is fair to say that he has not had it easy. He has been through a lot and we can only imagine how tough things were for him as a young kid, but he is very humble. My office invited him to spend time with us, and that is why he is at Parliament today. He is achieving so much in his local community of Redfern and I am sure everyone wishes him well. Isaiah is a very impressive young man with a big and bright future ahead of him.

#### **GLOUCESTER RESOURCES LIMITED**

**Mr JEREMY BUCKINGHAM (15:00):** My question without notice is directed to the Minister for Resources. Gloucester Resources Limited has applied to renew three exploration licences relating to the Rocky Hill coalmine near Gloucester. As at 30 June 2016 this company has net liabilities of more than \$35 million and cash reserves of less than \$100,000. Given that this company is \$35 million in the red, will the Minister investigate whether it has the financial capacity to comply with its obligations under the Mining Act? If so, will the Minister apply the fit and proper person test and refuse to renew its licence?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:01):** The member may be reassured that an assessment of financial capacity is always part of any assessment for any licence given by the Resources Regulator. It is also part of other processes in which these matters are considered by the Division of Resources and Geoscience within my department. I assure him that the processes required by statute will be carried out. The Mining Act 1992 and the Petroleum (Onshore) Act 1991 contain mechanisms which ensure the integrity of those conducting exploration or mining activities in New South Wales. Extensive compliance and technical checks are conducted on all applications to grant, renew or transfer an authority. Schedule 1B to both Acts require applicants to demonstrate that the proposed work programs meet minimum standards and that the applicant has the necessary technical and financial capabilities to undertake those works. Where applicants are unable to satisfy the decision-maker that they have the required technical or financial capabilities or where they have an unsatisfactory compliance history, the application will be refused.

These requirements ensure community confidence in the individuals and organisations that are granted approvals. In addition to the assessment process undertaken on applications, the framework is further supported and strengthened by the fit and proper persons tests to which Mr Jeremy Buckingham referred in his question that are now in place under both Acts. Under those provisions, a decision-maker has discretionary powers to consider a range of other factors when determining whether to grant, renew, transfer, suspend or cancel mining and petroleum authorisations. These considerations include whether the person or the directors in the case of a body corporate have compliance or criminal conduct issues.

These considerations include contraventions under New South Wales legislation relating to mining, work health and safety, planning or environmental legislation, convictions within the past 10 years under New South Wales or Commonwealth law that are punishable by imprisonment for five years or more or by a fine of \$500,000 or more or that if convicted elsewhere would attract these penalties if committed in New South Wales. The decision-maker may also consider any convictions within the past 10 years either in New South Wales or elsewhere that involve fraud or dishonesty, any previous decisions to suspend, cancel or revoke a mining or petroleum authorisation, and whether the person is of good repute and character having particular regard to his or her honesty and integrity. The fit and proper person test allows a decision-maker to consider a range of financial issues including whether the person has been an undischarged bankrupt in the past three years or, in the case of a body corporate, whether its directors have been subject to a winding up order or had an administrator appointed in the past three years.

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

#### **DELTA SBD MINING COMPANY**

**The Hon. LYNDA VOLTZ (15:05):** My question is directed to the Minister for Resources. What enquiries has the Minister made into the potential impact of Delta SBD going into administration on more than 300 workers at the South32 Appin Mine, the Peabody Metropolitan Colliery at Helensburgh and other sites in the Hunter region?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:05):** The implications are considerable, which is why I have asked for a report. I am sure those matters will be dealt with in that report.

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

### REGIONAL FILMING FUND

**The Hon. LOU AMATO (15:06):** My question is addressed to the Minister for the Arts. Will the Minister update the House on what the New South Wales Government is doing to support the screen industry in regional New South Wales and what creative successes we have had in this area?

**Mr Scot MacDonald:** Bring on the Logies!

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:06):** Indeed. How about that? I thank the member for his question and his obvious interest in arts, culture and screen production in regional New South Wales. The Government believes the production of screen works should not be limited to the inner-city suburbs and has invested in using the beautiful backdrops of regional New South Wales to tell our stories. The Regional Filming Fund [RFF], now in its second year, aims to do just that. The Regional Filming Fund offsets costs associated with shooting in regional areas of New South Wales, which is defined as all areas outside the Sydney metropolitan area, from Moree to Moruya and Murwillumbah.

The Regional Filming Fund is part of the Government's commitment to supporting regional communities and promoting film production in regional areas to deliver improved economic and cultural outcomes. In 2016 and 2017, Screen NSW provided grants totalling \$642,389, which was an increase of \$400,000 on the previous financial year. The maximum grant per production is \$100,000. Applicants may request up to 35 per cent of the budgeted regional spend for below the line shooting expenses directly associated with filming in regional New South Wales. Recent films approved by the Regional Film Fund are: *Fighting Season* by Goalpost Pictures, filmed at The Pinnacle near Murwillumbah; *Teach a Man to Fish* by Jotz Productions, filmed in Taree; and *Wake in Fright* by Lingo Pictures.

**The Hon. Walt Secord:** Broken Hill?

**The Hon. DON HARWIN:** Filmed around Broken Hill—quite right. Other films approved by the Regional Film Fund were *The Merger* by Crow Crow Productions, to be filmed in Wagga Wagga in August and September this year, and *In My Own Words* by Blackfella Films which was filmed in Brewarrina over 15 weeks. The grant for *In My Own Words* was almost \$55,000, a significant infusion into that community. The regional spend on accommodation, office rent, storage, location expenses and local liaison is a welcome input of funds to regional towns. These are not tokenistic glamour projects but erstwhile important stories of the highest quality that have been rewarded with both popular and critical acclaim.

Recent successes have been: *The Secret Daughter* made by Screentime, in part shot in Dungog, for which Jessica Mauboy was nominated for a Logie for Best Actress in 2017; the first season of *Doctor Doctor* funded by the RFF in 2015-16, which received a 2017 Logie Best Actor nomination for Rodger Corser for his role as a city doctor who is forced to return to his home town; and *The Gods of Wheat Street* by Every Cloud Productions, which won a Screen Producers Award in 2014 for Telemovie or Mini Series Production of the Year. We are proud of the funding provided because it helps to tell important stories. There is a cost impediment to shooting in regional New South Wales which we hope this fund will go some way to ameliorating. I encourage those who have not seen any or all of those productions to do so; they speak to a life outside of Sydney that is as rich and complex as any other story we see on our screens.

### LAND CLEARING

**Dr MEHREEN FARUQI (15:10):** My question without notice is directed to the Minister for Resources, representing the Minister for the Environment. Given today's RepuTex report that has found ceasing land clearing by 2030 would save between 300 million tonnes and 650 million tonnes of carbon dioxide emissions, why is the New South Wales Government proceeding with its land clearing laws and regulations that will lead to more land clearing and a massive increase in carbon emissions?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:11):** There is no doubt that both the Minister for Primary Industries and I would have something to say about this matter, but principally it is a matter for my colleague the Minister for the Environment.

**The Hon. Niall Blair:** I'll have a crack.

**The Hon. DON HARWIN:** As the question has been directed to me as the Minister representing the Minister for the Environment, I will ask that Minister for an answer—although the Deputy Leader has indicated a willingness to have a crack at it. If Dr Mehreen Faruqi is given another chance to ask a question, perhaps she can bowl to the Deputy Leader, who I am sure will hit it for six.

### COAL INDUSTRY

**The Hon. JOHN GRAHAM (15:12):** My question without notice is directed to Minister for Resources. Given his previous answers, what advice has he sought or received on the impact of significant contracting out of coalmining operations and its effect on the wages and entitlements of coal workers in New South Wales?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:12):** This matter is obviously of great interest to the Hon. John Graham and of particular importance to the mining industry generally. Employment arrangements for coalmining workers are part of the business model of many companies in the minerals industry. No doubt it is a matter of equal controversy for some trade unions that make up a constituent part of the Labor Party that the Hon. John Graham represents in this Chamber. There is live debate on this issue. I am aware of the issues involved and have been briefed on them. I would appreciate an opportunity to add further information, so I will take the question on notice.

### DAIRY INDUSTRY

**The Hon. TAYLOR MARTIN (15:14):** My question is addressed to the Minister for Primary Industries. Will the Minister update the House on the benefits of milk?

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:15):** I thank the Milkybar Kid for his question. Members may be surprised to know that today is a very important day in the diary—it is all about dairy. World Milk Day is dedicated to celebrating the highly nutritious, highly palatable, 100 per cent natural super drink that is consumed across the globe. The dairy sector touches the lives of around one billion people worldwide, with 121 million dairy farms supporting a long tradition of milk production for both processors and retailers.

Dairy production is the third-largest rural industry in Australia, with an annual gross value of production of more than \$13 billion. Dairy has a farmgate value of \$4 billion annually, with more than 6,000 Australian dairy farms producing around 9.7 billion litres of fresh, creamy milk a year. The industry directly employs nearly 40,000 Australians on farms and in factories, while more than 100,000 Australians are indirectly employed through dairy support industries. While the bulk of our milk production occurs in the eastern States, all States have a dairy sector supplying fresh drinking milk to nearby cities and towns.

Over the past few years there has been an emergence of non-dairy milk products like almond, cashew, or soy extracts, but when it comes to nutrition nothing beats fresh cows milk. For example, a glass of dairy milk provides eight times more naturally occurring protein than the same size serving of its almond extract milk alternative. All dairy milk, whether it is fat-free, flavoured or organic, provides nine essential nutrients. These include B vitamins for energy, vitamin A to help maintain a healthy immune system and vitamin D and calcium, which play key roles in maintaining structural stability and bone strength.

New South Wales is well placed to ensure the dairy industry continues to grow, with many small processors now emerging such as the Nepean River Dairy at Winston Hills, or Pepe Saya that offers boutique cultured butter. Big or small, they all deliver dairy produce for the New South Wales consumer. As we celebrate World Milk Day we remember those dairy farmers who continue to work through the difficulties of the past 12 months. We look to the future with enthusiasm and a strong belief in the resilience of our dairy industry. New South Wales remains a fresh milk State, and its growth is reliant on a strong domestic and international market with a fair, open and transparent farmgate price provided to dairy farmers.

To help celebrate World Milk Day, representatives of Dairy Connect have delivered dairy produce sample bags to the House. I hope all members who received those sample bags enjoy them as much as I have. I encourage all honourable members to don a milk moustache today as we honour an iconic product that arrived in Australia in 1788. May this important industry be around for centuries to come. I acknowledge in the public gallery George Davey and Shaughn Morgan from Dairy Connect, who have helped us to celebrate World Milk Day at the New South Wales Parliament today. We love our milk, we love our dairy farmers. Dairy is an important industry for this State, and we must all continue to support it whenever we can.

### LED STREETLIGHTING

**The Hon. PAUL GREEN (15:18):** My question without notice is directed to the Minister for Energy and Utilities, representing the Minister for Local Government. I recently visited Central NSW Councils, or CENTROC, in the Central West to discuss the potential of LED streetlighting. LED streetlights and smart controls

can save councils both money and energy while delivering for the community a greatly improved streetlighting service to ensure safety, greater efficiency and value for money over the long term. Does the Government have any plans to support the switch to LED lighting in regional councils, recognising that the switch would help to improve the safety of communities and ultimately reduce councils' electricity costs?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:19):** I thank the Hon. Paul Green and acknowledge his time as an effective local government advocate. He was a very successful mayor of the Shoalhaven for one four-year term and also my ward councillor. I am proud to say that I voted for him as my number one when he was first elected.

**The Hon. Walt Secord:** So you say, Don.

**The Hon. DON HARWIN:** I can assure you I did. I am pleased to advise the Hon. Paul Green that the answer to his question is yes, we have included it as part of the consultation process on our Climate Change Fund policy. We are consulting extensively and will shortly move to the next stage. There is good news for the Hon. Paul Green. The matter is under very active consideration and is being looked at closely.

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

### RURAL ENERGY PRICES

**The Hon. MICK VEITCH (15:20):** My question is directed to the Minister for Energy and Utilities. In light of the Australian Energy Regulator determination on electricity prices being overturned, what is his response to statements from the NSW Irrigators Council and Cotton Australia that the decision "blocks the path to reduce electricity prices" and will cost farmers thousands of dollars a year and "if energy costs continue to climb at their current rate, or even higher, we are likely to see an exodus of farm businesses from the grid"?

**The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:21):** I have to say I share their concerns about rising power prices, but they need to be sure to correctly diagnose the problem and not necessarily blame network costs, as it appears they have. Following the Federal Court's decision last week the Council of Australian Governments [COAG] Energy Council is taking timely and quick action to improve the process for determining how much revenue an energy network needs and the process for appealing a decision by the Australian Energy Regulator. The New South Wales Government is working cooperatively with other governments, including the Federal Government, on reforms to that process. The appeals process is known as the limited merits review [LMR] process, and it is an important inbuilt protection for all parties, consumers and networks to challenge the regulator's decision-making. Stakeholders have raised a number of concerns about the review process—notably the cost, the length of time taken to date and the complexity.

**The Hon. John Graham:** Like your Federal colleagues.

**The Hon. DON HARWIN:** The member opposite mentions my Federal colleagues. I was not going to go there, but I may come back to that. The reality is that I support strengthening the quality of consumer participation in the review process to ensure the best outcomes for consumers. This includes supporting reforms that limit the number of appeals to not only maintain downward pressure on energy pricing but also ensure that consumers can participate more meaningfully in a smaller number of reviews. It is also important to limit the circular nature of LMR appeals to minimise the length and expense of reviews and resources needed to participate. The reality is New South Wales networks appealed the decision on 17 grounds before the Australian Competition Tribunal and then the Federal Court. They won on 16 of the 17 grounds because the Australian Energy Regulator got it wrong. When the energy regulator does not get it right there are real consequences that cannot be dismissed as being of no significance.

**The Hon. Mick Veitch:** So the irrigators are wrong?

**The Hon. DON HARWIN:** No, I am—

**Mr Jeremy Buckingham:** What are you doing, Don?

**The Hon. DON HARWIN:** I just outlined what I am doing in participating in the reform of the review process of the COAG Energy Council. Mr Jeremy Buckingham was obviously not listening. I will directly address why this is important. Mr Brendan Lyon of Infrastructure Partnerships Australia, whom some Federal colleagues of members opposite have been talking about, has said:

If regulatory errors are not corrected, the consumer will end up paying much more than they should or suffer poor reliability outcomes.

That is why reform of the merits process, while important— [*Time expired.*]

## ABORIGINAL COMMUNITIES WASTE MANAGEMENT

**The Hon. BRONNIE TAYLOR (15:25):** My question is addressed to the Minister for Aboriginal Affairs. Will the Minister update the House on what the New South Wales Government is doing to address waste management in discrete Aboriginal communities in New South Wales?

**The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:26):** There are 61 discrete Aboriginal communities on lands owned by local Aboriginal land councils in New South Wales. These lands were transferred to Aboriginal land councils when the Aboriginal Land Rights Act was introduced in 1983. Transfers did not make provision for investment in the upgrade and maintenance of community and environmental health infrastructure. Aboriginal land councils inherited responsibility for infrastructure such as water and sewerage, roads, stormwater drains, footpaths and municipal services, including waste management. The poor quality of infrastructure on these lands at the time they were transferred created a legacy of poor environmental health that persists today.

In recent years the New South Wales Government in a joint program with the NSW Aboriginal Land Council has been successful in resolving the maintenance of water and sewerage systems in these communities. There is more to do, and government agencies are working with land councils and Local Government NSW to identify and resolve the remaining service and infrastructure issues. Waste management services in discrete communities is one area of focus. Substandard and badly maintained waste infrastructure severely impacts on the quality of life of Aboriginal people in those communities. Ongoing and sustainable arrangements are necessary to ensure that discrete Aboriginal communities have access to municipal services and environmental health infrastructure consistent with the general community.

While discrete Aboriginal communities pay local government rates and waste charges, some communities still do not receive the same level of waste management services as the rest of the community in the area. This may be because delivering services in discrete Aboriginal communities is more challenging than in nearby towns. Long distances and limited resources, coupled with unique community life, mean the issues are often complex. These communities require a tailored approach and in some cases extra services. Some of these issues are challenging to resolve. Others can be resolved through small funding injections—for example, the need for tailored services that respond to larger household sizes, the need for community education and engagement or replacing waste infrastructure such as broken bins.

Over many years the Environment Protection Authority Aboriginal Land Clean Up and Prevention Program has enabled the management of illegal dumping on local Aboriginal land council land. However, the issue of waste management extends beyond illegal dumping. From 2015, in response to these issues, the Environment Protection Authority funded two trial waste management projects in the discrete communities of Enngonia and the Alice Edwards Village at Bourke in western New South Wales. The trials address the challenges faced by discrete communities stemming from waste service inequities and failures, including a lack of bins in both private and public spaces, a lack of bulk waste services, problems with car management, a lack of dedicated collection vehicles and a lack of community education.

The trial showed that resolving issues can be simple but it is essential that there is coordination and communication with service providers, such as local government, that resourcing is shared to allow flexible service delivery and that infrastructure and support are in place to build community capacity. The Enngonia Aboriginal community was enthusiastic about managing its own environmental issues and needed only limited infrastructure and technical support to improve its waste management. However, help with project management such as organising materials and infrastructure was critical. It is unreasonable to expect that isolated communities can do this alone. The trials also demonstrated that local employment to support the community in addressing waste management issues is an essential ingredient of success. Not only do individuals involved develop skills and improve their family's economic circumstance but also communities develop capacity working with a local person that they trust. Addressing waste management in these communities is an important issue and supporting these communities is the right thing to do. [*Time expired.*]

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

**The PRESIDENT:** I congratulate all members on a record number of questions in a one-hour session.

## SOUTH EAST LOCAL LAND SERVICES

**The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:30):** Further to a question asked of me earlier in question time today by the Hon. Penny Sharpe, I can advise the House that the Northern Illawarra Wild Deer Management Program requires a chiller to conduct its operations. The historic chiller site used in the program is no longer available. Council have been looking for some time for a suitable site for a chiller and recommended to South East Local

Land Services that the chiller be placed on council land at Integral Energy Park, located on Darkes Road, Dapto. A site recognisance was completed by a council representative together with a representative from South East Local Land Services. Because the chiller needed to have power and water supplied to it South East Local Land Services was asked to submit a development application [DA].

The park is the home of the Illawarra Cross Country Association and council had suggested that it would run an underground pipe to the chiller for wash downs. Yesterday the council indicated to South East Local Land Services that it had received some questions relating to the chiller and asked it to withdraw the DA, which it has done. An alternative site belonging to council has been identified and it will be surveyed on Monday to identify how power and water can be supplied. Once completed another DA will need to be submitted. South East Local Land Services is doing all it can to assist the council with this program. This is an important program and something that I am sure the community in the Wollongong area supports. It is an unusual situation to have a deer management control program conducted in an urban area such as this.

**The Hon. Penny Sharpe:** In their backyard.

**The Hon. NIALL BLAIR:** The reality is they have deer in their backyards, deer on the roofs of their houses, deer eating out the escarpment and at the back of the university. The carcasses need to be adequately stored and disposed of. South East Local Land Services is continuing to work with the council to find a replacement for the chiller.

#### *Personal Explanation*

### **FIREARMS AND WEAPONS LEGISLATION AMENDMENT BILL 2017**

**Mr JEREMY BUCKINGHAM (15:34):** By leave: This morning in the debate on the Firearms and Weapons Legislation Amendment Bill 2017 I related a story about my personal experience as a youth accessing a handgun which had been left in my family home. I would like to clarify for the record that at the time of the incident I thought that the gun I described was a toy gun. I did not at any time realise it was real until it went off.

### **LOCAL GOVERNMENT AMENDMENT (AMALGAMATION REFERENDUMS) BILL 2017**

**Mr SCOT MacDONALD (15:34):** By leave: In debate earlier today on the Local Government Amendment (Amalgamation Referendums) Bill 2017 I referred a number of times to Christine Kibble. I should have referred to Gabrielle Kibble. My apologies.

#### *Committees*

### **LEGISLATION REVIEW COMMITTEE**

#### **Membership**

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

Mr PRESIDENT

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

That:

- (1) James Henry Griffin be appointed to the Legislation Review Committee in place of Gregory John Aplin, discharged.
- (2) A message to be sent informing the Legislative Council.

Legislative Assembly  
1 June 2017

SHELLEY HANCOCK  
Speaker

#### *Motions*

### **PENALTY RATES**

**Debate resumed from an earlier hour.**

**The Hon. JOHN GRAHAM (15:35):** Since the decision of the Fair Work Commission to cut Sunday penalty rates, workers in the retail, fast food, hospitality and pharmacy industries are faced with a huge pay cut. For many workers penalty rates comprise up to 30 per cent of their income. They work on weekends so they can make ends meet and have a decent quality of life. In New South Wales Ministers have been asked about whether they will rule out cutting penalty rates in this State. Minister Harwin was asked about workers in our arts institutions; Deputy Premier Barilaro was asked about workers in small businesses; Minister Elliott was asked about correctional service workers; Minister Upton was asked about national parks workers; Minister Goward was asked about family and community service workers; Minister Constance was asked about transport workers; and the Premier was asked about workers right across New South Wales. Not one Minister, not even the Premier,

would rule out cutting penalty rates in those areas of State responsibility. Deputy Premier Barilaro summed up the position of the Government when he said:

The Government accepts that penalty rates were part of the industrial relations landscape for businesses in this nation for decades, but it also accepts that the world has changed.

...we must have the courage to have the conversation.

Deputy Premier Barilaro also said:

Members opposite have falsely claimed that hundreds of thousands of people will be affected by this determination.

This will affect more than 250,000 workers across the State. The Deputy Premier is wrong: hundreds of thousands of workers will be affected, each of whom may lose up to \$77 per week, or more than \$4,000 a year. This issue will impact New South Wales not only directly but also by reducing the wages of workers who rely on penalty rates to get by each week. It will reduce consumption spending in the New South Wales economy. That is a threat to every worker in New South Wales. That is the Coalition agenda outlined by the Deputy Premier. Workers will be impacted now and more workers will be impacted as consumption falls. There is no guarantee that State government workers will not be affected in the future. I acknowledge that the Fair Work Commission decision was the result of a Full Bench of commissioners after hearing evidence from 143 witnesses and receiving 5,900 submissions. I place on the record some of the public views about this issue. A public letter from 75 economists coordinated by Stephen Koukoulas on 6 April 2017 said:

...the penalty rate decision...will also aggravate a more important and damaging problem in Australia's macro economy: namely, the unprecedented stagnation of wage and salary incomes, and resulting weakness in household finances. The next day, Bernie Fraser, the former Treasury Secretary and former Governor of the Reserve Bank of Australia, stated:

It was another illustration of what I'm afraid is an increasing trend towards unfairness in so many ways in policy matters.

Some people now have much more than they really need and so many more have not even enough to get through.

And you contrast that with the government's position to commit—at this stage—\$25 billion to reduce company taxes.

This decision will not impact equally in the community. That was highlighted in the submission to the Fair Work Commission by Luke Foley and the Labor Opposition. The submission addresses low paid workers and states:

A substantial proportion of workers affected by this decision are low paid, earning less than two-thirds of median full-time wages.

The submission goes on to state that, of the groups affected, women comprise 57 per cent of takeaway food workers, 62 per cent of retail workers, 85 per cent of pharmaceutical, cosmetic and toiletry retail workers, and 57 per cent of hospitality workers. That was supported by the Federal Opposition's submission, which states:

The Workplace Gender Equality Agency notes that the current gender pay gap is 17.3 per cent...

With women representing more than half the workforce in these sectors, any measures which reduce the take-home pay of retail and hospitality workers can only widen the gender pay gap across the Australian community.

The impact on young people will also be hard. Shirley Jackson wrote in the 24 February 2017 edition of the *Sydney Morning Herald*:

This will hit young people the hardest as research tells us that while a third of Australians rely on regular Sunday shifts as part of their wage, nearly 40% of young people rely on penalty rates to survive.

Workers in rural areas of New South Wales will also be hit hard. That is particularly concerning, given we have an emerging two-speed economy. That is supported by recent research showing a 2.5 per cent gap between the city and the bush in both growth and wages. SGS Economics conducted research over three years that showed a 2.5 per cent gap in growth in the three years to 2015 in regional New South Wales, which is going backwards. PricewaterhouseCoopers undertook a much longer research project over 10 years that similarly demonstrated a 2.5 per cent gap in wages between the city and the bush. It is concerning that a two-speed economy is opening up in Australia, and particularly in New South Wales.

I draw the attention of the House to the Productivity Commission's recent report entitled "Transitioning Regional Economies", which looks at these developments. The commission's research found that while most regions have experienced employment growth, and regional populations are growing in many of these areas, some towns are in decline. The commission has done excellent work in this area, and it has found that that population decline has been predominantly in inland regions. It also found that incomes were highest in mining, but said that, in contrast, agricultural regions in New South Wales, Victoria and South Australia all had average annual income growth rates below the Australian average. I recommend the commission's early research to the House. The fact that the Productivity Commission is examining this issue is further evidence that there is a real problem impacting on regional New South Wales, and reducing penalty rates will only make it worse. I draw the attention of the House to the McKell Institute's research on this issue, which demonstrates why rural areas will be hit harder. The institute states:

The retail and hospitality sectors account for 18 percent of the workforce in rural Australia. When combined, they employ around half a million people in rural Australia.

It then spells out what penalty rate cuts will mean in rural New South Wales. It states:

A partial abolition of penalty rates in the retail and hospitality sectors would result in:

- ▶ Workers in Rural NSW losing between \$118.0 million p.a. and \$220 million p.a. and
- ▶ A loss of disposable income of between \$54 million p.a. and \$106.2 million p.a. to local economies in Rural NSW.

**The Hon. Dr Peter Phelps:** The McKell Institute would have a slight conflict of interest.

**The Hon. JOHN GRAHAM:** The Hon. Dr Peter Phelps should feel free to make a direct contribution to this debate.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call the Leader of the House to order for the first time.

**The Hon. JOHN GRAHAM:** Thank you, Mr Deputy President.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** That is quite alright. He may never talk to me again.

**The Hon. JOHN GRAHAM:** The two-speed economy that is opening up in New South Wales should be of real concern to all members. The agenda that has been spelt out by the Deputy Premier will make the situation worse; that is the inevitable conclusion. If workers are impacted by this decision, if more workers will be impacted when consumption falls, and if there is no guarantee that State Government workers will not be affected in future, that will make the situation worse in rural New South Wales. It will also make it worse for women, young people and anyone under financial pressure. This is the wrong decision at the wrong time for the economy.

Listening to the Hon. Daniel Mookhey's speech when moving this motion, I was struck by how far we are away in this discussion from the 1907 Harvester judgment. The sorts of pressures that my colleague was talking about are a long way from the 1907 decision to recognise that some notion of a living wage was important to Australian settlement. Times have changed significantly since then; the economy is different, and the workforce is different. The role of women in the workforce has also changed dramatically, but many of the pressures on families have not. The pressures felt by women, young people and the poor have not changed. That is true in Sydney, where people are trying to keep up with the mad housing market, in particular. However, it is especially true for people in regional New South Wales who are dropping behind by 2.5 per cent in growth and wages year after year. I commend the motion to the House.

**The Hon. Dr Peter Phelps:** Give it to them, Scott!

**The Hon. SCOTT FARLOW (15:47):** I will not go as hard as the Hon. Dr Peter Phelps would like me to. Of course, he has the opportunity to make a contribution to this debate if he wishes. The Government supports penalty rates, but it is not the job of a State government to talk about rates set by the Federal Government. The Coalition is busy getting on with the job of governing New South Wales, and what a job that is. Since the Liberal-Nationals Government came to office, more than 330,000 jobs have been created.

The Hon. John Graham referred to a two-speed economy. I know that members are extremely interested in rural New South Wales. Since the 2015 election and until April 2017, more than 58,000 jobs have been created in regional New South Wales. That does not happen by luck; it happens as a result of good economic management. The Coalition has done more for the people of New South Wales in its six-and-a-bit years in office than the Labor Government did in 16 years, during which it drove the State into budget deficit and ensured that it was at the back of the pack—it was certainly not number one. The Fair Work Commission, in paragraph 371 of its decision, cited data from the Australian Workplace Relations Survey, noting that 28.5 per cent of award-reliant workers in the hospitality sector received penalty rates.

The Fair Work Commission, in paragraph 1453 of its decision, also cited data from the Australian Workplace Relations Study, noting that 19 per cent of award-reliant employees in the retail sector received penalty rates. The Government also notes that Australian Bureau of Statistics [ABS] data indicates that Australia-wide the number of non-managerial employees who are award reliant are as follows: in the retail sector, around 367,000; and in accommodation and food services, around 316,000. Therefore there is good reason to be sceptical of the data outlined in the motion, which I am sure is not surprising to anyone.

Let us turn our minds to the idea of a government submission. The recent request by the Fair Work Commission is not about revisiting its decision but about working out the most effective mechanism for transitioning of the new penalty rates into modern awards. The submissions by various State governments and

oppositions to which the member referred in his motion do not address how to implement the decision but seek to encourage the Fair Work Commission to revisit and reverse its original decision. That is something the Fair Work Commission was never contemplating in seeking submissions.

There is no practical advice that any of these submissions have provided that offers assistance to the Fair Work Commission in deciding how best to implement its February decision. The Government is confident that the Fair Work Commission will consider all the facts and the impact on both employers and employees when it considers the timing and introduction of the new rates as determined by its decision. The Government also believes any consideration of the impact of penalty rates should focus on increasing incentives for employment growth and business should be supported in promoting employment, especially at a time of ongoing economic uncertainty.

**The Hon. Dr Peter Phelps:** The best welfare is a job.

**The Hon. SCOTT FARLOW:** Indeed—I note the interjection of the Hon. Dr Peter Phelps. On this side of the House we believe that the Fair Work Commission should be mindful of all the impacts when considering any phasing or the timing of the introduction of the new rates in the affected industries. The position of some other governments and oppositions in seeking to reverse the Fair Work Commission decision does not address the benefits that can be achieved. As stated in the *Australian Financial Review* in an article on Wednesday 4 April, economists often used by unions concede that a reduction in rates will create jobs and provide benefits. I am sure that is something even McGuirk and maybe even McKell may at times have looked at.

The Liberal-Nationals Government is committed to increasing employment by creating 150,000 jobs in New South Wales by 2019. We are well on the way to achieving that number. Any delay or reversal of the Fair Work Commission decision will have a detrimental impact on employment opportunities in the affected industries and on those who are unemployed and are looking for work. With the current unemployment level in New South Wales at 5.2 per cent, any mechanism that has the potential to provide further employment opportunities should be considered, not rejected. Available data from the ABS indicates 61 per cent of award-reliant employees are women. If employment opportunities are created, it is this sector of the potential workforce that will benefit the most.

For this Government to make a submission opposing the reduction in penalty rates that is equally detrimental to employers in the affected industries would be unfair and impact on opportunities in New South Wales. This Government believes any consideration of the impact of penalty rates should focus on increasing incentives for employment growth and business should be supported in promoting employment, especially at a time of ongoing economic uncertainty. The potential opportunity to employers who want to expand, open for longer hours or employ more staff should not be hindered by either an unnecessary delay or by overturning the Fair Work Commission decision. For these reasons and more—and I am sure other members will want to contribute to this debate—Government members oppose the motion.

**The Hon. SHAYNE MALLARD (15:53):** I speak in strong opposition to this motion because the independent Fair Work Commission decision on 23 February is a job-creating decision for people, especially younger people, in New South Wales and Australia. It is timely that we debate this as we approach the long weekend. As we speak, small business owners and managers of small fast food takeaway businesses, cafes and restaurants are working on their rosters for the holiday long weekend and deciding whether it is profitable to stay open on that long weekend because of the penalty rates that they have to pay, or whether they should close or whether family members should work for little or no pay to help the family business. Public holiday and long weekend penalty rates can break many small businesses and force them to close and not be profitable. In response, many businesses close or managers and owners pitch in, working longer hours for no wages just to help small businesses survive.

It is rich for those opposite who have never owned a business to come into this Chamber and lord it over mum and dad small businesses in our State. Allow me to outline a few facts. The decision of the Fair Work Commission to reduce Sunday and public holiday penalty rates affects only those employees working under the hospitality, fast food, retail, restaurant and pharmacy modern awards. It should also be noted that there was no change in Sunday penalty rates for casual employees in the hospitality award and for all employees in the restaurant and clubs modern awards. Essentially this is a large scare campaign being run by those opposite. Those employees not working under the modern award but who have their conditions covered by an enterprise agreement with large retailers, supermarkets such as Coles and Woolworths, and the many large food retailers such as McDonald's who have a union-negotiated enterprise agreement are not affected by the Fair Work Commission [FWC] decision. An article in the *Daily Telegraph* states:

LABOR and the unions have been branded hypocrites for trying to block the proposed cuts to weekend penalty rates while at the same time backing wage deals that allow fast-food giants like McDonald's and KFC to pay their staff less than the Fair Work Commission's suggested new pay level.

Union-sanctioned enterprise bargaining agreements mean many workers at the nation's large fast-food chains earn about \$3 an hour less now than they would even under the FWC's lower Sunday penalty rates.

Effectively, unions have endorsed enterprise agreements that are less than the Fair Work Commission decision, and those opposite sit in this place straight faced, not realising how hypocritical they are in moving this motion. Taking into consideration the number of employees in retail and hospitality with even the Fair Work Commission saying that only 28.5 per cent of employees in these industries who ordinarily receive penalty rates will be affected, the numbers are likely to be significantly less than those claimed in this motion. In the analysis of information available from the ABS and the Fair Work Commission decision, of those employees in general retail in New South Wales approximately 22,000 may be affected—not 262,466 as this motion claims.

In hospitality the number of employees in New South Wales who might be affected will be 28,000, but only if they are all in part-time or full-time employment. The actual reduction is difficult to determine as there are so many contributing factors such as the hours worked, the grading of the employee and, particularly in the hospitality sector, whether the employee is permanent or casual. When looking at the impact on the reduction it needs to be recognised that not all businesses in these sectors open on weekends and public holidays, as I alluded to earlier. In these cases there will be no impact on the reduction for employees in these businesses.

The Fair Work Commission highlighted in its decision that it considered the evidence of hospitality and retail employers and that the current level of penalty rates creates operational limitations such as restricting trading hours, lowering staffing levels and placing restrictions on the types and range of services provided. As the Hon. Scott Farlow said earlier, this Government is committed to increasing employment by supporting the creation of 150,000 jobs by 2019. Employers indicated in their evidence at the commission that the reduction in penalty rates is likely to lead to increased trading on Sundays and public holidays. With owner-operators working fewer hours and offering more hours to employees, an increased range of services will be offered. There will be more work for employees, not less.

The Fair Work Commission's decision to reduce Sunday and public holiday penalty rates will lead to positive employment outcomes in the hospitality sector. The Fair Work Commission has finally got the fundamental principles right in recognising that attitudes towards weekend and public holiday work have changed in the modern economy of Australia—something that the industrial relations dinosaurs on the other side of the Chamber do not understand. The commission has finally accepted the employment benefits of penalty rate reform, which is a huge step forward for this industry. Recommendations made by the Productivity Commission have been given due consideration in a decision that ultimately affects the sustainability of the hospitality industry. This decision will encourage operators to offer more shifts and open longer hours for customers. Cafes and restaurants account for 69 per cent of the total 824,100 jobs in the hospitality sector and 85 per cent of the projected growth of 98,800 jobs. Research commissioned by Restaurant and Catering Australia reveals that employment in the cafe and restaurant sector would be increased if weekend pay rates were reformed.

**The Hon. Daniel Mookhey:** The bosses union says it will be great.

**The Hon. SHAYNE MALLARD:** The Hon. Daniel Mookhey has been quoting unions; I can quote some of the employers—the people who have skin in the game with respect to investment and job creation.

**The Hon. Daniel Mookhey:** Your paymasters.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Daniel Mookhey to order for the first time.

**The Hon. SHAYNE MALLARD:** It is extraordinary to lead in the debate and interject like that. As I was saying, currently in the Federal electorate of Cunningham—in which the Federal member is the former Australian Council of Trade Unions member, Sharon Bird—1,599 people are employed in the cafe, restaurant and catering sector.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Daniel Mookhey to order for the second time. He will cease interjecting.

**The Hon. SHAYNE MALLARD:** The research says that with the reforms, employment has the potential to increase by another 420 jobs. In Newcastle there are 415 cafes, restaurants and catering businesses. The changes to the penalty rates are expected to create an additional 403 jobs. In Parkes the cafe, restaurant and catering sector employs 772 people. The changes in this area could see another 203 jobs in the electorate. That puts the lie to the information that we were getting before that this would affect rural economies negatively. I can go through all of the Federal electorates because I have the research for the whole list.

**The Hon. Dr Peter Phelps:** It is all good news.

**The Hon. SHAYNE MALLARD:** It is all good news. It means growth in all the regions. The final figure is that it is estimated that there will be 22,615 additional jobs Australia wide.

**The Hon. Rick Colless:** How many?

**The Hon. SHAYNE MALLARD:** There will be 22,615 additional jobs. This decision of the Fair Work Commission will create jobs. This decision comes as the industry continues to grapple with increased costs and soft economic conditions in that sector. The Restaurant and Catering Australia's 2016 Industry Benchmarking Report found on average that staff wages and on-costs represent 44.2 per cent of the business turnover—up from 42 per cent in 2015. So wages and related costs is the most expensive part of running a business in the restaurant or hospitality sector.

**The Hon. Dr Peter Phelps:** Or in any business.

**The Hon. SHAYNE MALLARD:** In any business, but particularly this one because it is very labour-intensive. Further, 13.7 per cent of businesses close on Sundays and public holidays. I know the Hon. Dr Phelps is asking what the union experts say.

**The Hon. Dr Peter Phelps:** What do they say?

**The Hon. SHAYNE MALLARD:** They believe that lowering the cost of employees on Saturdays and Sundays will create jobs. The only thing that the experts involved in the case disagree on is how many jobs it will create. I will quote some evidence. According to the *Australian Financial Review*:

"There may be some small [positive] employment effect in the sector," says Professor Jeff Borland, a Melbourne University economist who spent six hours in the stand at the Fair Work Commission fighting the change on behalf of the United Voice union.

He said there may be some small jobs growth.

**The Hon. Dr Peter Phelps:** But he is still positive.

**The Hon. SHAYNE MALLARD:** That is right. The article went on:

Even staunch left-wing economists such as John Quiggin from the University of Queensland accept that a reduction in penalty rates could create jobs.

He just does not think there will be enough to make the change worthwhile. It continued:

"There is an effect but most evidence is that it isn't large," says Quiggin, who was also a union witness in the penalty rates case.

So who will benefit from these changes? Lower-skilled workers will benefit.

**Debate adjourned.**

*Adjournment Debate*

## ADJOURNMENT

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

That this House do now adjourn.

## PERPETRATION-INDUCED TRAUMATIC STRESS

**The Hon. MARK PEARSON (16:04):** Today I extend the discussion on the deleterious effects certain occupations have on our personal wellbeing. Our first thoughts, naturally, turn to our emergency services such as our police, ambulance personnel, firefighters and the like. But what about the less visible jobs—the less traditional jobs that, when we pause to think about it, have very serious trauma attached to them. One such occupation that has, to my knowledge, never been considered seriously in this country, is that of the slaughterhouse worker. In the study "Perpetration-Induced Traumatic Stress: The Psychological Consequences of Killing", Rachel MacNair creates the new term perpetration-induced traumatic stress [PITS]. PITS, MacNair states, is a form of post traumatic stress disorder [PTSD]. The distinction between the two is that PITS is caused not by being a victim or rescuer in trauma but by being an active participant in causing trauma.

Take the Martin Place siege for example. According to MacNair the survivors and witnesses would be sufferers of PTSD. The police, who stormed the Lindt cafe and killed Man Monis, on the other hand, would be sufferers of PITS. Sufferers of PITS, argues MacNair, include slaughterhouse workers, where it is socially acceptable, and in fact expected, for them to cause trauma, including death. MacNair describes the symptoms of PITS as including drug and alcohol abuse, anxiety, depression, increased paranoia, a sense of disintegration, as well as dissociation or amnesia. This less publicly discussed or understood psychological trauma suffered by slaughterhouses workers is not accidental. In fact, one would say it is intentional as society becomes increasingly distanced from the realities of modern-day food production and the business of killing animals for food.

A study conducted recently in the US found that 85 per cent of the meat-eating participants stated that if they personally had to kill an animal to obtain meat they would not be able to do it. However, they were happy to pay another person to perform the task of killing, thereby acknowledging the trauma associated with such an occupation, placing the burden on the shoulders of the slaughterhouse worker. As Paul McCartney once said, "If slaughterhouses had glass walls, everyone would be a vegetarian." The business of killing living, sentient beings on a mass scale is a violent, bloody task. Not only do these slaughterhouse workers face serious physical health hazards daily, but they also experience large-scale violence and death that most of us will never have to, nor want to, encounter.

In our society, we have a common understanding that taking pleasure in the cruel death of a helpless animal is an antisocial and potentially psychotic characteristic. In fact, it is widely known that offenders that commit acts of animal cruelty often use it as a stepping stone to cruelty inflicted upon humans. The police recognise this as a serious matter. A most notorious example of this is the case of Anita Cobby's killers, who enjoyed committing atrocious acts of bestiality, torture and killing of sheep, goats and other animals. A research paper published in 2008 by Jennifer Dillard titled, "A Slaughterhouse Nightmare: Psychological Harm Suffered by Slaughterhouse Employees" set a precedent by calling for legal redress for slaughterhouse workers due to psychological trauma.

This trauma is directly caused by their daily experience of "large-scale violence and death" within an institutional culture that does little to reduce animal or human suffering. This is an interesting notion, if we think about the successful class action against James Hardie in relation to asbestos-related suffering and deaths. The social effects of slaughterhouses are harmful and far-reaching, and the legal regime and the general public must act to reduce those deleterious effects on society and the slaughterhouse workers who have this enormous burden placed upon their shoulders. PRESIDENT Donald Trump

**The Hon. DAVID CLARKE (16:09):** In the last United States [US] presidential election, Donald Trump said, "I am your man." His rallying cry was, "Make America great again." He said he would drain the swamp. Mainstream America responded by voting for Donald Trump. If I were able to vote in the American elections I would have voted for him as well. A man who had never held or even stood for political office is now President of the United States. In the Republican primaries he brought all of the heavyweight contenders to their knees one after another. In the presidential election he defeated a smug, self-absorbed Hillary Clinton, the perfect personification of political correctness and condescending disdain for mainstream American values.

Hillary Clinton is still in a state of incredulity. She allied behind her in one great bundle those who worship identity politics, those with a sense of entitlement, those who live off taxes paid by the working people of America and those who ridicule their own country whenever they can. She received the blessing of the self-anointed left liberal elites who snigger at patriotism. She was endorsed by the leftist-controlled media led by the *New York Times* and *Washington Post*. She was a fitting candidate for the Democratic Party, now a receptacle for all those forces pushing for America to abandon its pivotal role as defender of the free world against tyranny, a party which, under eight years of Barack Obama's presidency, had reached its darkest and lowest depths.

It was symbolic of the Obama presidency that his last official act as President was to pardon two convicted traitors. The first was former US army officer Chelsea Manning who was serving a 35-year prison sentence for espionage and leaking classified military documents to WikiLeaks, thus endangering the lives of serving US military personnel. The second pardon was to Oscar López Rivera who was serving a 55-year prison sentence for seditious conspiracy to overthrow the US Government. Under Barack Obama, the prestige and power of America was in freefall both domestically and internationally. As a candidate Donald Trump said he would act, not talk; as President he has kept to his word. As America's porous southern border allowed entry to 11 million illegal migrants—1 million of whom have criminal records according to the Migration Policy Institute—President Trump promised action. Following Australia's successful lead in building a wall—a seawall protected by our Navy—he promised a land wall. As President, he has begun negotiations to fund the wall. Already his clear determination to act has resulted in a 36 per cent drop in illegal arrivals.

During the campaign, Donald Trump promised to reverse the loss of American jobs offshore. His direct personal intervention has already convinced a number of major corporations to reverse plans to build factories elsewhere and instead build them locally, with the result that thousands of new jobs are being created. He has introduced policies that will bring America's oil and gas industry out of the doldrums by lifting restrictions on exploration and approving new oil pipelines that were halted by Barack Obama. In his first 100 days he nullified more business-stifling regulations than any other president. President Trump's first appointment to the Supreme Court, Neil Gorsuch, has been universally praised by constitutionalists. It has cemented a conservative majority and reversed the left liberal stacking initiated by Barack Obama. Likewise, President Trump's Cabinet appointments are well received by mainstream America, typified by the appointment of Conservative Republican Senator Jeff Sessions from Alabama as the new no-nonsense Attorney General.

A major reason for Donald Trump's election was his promise to eradicate Islamist terrorism. Once again, he has moved with full speed on this issue. With evidence showing that most terrorist outrages on American soil were committed by Middle Eastern Islamists, President Trump has moved quickly in placing a temporary ban on arrivals from that region, specifically areas known for government instability and as centres of Islamist influence such as Somalia, Sudan and Libya. While his actions have been delayed by lower court rulings, President Trump has shown a determination not to abandon his policies.

In the Middle East, President Trump moved quickly to restore relations with pro-American President Abdel Fattah el-Sisi of Egypt. Those relations had been poisoned by the former President Obama's policies that shunned the President of Egypt. Likewise, whereas former President Obama allowed the North Korean situation to fester out of control through his inaction and weakness, President Trump has acted without delay. His direct words to China to fix the problem appear to be bearing fruit. President Trump is putting words into action. I hope he succeeds in draining the swamp and making America great again. If he does, he will make the world a safer place.

**The Hon. Shaoquett Moselmane:** Long live the United States of America!

**The Hon. DAVID CLARKE:** Absolutely.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order!

### KOALA CONSERVATION

**The Hon. PENNY SHARPE (16:14):** Tomorrow begins the Second National Koala Conference, held at the Port Macquarie Koala Hospital. The conference will feature presentations and discussions on many aspects of koala conservation and rehabilitation. The conference title is "The Future Is in Our Hands". The poster advertising the koala conference quotes the author and conservationist Bradley Trevor Greive. The poster says:

For wildlife we are both their greatest enemy and their only hope. These wonderful creatures will not argue their case. They will not put up a fight. They will not beg for reprieve. They will not say goodbye. They will not cry out. They will just vanish. And after they are gone, there will be silence. And there will be empty places. And nothing you can say will change this. Nothing you can do will bring them back.

These words are a disturbing reminder of the plight of the koala today. The koala population is trending towards extinction. Some estimates suggest there could be no koalas in the wild in New South Wales by 2055. We cannot be the generation that made decisions that exacerbated the demise of this precious, iconic animal. The State's koala population has shrunk by about a quarter over the past 20 years to around 36,000 koalas. In the Pilliga their numbers have dropped by a staggering 80 per cent since the 1990s. In the south-east, there are thought to be fewer than 60 koalas left. West of the Great Dividing Range, 90 per cent of known populations are in decline. Koala numbers in New South Wales now represent just 10 per cent of Australia's entire koala population. It is estimated that there were millions of koalas before colonisation. If we are to stop the extinction of koalas in our State, this crisis needs our immediate attention, commitment and resolve.

Under the Liberal-Nationals Government the koala has suffered years of minimal funding, Government neglect and hostility to habitat protection, which is the driving force behind the decline of the koala population. In almost every area of policy that affects koala habitat, this Government has made life harder for koalas. It has introduced laws that increase the rates of tree clearing across the State, laws that will not even stop tree clearing in high conservation areas that include koala habitat. This Government has failed to take meaningful action on climate change. We have just learned that greenhouse gas emissions in New South Wales have started to increase for the first time in years. This is especially concerning in light of the recent report by the World Wide Fund for Nature [WWF] Australia, which tells us that more than 25 per cent of Gunnedah's koala population died during the 2009 heatwave. With climate change, heat waves are becoming hotter and more frequent and as a result we will lose more koalas.

Despite multiple announcements around the Saving our Species program, the koala plan under this Government remains unfinished. It is mired in community consultation processes that ignore the advice already given by scientists, ignores the work already done by people in the community every day and who have already made multiple submissions about what needs to be done to save koalas, and also ignores previous advice and work done under the full koala recovery plan that was developed by the Labor Government. This brings me to the recent National Party Conference. It appears the National Party has realised that koalas are a bit of a thing and that perhaps something needs to be done about them. I note that The Nationals passed a motion in Broken Hill that said the New South Wales Government should:

...expedite the development of a whole-of-government koala strategy, which would involve the creation of a series of koala sanctuaries in key areas to facilitate their breeding, health and repopulation; and help protect them from their greatest threats—motor vehicles, dogs and wildfire.

While there were a few glaring omissions from this motion, one is that it leaves out the more inconvenient risks to koalas given by the chief scientist. In full, the list includes "habitat loss and fragmentation, car strikes, dog attacks, disease and climate change". This Government flatly refuses to acknowledge that habitat loss and fragmentation are the key threats to koalas survival and that acting on these issues could save the koala. The second problem the Nationals now have is that they support creating a koala sanctuary while still refusing to support Labor's call to prioritise the creation of national parks. At the conference, The Nationals did not even try to hide that their new interest in koalas was based more on winning seats than saving koalas. The member for Oxley was brutally honest when she spoke about koalas. She said it was about the threat of Labor and the loss of National Party seats that caused them to act. The member for Oxley said:

We have an Opposition Leader who wants to be Premier, and he is only seven seats away from doing that, and we will fight that... The member said:

It's a very difficult thing to debate koalas in the wider community..., where we have a lot of people who have moved there, who may not have a rural or farming background.

The member went on to say that she and the member for Tweed were working on a proposal for koala sanctuaries. She stated:

We do need to increase the koala population on the North Coast. We want to put them in places they can grow and give them the species of trees they need.

The solution is very simple: Create a national park where they currently live. The Nationals' proposal is to put koalas in zoos. We do not want the only place our kids can see koalas in 2055 to be in a zoo.

### **PITTWATER TRANSPORT INFRASTRUCTURE**

**The Hon. SHAOQUETT MOSELMANE (16:19):** I bring to the attention of the House a couple of issues relevant to my duty electorate of Pittwater that a number of citizens have expressed concerns about. The first is their desire to maintain the existing Pittwater bus corridor and the associated opposition to the Government's B-Line alternative. The second matter of concern relates to the urgently needed safety upgrades on Mona Vale Road. I note that the member for Pittwater is the current Minister for Education, Rob Stokes, and residents of his electorate are eager for him to represent them on these issues. The constituents I have spoken with, who have organised themselves as Friends of Mona Vale, indicated that they have been trying regularly, without luck, to meet with the honourable member.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order!

**The Hon. SHAOQUETT MOSELMANE:** Let me begin with the community concern about the new bus stop at Mona Vale's Village Park for the upcoming B-Line service, a seemingly arbitrarily placed stop, far away from established adequate lighting, and replacing a well-used and convenient existing stop near Pittwater Road close to Waratah Street. The new bus stop is unsafe for residents at night, and relatively far from existing housing. A precious community park has already been sacrificed, and simply put the residents do not want it. To quote one local resident, former Labor Premier the Hon. Barrie Unsworth, this proposal has all the signs of a "Trojan horse" for high-density development by the newly amalgamated Northern Beaches Council. This matter needs to be addressed in the best interest of the community.

On Tuesday 29 May, we discovered in the *Manly Daily* that this B-Line will be extended to Newport. This makes the replacement of existing bus stops more baffling. The residents have been clear and consistent on this: Even if a new B-Line is established in and out of the Northern Beaches, it should follow the existing routes enjoyed and appreciated by the community. The lack of consultation has led to the great distress of the locals in Pittwater, particularly after the community anger at the forced amalgamation of Manly, Pittwater and Warringah councils.

On this second issue, I thank a number of Pittwater constituents for meeting me this afternoon to discuss their concerns about the safety of Mona Vale Road East at Ingleside. These citizens are worried the Government has not heard their sensible suggestions to improve local safety. Generally, these safety concerns are well-founded. Let us not forget the catastrophic October 2013 accident when a fuel tanker exploded at the junction of Mona Vale Road, Samuel Street and Ponderosa Parade. That incident left two people dead and five more permanently scarred by horrific burns. Although this location had clearly visible road signs and a roundabout, a deadly combination of high speed, steep gradient and heavy traffic led to a tragic outcome. This was not the first such incident at this location. Let me remind this House that another fatal crash killed two citizens in 1998, when a truck ploughed into a car and then a house not more than 100 metres away from the 2013 incident.

Since that accident, this Government has pledged millions of dollars to upgrade the relevant stretch of road in Mona Vale East, but nothing substantive has yet been done. So I will approach my former colleague in this House and current Minister for Roads, Maritime and Freight, Melinda Pavey, to meet with Friends of Mona

Vale so she can hear their feedback firsthand. The residents of Pittwater want the Government to install a speed camera and speed limits immediately that specifically address truck and bus speeds on this lethal hill. The technology and the legal infrastructure already exist, so it should not be unrealistic to expect this kind of change.

While I note that the existing Mona Vale East upgrade has proposed additional lanes, widened road shoulders and median separation, is it really a good idea to also increase the speed limit from 70 to 80 kilometres an hour? The constituents think not, hence the urgent need for the Minister to meet with local residents. I look forward to hearing from the Minister. Knowing Minister Pavey, I trust she will hear the constituents and do what she can to address their concerns. The safety and protection of locals and all other members of the public using this road in Pittwater should be our first priority.

### **JACK LUCK FOUNDATION**

**The Hon. SCOTT FARLOW (16:24):** Each day three young Australians take their own lives. Eight people a day across Australia die by suicide. In 2015, 3,027 people in Australia died by suicide. These are numbers, but behind each number is a person. Behind each person is a mother and a father, a brother and a sister, a child, a husband, a wife, a partner, a loved one and a friend with a giant hole left in their life, ravaged by the tragedy that is suicide. I want to share with the House one of those tragedies. Jack Luck was a 26-year-old with the world ahead of him. He was a charming, compassionate, loving, lovable and outstandingly successful young man who created an eminent career in the entertainment industry in Asia.

Years before Jack was struck by tragedy, when his true love, his fiancée, died in his arms in bed, the victim of a terminal childhood disease that Jack knew nothing about. Her death left Jack devastated and filled with guilt for failing to save her, even though this was impossible. Despite this pain, Jack appeared to be coping. He threw himself into his career and attested he was okay. Unfortunately, Jack was not okay. On 20 January 2016, Jack took his life. Following Jack's passing, his family led by his loving parents, Rob and Yulita Luck, who are with us in the President's gallery today, were determined that Jack's death would not be in vain. They formed the Jack Luck Foundation to work with professionals to provide the support necessary to prevent future youth suicides.

On Thursday 18 May 2017 this noble intention of the Luck family came to fruition with the holding of the first "How to Stop Youth Suicide" event at Killara High School. The unique model employed by the Jack Luck Foundation has a very positive message for young people—they can be the first generation to stop youth suicide. By targeting students, teachers and parents—the "critical trifecta"—the Jack Luck Foundation is embarking on a unique model to prevent youth suicide by touching the most influential groups for young people.

A two-hour education seminar was conducted in the morning with 600 years 11 and 12 students. The seminar was conducted by Mr Glen Poole, a leading authority who has dedicated 20 years of his life to preventing youth suicide and the author of a book on how to stop male suicide—the suicide rate for men is three times higher than that of women. As part of the seminar school counsellors and the principal, Ms Jane Dennett, also spoke and provided support to students. Members of the Luck family also addressed the students. The response from students on the day and the following days was overwhelming, with students coming forward to school counsellors to express their problems and their concern for their friends. In the evening more than 85 parents and teachers from Killara High School and other surrounding high schools attended an information session.

There can be no greater fear for parents than to lose their child, particularly to something as preventable as suicide. It was a privilege that evening to join the parents and teachers of the Killara High School community and hear their stories, their fears and their desire to know more so that they can help their kids, see the signs and know how to confront the scourge of youth suicide. When it comes to suicide we are afraid of saying the wrong thing. We grapple with hiding the subject in the fear that if we mention it, somehow it will plant the idea in someone's head. This is no doubt a huge concern for parents. But the message is simple: We need to look for the signs and when we are concerned about someone, we need to be direct and ask them if they are okay. We do not need to have all the answers, especially in our schools, but there are so many opportunities for support from counsellors or organisations like Lifeline. As Stephen Adly Guirgis said:

No parent should have to bury a child ... No mother should have to bury a son. Mothers are not meant to bury sons. It is not in the natural order of things.

It was not in the natural order of things for the Luck family. It was something they never thought they would have to do and something that they never should have had to do. The Luck family wants to ensure that this tragedy does not befall other families. The Tree of Life, a beautiful mature-sized weeping lilly pilli planted at Killara High School, and to be planted at other schools, is a reminder that their loss is not in vain. It will serve as a focal point in Killara and at other schools to ensure that students are reminded that support is there, there is someone to talk to and there are people who care. Their problems are never too big. Rob, Yulita and the entire Luck family care. Their example is an inspiration. From the depths of despair their reaction has been to help others. They are exemplars of our community, and I am glad that the House commended them and the Jack Luck Foundation

unanimously today for their efforts in combating youth suicide. I thank them for their inspiration, and their love of their son and their community.

### **CATHOLIC CHURCH AND CHILD SEXUAL ABUSE**

**Mr DAVID SHOEBRIDGE (16:28):** On 16 May this year Victoria Police was advised by the Director of Public Prosecutions in that State that there was enough evidence to consider charges against Cardinal George Pell in relation to historical child sexual abuse. Whatever the outcome of the police deliberations, there are two things to note: first, Cardinal Pell is entitled to the presumption of innocence but, secondly, if he or any other senior Vatican official is ever charged by Australian police, they can avoid criminal prosecution simply by holding out in Rome. This is because Australia has given the Catholic Church—in truth, the Vatican—protections that no other religious institution has: the protections of diplomatic recognition and diplomatic immunity. We effectively treat the Vatican as some kind of pretend mini state.

In 1973 the Australian Government granted the Vatican, also known as the Holy See, formal diplomatic recognition. This gives Vatican senior officials, including the Apostolic Nuncio who heads the office in Australia, the same protections that are afforded to embassies and staff of foreign nations when they are in this country. Their documents cannot be subpoenaed and their senior officials present in Australia cannot be forced to attend court, face criminal charges or provide compulsory information. Let us be clear: This diplomatic immunity protects perpetrators of child sexual abuse.

It is also remarkable that in the 44 years since Australia granted the Vatican diplomatic recognition, no Australian Government has made any attempt to negotiate an extradition treaty with that pretend mini state. That means that anybody charged with a criminal offence while being in the Vatican can avoid extradition simply by remaining in that tiny pretend mini state. They would be able to be compelled to come to Australia if they travelled to the rest of Rome, but while in the Vatican they are protected. The ongoing existence of diplomatic immunity for the Vatican combined with a lack of extradition treaty means that no-one living there can be required to come to Australia to face a trial against them. It also protects documents in this country.

We saw this in 2014 when the Vatican denied the Royal Commission into Institutional Responses to Child Sexual Abuse request for documents about systemic child abuse of which it was aware. The response of the Vatican and the Apostolic Nuncio was that producing the documents was "neither possible nor appropriate"—so they say. Without the protection granted to the Vatican's head office and the Apostolic Nuncio by diplomatic immunity, the royal commission could have simply demanded that they hand over every email, every file and every relevant document that was held—and if they did not it could have sent the Australian Federal Police in to compel the production of that material. The fact is that, without the protection of diplomatic immunity, victims are unequal to the institution under the law.

Why is it important to speak of the Catholic Church when we are concerned about the matter of historic child sexual abuse? First, there is its extraordinary position in international law, but second is the appalling history of child sexual abuse as detailed by the royal commission. A royal commission survey of 4,444 incidents of abuse that occurred between January 1980 and February 2015 found that 60 per cent of survivors who attended those royal commission sessions reported sexual abuse at faith-based institutions. Looking specifically at the Catholic Church, we see that almost two-thirds of those who reported abuse in faith-based institutions reported abuse at Catholic institutions. Of the 1,880 alleged perpetrators within the Catholic Church, 572 were priests—but at orders such as the Brothers of St John of God, 40.4 per cent of the ordained members are accused of being child abusers.

The royal commission has announced it will conclude its hearings at the end of this year. As its findings are handed down it is crucial that its recommendations are implemented and that politicians find the courage that has been missing for so long to properly hold to account the Catholic Church and any other institution that engages, and has previously engaged, in child abuse. The royal commission has given a voice to countless brave victims and families who have retold their stories of appalling systemic abuse. Not only has it put a face to the institutions complicit in historic child abuse, but it has also produced data that no-one can turn a blind eye to. I was proud to be part of the Parliament that made progress and removed the statute of limitations regarding historic child sexual abuse, but if we are serious about ensuring justice for all victims we need to make the church accountable for its sins. The diplomatic immunity of the Catholic Church is an insult to survivors of abuse in Catholic institutions, and it must end.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 16:34 until Tuesday 20 June 2017 at 14:30.**